



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24 May 2012

Subject: APPLICATION 12/01673/FU – Retrospective application for polytunnel and shed at Kirkside House, 1 Spen Lane, West Park

APPLICANT

Mr A Clarke

DATE VALID

13 April 2012

TARGET DATE

8 June 2012

Electoral Wards Affected: Kirkstall

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate approval to the Chief Planning Officer, subject to expiration of consultation period on 31 May 2012 and to the conditions specified:

- 1) Temporary consent 5 yrs
- 2) Retention of beech hedge and maintenance at a height of 3 metres
- 3) Polytunnel to be used solely for purpose specified in the application and for no commercial purpose whatsoever.
- 4) Polytunnel to be removed if the use specified in the application ceases.

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 National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

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 The application is being reported to Panel at the request of Councillor Yeadon and Councillor Nash on the grounds that they consider the development is detrimental to the character of the Conservation Area.

2.0 PROPOSAL:

2.1 This is a retrospective application for full planning permission for a polytunnel and shed. Both are located in the grounds of Kirkside House in an area to the south west of the house which comprises a kitchen garden. The garden is enclosed to the north west and north east by a 2 metre high close boarded fence and to the south west and south east by a recently planted beech hedge, currently about 1.5 metres in height.

2.2 The polytunnel is 17.1 metres in length by 5.6 metres wide and has a maximum height of 3 metres. It is 22 metres from the south western boundary and 20 metres from the south eastern boundary. The shed, which is of timber construction, is 4 metres by 2.4 metres and has a ridge height of 2.5 metres.

2.3 The fenced garden area, shed and polytunnel have been constructed to provide horticultural activities for residents of Kirkside Residential Care Home which specialises in the care and support of individuals with minor to severe mental, behavioural and or physical impairment in the 18-40 age group. In addition residents of other care homes are transported to the site one day a week to undertake gardening activity.

3.0 SITE AND SURROUNDINGS:

3.1 Kirkside House (formerly known as Crooked Acres) is located south west of the junction of Spen Lane and Abbey Walk, within the Kirkstall Abbey Conservation Area. The house itself is located on the Spen Lane frontage, with vehicular access close to the Abbey Walk junction and a car parking area immediately to the east of the house. The land steps down from the house to the main garden area within which the polytunnel and shed are located, an area which appears to have been a lawn to the property before the kitchen garden area was enclosed.

3.2 On three sides of Kirkside House, within the curtilage of the property, there are numerous trees, mainly deciduous. A stone wall marks the boundary of the curtilage with Abbey Walk whilst to the south railings separate the grounds of Kirkside House from a large car park for visitors to the Kirkstall Abbey Estate. To the south and east of the car park and beyond the north western boundary of the curtilage of Kirkside House is a large open space, either side of Vesper Lane which is used for both casual and formal out door recreation.

3.3 Kirkside House is effectively isolated from other development in the area by Spen Lane and Abbey Walk. There is no Conservation Area appraisal for this Conservation Area, and the house is not listed but it is clearly a significant building of character.

4.0 RELEVANT PLANNING HISTORY:

24/329/01/FU: Laying out of enlarged car park to clinic. Approved: 16.10.2001

07/02745/FU: Change of use of residential care home and outbuildings to 9 flats, with 15 car parking spaces. Approved 29.10 2007

08/06493/FU: Alterations to southwest elevation of residential care home annexe. Approved 26.02.2009

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by way of a site notice posted on 27 April 2012 (Character of Conservation Area) and published in the Leeds Weekly News on 10 May 2012. Publicity expires on 31 May 2012. No comments have been received as a result.

6.2 Ward Councillors were consulted by email on 20 April and again on 2 May. In relation to the latter consultation Councillor Atha has indicated no objection on the basis that any damage to the environment is far outweighed by the social benefits of the proposal.

6.3 Councillor Nash (Ward Councillor for City and Hunslet), who lives in the vicinity of the site, strongly objects to the application as an industrial sized polytunnel and would wish the application to go to Plans Panel and for Panel to visit the site. Councillor Yeadon supports these objections.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

SDU Conservation: No objection

8.0 PLANNING POLICIES:

8.1 Leeds Unitary Development Plan (Review 2006)

The site is shown on the proposals map as being within the main urban area and within a Conservation Area.

GP 5: Development proposals should resolve detailed planning considerations.

N19: New buildings in conservation areas.

SA8: Access to facilities for all sections of the community.

A1: Priority to those groups in the community that are relatively disadvantaged in their access to facilities.

8.2 Government Planning Policy Guidance
National Planning Policy Framework

9.0 MAIN ISSUES

- Principle of development
- Impact on Conservation Area
- Relevance of other policies

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the main urban area. The proposal may constitute permitted development if associated with a residential property, but in this case the use is associated with the care home use and therefore requires planning permission. The development is acceptable in principle subject to consideration of its impact on the Conservation Area and assessment of other material considerations.

Impact on Conservation Area

- 10.2 Policy N19 of the UDPR indicates that all new buildings in the Conservation Area should preserve or enhance the character of the area, and refers to the need to ensure that siting and scale, design and materials, and boundary and landscape treatment are considered.
- 10.3 Paragraph 131 of the NPPF indicates that in determining planning applications in Conservation Areas local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 134 advises that where a development will lead to substantial harm of a designated heritage asset this harm should be weighed against the public benefits of the proposal.
- 10.4 It is clear therefore that's the starting point is to assess whether the proposal will preserve or enhance the conservation area and if not whether the proposal will cause substantial harm.
- 10.5 The proposed shed is of limited size and of timber construction. It is located in the centre of the site and is not prominent in any views from outside the site,
- 10.6 The polytunnel is of a different scale, with a footprint of 17.1 metres by 5.6 metres, and is clad with white sheeting. It can be seen from some locations outside the site, specifically:
- **From the large abbey car park to the west.** The latter is at a lower level than the garden where the polytunnel is sited. Between the car park and the poly tunnel are railings, a sloping bank with vegetation ground cover and a number of mature trees and, on the boundary of this woodland and south of the poly tunnel, a recently planted beech hedge.
 - **From Abbey Walk to the south.** The top of the polytunnel is visible above the boundary wall of Kirkside House, although there are further mature trees along the southern boundary of the site which break up views of the structure.

- 10.7 The polytunnel is not visible from locations east and north of Kirkside House where it is screened by the building itself and woodland within the grounds.
- 10.8 The structure clearly has an impact on the conservation area in that it is visible from adjacent public locations and is of materials which do not reflect the typical stone buildings and walls in the area. It could be considered unacceptable if considered against the provisions of Policy N19.
- 10.9 In mitigation, the visibility of the structure is at its greatest in winter as the majority of the surrounding trees are deciduous. In addition, the surrounding beech hedge has only recently been planted and is already beginning to screen the structure from the south. It is intended to allow this to grow to 3 metres in height. The beech hedge will largely screen the structure throughout the year, although it will take some time to grow and infill.
- 10.10 In terms of the advice in the NPPF, it is considered that the structure does not cause substantial harm to the heritage asset and the impact will reduce as the enclosing hedge grows.

Relevance of other policies

- 10.11 In addition to the above policies the UDPR includes other relevant aims and policies. In particular Strategic Aim 8 is to ensure that all sections of the community have access to all types of facilities, whilst Policy A1 gives priority to the needs of groups that are relatively disadvantaged in their access to facilities and requires the operation of planning policies to retain and enhance existing facilities.
- 10.12 In this case the polytunnel is specifically required to provide opportunities for young people with mental and physical disabilities both at this care home and others. It is clear that this sort of facility is likely to provide the only realistic opportunity for this group both in terms of its location (in the safe and secure grounds of the care home) and materials of construction.

11.0 CONCLUSION

- 11.1 The polytunnel clearly has an impact on the Conservation Area. However the extent of that impact is mitigated by existing vegetation, views of the site being from limited locations, and its location in the centre of the site. In addition the extent to which the structure is visible is likely to reduce over time. The balance to be considered is whether this existing and reducing impact is acceptable given the very specific use of the structure and the benefits to a clearly disadvantaged group in society. The application is recommended for approval on the basis that on balance it is considered that the benefits outweigh the identified impacts. The recommendation is subject to conditions to ensure that the polytunnel is used only for the purpose specified and is removed if that use ceases. It is also recommended that temporary permission is granted for 5 years so that the condition of the structure can be reviewed at the end of the five year period.

Background Papers:

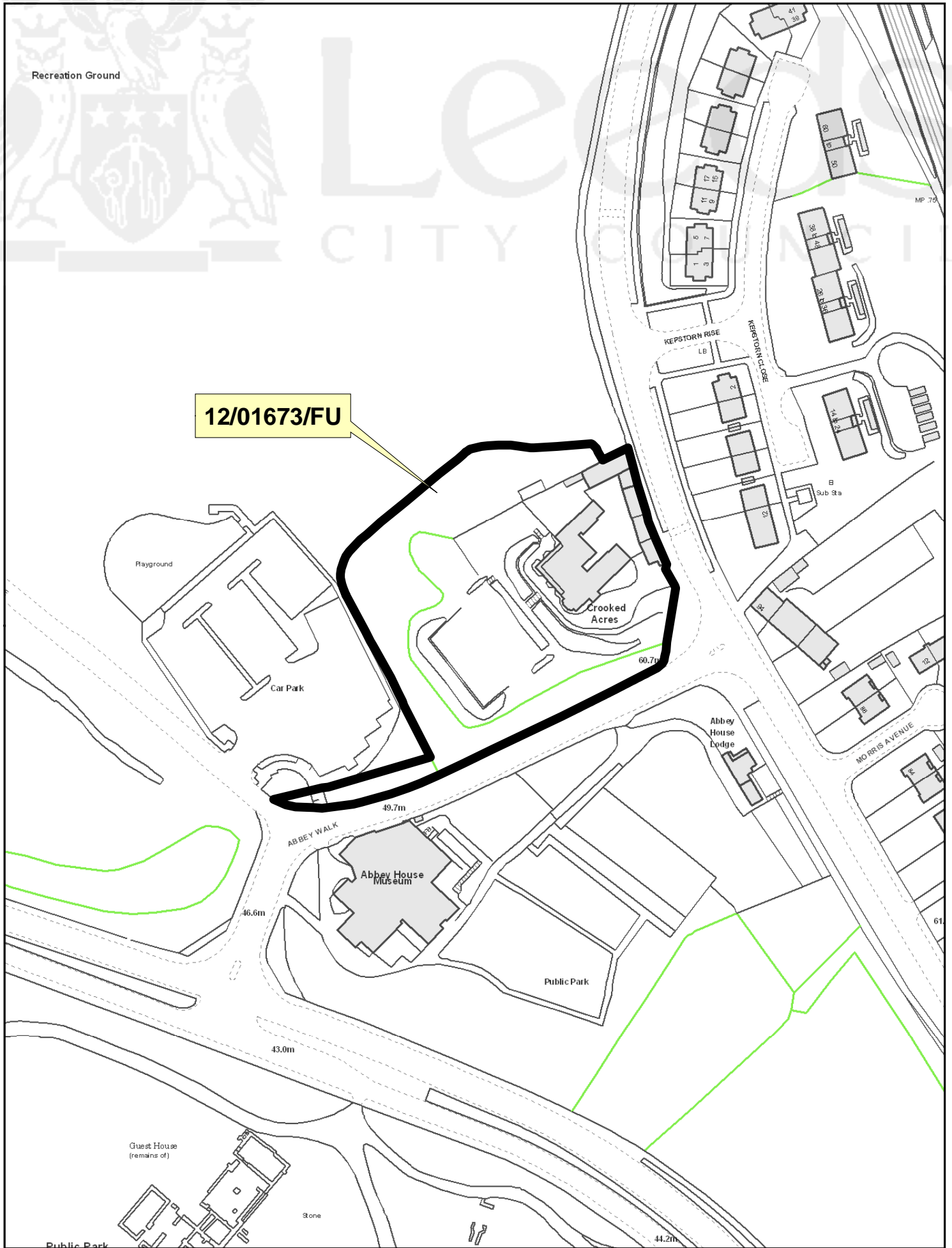
Application and history files.

Certificate of Ownership

Recreation Ground

Leeds
CITY COUNCIL

12/01673/FU



WEST PLANS PANEL

