



Leeds
CITY COUNCIL

Originator: Richard Edwards
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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: PLANNING APPLICATION 11/01561/FU – Front extension to toddler care centre at Ings Cottage, Priesthorpe Road, LS28 5JR

APPLICANT

Kindercare

DATE VALID

31st May 2011

TARGET DATE

26th July 2011

Electoral Wards Affected:

Calverley & Farsley

N

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE retrospective planning permission

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION

- 1.1 This application seeks full retrospective permission for a new canopy porch at the Kindercare nursery and is brought before the West Plans Panel at the request of Councillor Andrew Carter who has concerns about the cumulative impact of development at the nursery on the occupier of an adjacent dwelling at 'Sunny Nook' which shares an access with the premises. However it is not considered that the porch, which is considered appropriate in terms of its design and appearance, will exacerbate existing highways and parking issues, and the proposal is therefore recommended for approval.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought for the addition of a canopy porch to an extension which was itself approved in April 2010. This porch was omitted from the previous application due to a printing error on the original drawings, resulting in an Enforcement file being opened when it was subsequently constructed.
- 2.2 The porch projects 2.8m beyond the relocated main entrance door and measures the same in overall width. It comprises a pitched slate roof linked to the new extension roof at the western side with the eastern end supported by two steel columns and terminating in a gable to match the remainder of the original house. Recessed spot-style downlighters are fitted beneath the canopy.
- 2.2 The plans also show the extension as approved under application 10/00932/FU. No changes have been made to this, and the principle has been previously established.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application refers to a large detached inter-war property, built as a residence but heavily extended and used to provide nursery facilities since change of use permission was granted in 1990. The original house has stone to the ground floor with render over, a pitched slate roof and a large projecting bay section with gable.
- 3.2 It has been extended to the south and north in 1996 and 2002 respectively; these single-storey extensions have generally respected the character and materials of the original building. A further front extension in natural stone was approved in April 2010 and is now complete.
- 3.3 There is an extensive parking area and garden to the front (east) accessed from Priesthorpe Road. This is set down from the frontage of the building (and the flat paved area over which the porch has been constructed by approximately 2.0m), with the change in levels addressed by a flight of steps and landscaped embankment.
- 3.4 The house occupies a large hillside plot on the corner of the Ring Road and Priesthorpe Road, surrounded by a variety of 1960s and 1970s residential development and screened by a mixture of tall beech and evergreen hedging. There is a Kingdom Hall of Jehovah's Witnesses on the opposite side of the road to the north, set back from the road and accessed via a long driveway through landscaped grounds.

- 3.5 The adjacent dwelling at Sunny Nook is a 1960s dormer bungalow in light brick. This presents its side gable to the southern boundary of Ings Cottage and is screened from the nursery and adjacent parking area by a 3m hedge. Access to this property is obtained via a shared opening to Priesthorpe Road and runs across part of the tarmacadam forecourt of the nursery before becoming a single-width driveway segregated by a 1.0m fence and 3.0m hedge.
- 3.6 Beyond this there is open land to the south and part of the site curtilage falls within the Leeds Green Belt, although none of the main house or extensions are within this area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Conversion of what was originally a large detached 1920s house to a day nursery was granted permission in March 1990, followed by the laying out of 21 car parking spaces in the former gardens in September 1991. Two single-storey side extensions were then approved in October 1996 and July 2002 respectively. The most recent permissions involved consent being granted for two non-illuminated signs to the frontage (November 2007) and the front extension (April 2010) to which the porch now under consideration has been attached.
- 4.2 10/00932/FU – Front Extension to toddler care centre (approved 20th April 2010)
- H25/434/89 – Change of use involving alterations and extension of detached house to day nursery with 21 car parking spaces (approved 26th March 1990)
- H25/167/91 – laying out of car parking and erection of detached shed to side of day nursery (approved 30th September 1991)
- 25/161/96/FU – Single storey extension to day nursery (approved 16th October 1996)
- 25/144/02/FU – Single storey front extension to nursery (approved 4th July 2002)
- 07/03350/ADV – 2 non illuminated wall signs to nursery (approved 12th November 2007)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Permission was granted for a single-storey front extension in April 2010 under application ref: 10/00932/FU. This created a new entrance lobby, milk kitchen and nappy change room. The proposal was considered acceptable since it was not intended to result in expansion of the numbers of staff or children at the site but to improve existing facilities.
- 5.2 Work commenced in the autumn of 2010 and the extension was completed including the porch now under consideration. The agent has stated that the porch was intended to form part of the previous approval but was omitted from the approved plans due to a drafting error through which one of the layers of detail on the computer-generated plans was not printed correctly; discrepancies in the approved drawings would appear to support this claim.
- 5.3 The porch was subsequently included on the drawings given to the contractor and constructed in accordance with these, however its omission from the original

permission resulted in Compliance being notified and a retrospective application being submitted.

6.0 PUBLIC/ LOCAL RESPONSE:

6.1 A General site notice was posted 10th June 2011 and this generated a single objection from the occupier of No. 2 Wadlands Rise, which lies to the east of Ings Cottage, and two objection letters (in addition to other correspondence) from the occupier of the adjacent house at Sunny Nook, which abuts the southern boundary of the application site and which also shares an access and part of the forecourt / driveway with the nursery. The main concerns raised in response to the standard publicity given to the application can be summarised as follows:

6.2 21 Wadlands Rise:

The porch, which was constructed without planning permission, is unsightly and excessive in scale. The change in levels means that it has an overbearing effect on No. 2 Wadlands Rise and permits overlooking of the garden and rear windows of this property from people congregating beneath it. It will also result in noise nuisance due to its open nature and introduce additional lighting which will be visible from adjacent properties. Concerns were also raised about the traffic / parking situation and about unattended children using a flight of steps to access the parking area and busy roads beyond.

6.3 Sunny Nook:

The occupier of this dwelling also raises concerns regarding the scale, appearance and height of the porch and the potential for overlooking of houses to the east. However the majority of the issues raised involve the parking and access situation at the shared entrance and the exacerbation of these issues, which include inconsiderate on-street and off-street parking and the frequent obstruction of the access to Sunny Nook and damage to boundary walls, resulting from the previous relocation of the main entrance doors and continued expansion of the premises. A number of photographic examples of obstructive and dangerous parking by users of the nursery are supplied in support of this objection. Other areas of concern discussed include land drainage problems (including flooding to the west of the house and the existence of an artesian well within the grounds) and the potential for damage to a concealed culvert beneath the main drive by contractors' vehicles and plant.

7.0 CONSULTATION RESPONSES:

Access – no objections

Early Years Service – no objections

Highways – were not consulted on this application but raised no objections to the previous application to extend the front of the building

8.0 PLANNING POLICIES:

Local Planning Policies:

8.2 The Leeds Unitary Development Plan Review (UDP) was adopted in 2001 and the most recent review completed in 2006. The most relevant Policies in the adopted UDP are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including highway safety and the protection of local residents amenities.
- UDP policy BD6 seeks to ensure that extensions respect the scale, form, detailing and materials of the existing building to which they are attached..

9 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

- 1/. Impact on Visual Amenity
- 2/. Impact on Residential Amenity
- 3/. Access Consideration
- 4/. Representations

10.0 APPRAISAL

10.1 *Impact on Visual Amenity*

The proposed porch is considered acceptable in terms of its appearance. The pitched roof and gabled form respect the appearance and materials of the main building whilst remaining subservient to the large original gable which will continue to dominates the frontage. The supporting steel piers have been painted to conform with the royal blue colour scheme employed elsewhere on the site and are appropriate to the period and character of the building. The use of recessed downlighters provides a subtle means of illumination with less 'overspill' than wall-mounted fittings. On balance it is not considered that the porch is out of proportion with the host building and as such it complies with relevant UDP policies on design and visual appearance.

10.2 *Impact on Residential Amenity*

Similarly it is not considered that the proposal has a significant impact on the level of amenity currently enjoyed by surrounding residents. The porch provides an enclosed shelter for parents / carers and other customers awaiting admission to the building through the main entrance, which is security-controlled from within the building. Since the porch is not intended to function as a terrace or seating area it is unlikely that those waiting would be doing so for any length of time. Furthermore, it encloses a paved area adjacent to the entrance which existed prior to the extension and which was accessible to staff and customers.

10.3 Although elevated by 2.0m above the level of the surrounding land, the porch is situated approximately 35m from the side elevation of Sunny Nook and around 15m from the eastern boundary with No. 2 Wadlands Rise. On balance therefore it is considered that the potential for noise nuisance from conversation and / or overlooking is minimal, whilst the distance to the boundaries also outweighs any overbearing or overdominance on the latter dwelling.

10.4 *Access Considerations*

Following an initial request for clarification of the details of the entrance arrangements, the Access Officer is satisfied that the proposed level access and entry doors comply with current guidance and represent an improvement over the previous

arrangement, which involved a single step to the threshold and the narrow original door to the premises.

10.5 *Public / Local Response*

Representations have been received from the occupiers of No. 2 Wadlands Rise and Sunny Nook, which abut the nursery site to the east and south respectively, and the application has been brought before the Panel at the request of Councillor Andrew Carter who shares the concerns of the occupier of the latter property regarding parking and access problems around the shared entrance onto Priesthorpe Road.

10.6 The application is a simple retrospective application to regularise the porch extension which according to the agent was intended to form part of the previous 2010 application for a single-storey front extension. As previously mentioned, the purpose of that application was to provide improved facilities rather than an expansion of the nursery beyond the capacity of its parking area and access. The extension of the nursery was not objected to on highway safety or parking grounds since no car spaces were lost as a result of the development, and as the completed floorspace falls below the 500m² trigger recommended within the draft Travel Plan SPG, the Highways officer did not request the imposition of any conditions on this or the 2010 permissions.

10.7 The porch has been erected over a doorway which was previously established as the main entrance to the house. As such it is not considered that the porch has contributed to the problems with inconsiderate and obstructive parking documented in representations from the occupier of Sunny Nook, and given that these problems concern the site boundary and access rights over private land they fall outside the sphere of this planning application and should properly be resolved by informal or legal agreement between the parties concerned.

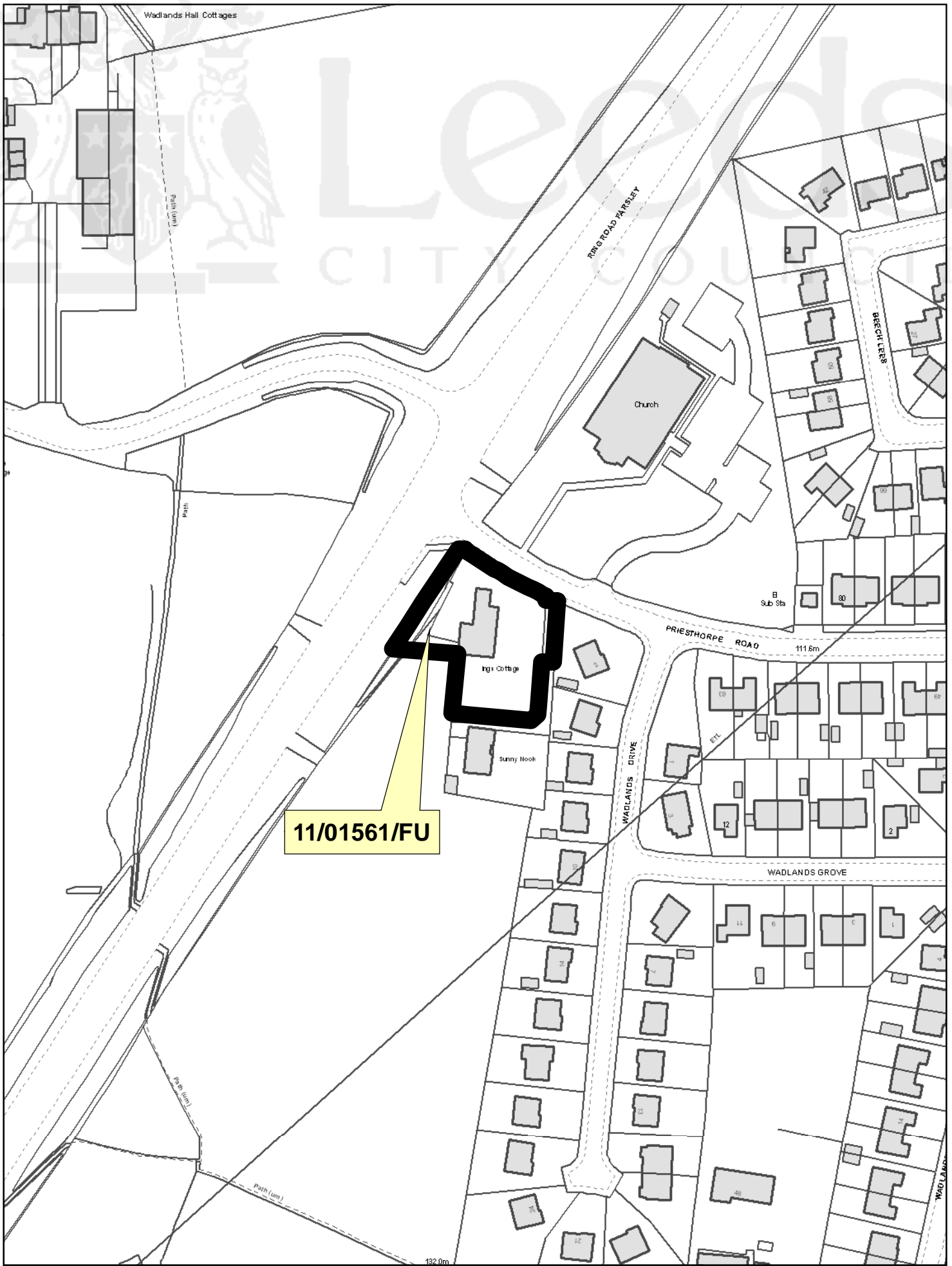
10.8 Other concerns raised by the residents relating to the impact of the porch on residential and visual amenity have been discussed in greater detail within the relevant sections of this Appraisal.

11.0 CONCLUSION

11.1 To conclude, it is considered that the porch extension under consideration does not result in harm to residential or visual amenity or exacerbate the existing demand for parking on the site. It is therefore considered acceptable and is recommended for approval.

Background Papers

Application Files 11/00903/FU and 10/00932/FU



WEST PLANS PANEL