



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 23rd June, 2011
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair)	B Chastney	P Wadsworth	T Leadley
J Akhtar	J Matthews	R Wood	
M Coulson			
K Groves			
J Hardy			
J Harper			

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel West meeting held on 25th May 2011</p> <p>(minutes attached)</p>	3 - 10

Item No	Ward	Item Not Open		Page No
7	Adel and Wharfedale; Guiseley and Rawdon; Headingley; Horsforth; Hyde Park and Woodhouse; Weetwood;		<p>APPEAL DECISIONS</p> <p>To consider a report of the Chief Planning Officer on appeal decisions relating to:</p> <p>Application 09/04512/FU – Appeal against non-determination of an application for the use of land as a secure off-site car park at Sentinel car park – Warren House Lane Yeadon LS19</p> <p>and</p> <p>Application 09/05365/FU – Appeal against refusal of permission for the change of use of unit 1A from general industrial use to use for off-airport car parking at Unit 1A Leeds Bradford Industrial Estate Harrogate Road LS19</p> <p>(report attached)</p>	11 - 18
8	Otley and Yeadon;		<p>APPLICATIONS 10/00739/FU AND 10/00742/CA - THE TANNERY LEEDS ROAD OTLEY LS21</p> <p>To consider a report of the Chief Planning Officer on a planning application and Conservation Area consent for the demolition of tannery buildings, laying out of access road and erection of 12 houses with car parking and landscaping</p> <p>(report attached)</p>	19 - 34
9	Horsforth;		<p>APPLICATION 10/04924/FU - FORMER ST JOSEPH'S CONVALESCENT HOME - OUTWOOD LANE HORSFORTH LS18</p> <p>To consider a report of the Chief Planning Officer on an application for replacement part 2/3/4 storey care home with 34 self contained flats, 39 dementia/respice/nursing care rooms, chapel, lounges, dining area, activity rooms and function room with car parking and landscaping</p> <p>(report attached)</p>	35 - 50

Item No	Ward	Item Not Open		Page No
10			DATE AND TIME OF NEXT MEETING Thursday 21 st July 2011 at 1.30pm in the Civic Hall Leeds	

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Chief Executive's Department
Democratic Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

Contact: Andy Booth
Tel: 0113 - 2474325
Fax: 0113 395 1599
Andrew.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
15th June 2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 23RD JUNE 2011 AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 Otley and Yeadon 11.00am on site – The Tannery Leeds Road Otley LS21 – Planning permission and Conservation Area consent for residential development (10/00848/FU and 10/00742/CA)
(meet at entrance off Leeds Road if travelling independently) – Depart from site at 11.20am
- 2 Horsforth 11.30am on site – Former St Joseph's Convalescent Home Outwood Lane Horsforth LS18 – Replacement care home (10/04924/FU) (meet at Outwood Lane frontage if travelling independently) – Depart from site at 11.45am
Return to Civic Hall at 12.00 noon approximately

A minibus will leave the Civic Hall at 10.40 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.35 am

Yours sincerely

Andy Booth
Governance Officer

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PLANS PANEL (WEST)

WEDNESDAY, 25TH MAY, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, J Hardy, J Harper, T Leadley,
J Matthews, P Wadsworth and R Wood

141 **Declarations of Interest**

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor T Leadley – Application 11/01400/EXT Kirkstall Forge – declared a personal interest as he stated that comments he had made regarding Leeds bid for NGT and its impact on the proposed railway station at Kirkstall Forge had been reported in the press (minute 150 refers)

Councillor N Taggart - Application 11/01400/EXT Kirkstall Forge – declared a personal interest as a member of both West Leeds Gateway Steering Group and a member of Kirkstall Valley Park (minute 150 refers)

Councillor N Taggart - Applications 10/03015/FU & 10/03014/CA Cragg Wood Nurseries and Applications 10/00848/FU & 10/01122/LI Throstle Nest Farm – declared personal interests in both matters as West Yorkshire Archaeological Society had commented on the proposals. The Society falls within the remit of West Yorkshire Joint Services Committee which is Chaired by Councillor Taggart although he stated he was not involved in the day to day decision making process. (minute 144 refers)

142 **Minutes**

RESOLVED – That the minutes of the last meeting held 28th April 2011 be agreed as a correct record

143 **Matters Arising**

Minute 139 Leeds Bradford International Airport Appeals outcomes – the Head of Planning Services reported two appeals against refusal of permission for car parking provision (Sentinel car park and Unit 1a Whitehouse Lane) had been allowed by the Inspector. The comments of the Inspector regarding loss of employment land, surface access strategy and pick-up/drop-off arrangements for passengers were noted. Members commented on the imposed condition regarding pick up/drop off given that the LBIA site was private land.

Monitoring – The Head of Planning Services reported that a response had been received from LBIA Operations Manager confirming actions being taken in response to a letter expressing the comments made by Members at the last Panel meeting. Members noted that a further report on the monitoring of flights would be presented to an appropriate Panel meeting when a further 6 months results were available.

Draft minutes to be approved at the meeting
to be held on Thursday, 23rd June, 2011

144 Application 10/03015/FU - One 6 Bedroom Detached House including conversion of Chapel to form Annexe and One 4 Bedroom Detached House both with detached double garages AND Application 10/03014/CA Conservation Application for demolition of outbuildings at Cragg Wood Nurseries, Cragg Wood Drive, Rawdon LS19

The Panel considered both applications together as they related to proposals for a residential development on the same site. Plans and photographs of the site were displayed along with architects drawings of the proposals. Members had visited the site prior to the meeting. Officers reported a new total of 119 signatures to the petition objecting to the proposals

The Panel heard representation from a local resident over concerns of damage to the site and wildlife habitats. Photographs were tabled of the site and text of her verbal submission and stated there were no special circumstances to support approval of the application.

The Panel then heard representation from the agent for the applicant who highlighted the benefits of the scheme, the public consultation undertaken and that designation of a site as Conservation Area did not preclude development. Members went on to discuss

- Surface treatment. Members were concerned at the proposal to pave the pedestrian footpath and tarmac the access to the dwellings and felt a more sensitive approach to the hard standing elements of the scheme was required
- The current state of the site and dilapidated buildings
- The size of the domestic curtilage of each property
- The impact of the current permitted use should the horticultural nursery re-open in terms of vehicular movements, impact on the landscape

(Councillor J Harper withdrew from the meeting for a short while at this point)

Members noted the proposals would not usually be regarded as acceptable development within the Green Belt as this was not a sustainable site, however the unique nature of the site and very special circumstances such as the enhancements to the site, access improvements, reduction in traffic (from the previous nursery traffic) and benefits the development would bring in terms of land management and maintenance were felt to outweigh the harm arising from inappropriate development in the Green Belt.

RESOLVED –

a) Application 10/03015/FU - That the application be approved in principle and final approval be deferred and delegated to the Chief Planning Officer subject to the conditions specified in the report; plus an additional condition to restrict the domestic curtilage of each dwelling to that shown on the submitted plan and an amendment to Condition No 5 to read “notwithstanding the submitted details, samples of surfacing materials to be submitted *and agreed in writing by the LPA*” and subject to the completion of a Section 106 Agreement to cover

- i. improvements to the public footpath (Aireborough No.100), which adjoins the eastern site boundary in discussion with the Rights of Way Officer
- ii. the right for pedestrians to pass and re-pass along the section of the site access road between Woodlands Drive and the southern end of the public footpath.

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the planning application shall also be delegated to the Chief Planning Officer

b) Application 10/03014/CA - That the application be approved in principle and the final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report

Councillor J Harper required it to be recorded that she abstained from voting on both matters under the provisions of Council Procedure Rule 16:5

(Councillor Leadley withdrew from the meeting for a short while at this point)

145 Application 11/00811/FU - Construction of 12 Flats, 8 Houses, Detached Common House with car parking, public open space and communal gardens at former Wyther Park Primary School, Victoria Park Avenue, Bramley, LS13

Plans and photographs of the site were displayed at the meeting. The Panel had previously received a pre-application presentation on the proposals in February 2011. Officers highlighted the key issues as being

- The ethos of the design of the scheme within a stand alone site
- Members previously indicated that no affordable housing provision in the scheme would be acceptable due to the not for profit nature of the community build
- The small garden size was acceptable due to the large amount of communal amenity space within the site

Members commended the scheme and commented that this could be a signature scheme and bench mark for other community developers

RESOLVED – that the application be granted subject to the specified conditions contained within the report

(Councillor Harper withdrew from the meeting at this point)

146 Applications 10/00848/FU & 10/01122/LI - Change of Use and Listed Building applications involving part demolition of and alterations to former Agricultural Buildings to form One 2 Bedroom, One 3 Bedroom and One 4 Bedroom Terraces Houses with associated car parking and amenity space at Throstle Nest Farm, Weston Lane, Otley LS21

(Councillor J Harper resumed her seat in the meeting)(Councillor Hardy withdrew from the meeting for a short while at this point)

Plans, slides showing side elevations and aerial photographs of the site were displayed at the meeting. Members had undertaken a site visit prior to the

meeting. The content of two further letters of representation received from a neighbour and from local ward Councillor Campbell was reported. Officers highlighted the key issues to consider as being design, amenity and impact on wildlife. As a result; one further condition was requested to require submission of a method statement and timing of the works to ensure the swallows nesting in the buildings were not affected by the development.

Members noted the buildings were Grade II listed, and commented that roof and guttering materials should be appropriate and preferably match those to be retained. Officers responded that materials would be discussed with the Conservation Officer.

RESOLVED – That the applications be granted subject to the specified conditions contained within the report and further conditions to ensure the use of plastic guttering is reviewed and to require submission of a method statement for the timing of the works to ensure the swallows nesting in the buildings are not affected by the development

- 147 Applications 09/04287/RM & 10/03695/FU - Applications for laying out of access roads and erection of 138 Dwellings, 21 Flats, 41 Retirement Apartments, 2 Storey Office Block and alterations and extensions to Mill Building to form 36 Flats and 1 Office Unit and Change of Use of building to Bar/Restaurant and 20 space car park, greenspace and landscaping on land at Gallows Hill, adjacent to Cemetery, Pool Road, Otley LS21**

It was reported that the applicant had requested the withdrawal of this item from the agenda

RESOLVED – To withdraw this application from the agenda

- 148 Application 11/00704/FU - Removal of Condition 01 from planning permission reference P/07/05389/FU in order to allow the permanent retention of the existing animal stables and the continued use of this building for ancillary care purposes at Hickory Thicket, West Chevin Road, Otley LS21**

Plans of the site were displayed at the meeting. Officers reported the contents of one further letter of representation which expressed concerns over the lawful use of the building, publicity and reference to residents' letters.

Officers clarified that at the time the existing temporary permission was granted, the Panel had considered the special circumstances of the case and had taken the view that although not strictly an agricultural use, the building was of agricultural style and its use for keeping animals would be ancillary to the residential care use of the main building on the site. Officers confirmed this would still be the case, although the nature of the ancillary use had changed in response to the residents need.

The Panel noted that the building currently provided space for activities the residents could not follow within their own flats however there was no intention to alter the size or appearance of the unit. Members commented that a permanent permission would not be appropriate. The Chair therefore varied usual procedure to allow the applicants' representative to address the Panel

on behalf of the applicant who emphasised the carefully managed nature of the site and stated the applicant would accept a 5 year temporary permission in the circumstances.

RESOLVED –That permission be granted for a period of 5 years subject to the specified conditions contained within the report

(Councillors Akhtar and Matthews withdrew from the meeting at this point)

149 Application 11/00414/FU - Change of Use of storage barn to offices/toilets and extensions to abattoir at Low Green Farm, 40 Leeds Road, Rawdon LS19

Plans and photographs of the site and slides showing proposed elevations were displayed at the meeting. Members had undertaken a site visit prior to the meeting. Officers referred to the site history of the abattoir and were mindful that this was a commercial use that had arisen from the historical agricultural use and had been allowed to expand over time. Plus, although the site currently lay within the Conservation Area the part where the extensions were planned was due to be excluded from the Conservation Area shortly although it would still abut the boundary. Officers also had regard to PPS4 and recent advice from Central Government encouraging support for developments in the current economic climate.

(Councillor Akhtar resumed his seat in the meeting. Councillor J Harper withdrew from the meeting)

The very special circumstances of the case, the limited impact on the Green Belt and the residents concerns about hours of use were highlighted. It was noted that further investigation was required of the appropriateness of restricting the hours of use; therefore officers requested the application be deferred and delegated should Members be minded to approve the application.

The Head of Planning Services read out the contents of late correspondence received from local ward Councillors Townsley and Cleasby.

(Councillor J Harper resumed her seat in the meeting)

The Panel discussed the following matters:

- Increased capacity of the abattoir and impact of vehicle movements on residents to the north of the site
- Location of the site on a busy road
- The impact any restrictions on delivery hours could have on the requirement to deal with livestock humanely
- Views across the building and whether a stone or green façade treatment to the elevations would minimise impact
- Boundary treatment to the north west of the site

The Chair permitted the agent on behalf of the applicant to answer a direct query with regards to traffic, hours and agricultural smells. The agent stated

that a traffic assessment found that an additional 4 vehicles per hour could be generated.

RESOLVED – That the application be deferred and final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report plus an additional condition to restrict the hours of delivery in order to protect residential amenity (outside of normal working hours)

(Councillor Chastney withdrew from the meeting at this point)

150 Application 11/01400/EXT - Extension of time for 25/96/OT for Mixed Development, site remediation, bridge works, river works, car parking and landscaping at Kirkstall Forge, Abbey Road, Kirkstall LS5

Site plans, an indicative layout plan, and schedule Section 106 contributions were displayed at the meeting in support of the presentation which was a position statement on the application seeking an extension of time for the permissions necessary for the Kirkstall Forge development.

Officers reported government funding for the new railway stations would only be secured if local funding was increased by 40%. METRO had pledged £1.3m which necessitated the applicant seeking to revise the conditions (section 106 obligations) in order to divert £1.3 from the Affordable Housing provision and Horsforth roundabout works to the provision of the railway. Key issues to consider were whether the following were acceptable:

- viability statement and re-apportionment of the S106 funding
- request for 15 years for reserved matters submissions
- the proposal to construct the western access first

Discussion ensued on the following:

- Members felt the 15 year request was overlong
- impact of the revised funding arrangements delayed construction of the rail station until 2015. Members noted the development of the station had the support of all Leeds MPs, and the delivery of the station remained critical to the development
- construction of the western access first would allow access to the station and the commercial area surrounding it, which would bring viability to the scheme and provide the support and impetus for the later residential development
- the change to the quantum of development within the site to reduce number of flats and increase commercial uses

(Councillor J Harper left the meeting at this point)

The Chair noted Members concerns regarding the length of time of the permission and with the agreement of Panel varied usual procedure to allow the applicant's representative to address the comments already made. He clarified the need for the 15 year timeframe as works to deliver the station were not due commence until 2015 by Network rail. Once those works commenced, the applicant would have 10 years to build the

remainder of the site, including applying for the reserved matters for each phase, hence the request for 15 years.

The Panel additionally noted the station would be situated on the Airedale Line and commented that consideration should be given to the residential/commercial elements to ensure the station is well lit and overlooked. This approach to the site design would ensure the station is well used, and have regard to night time use in particular.

The Panel reconfirmed its support for the principle of the development on the site and the Chair concluded there was general support for the

- submission of reserved matters within 15 years
- revisions to the S106 to provide additional funding for the trains station if required by the re-apportionment of existing contributions
- amendments to the highways related conditions 11 and 14 in relation to the timing of the construction of the accesses and the bus service trigger to enable flexibility in the timing of the commercial development
- the need to assess potential recession proof clauses in a revised Section 106 given the lengthening timescales

RESOLVED – That the contents of the progress report and the comments of the Panel be noted

151 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 23rd June 2011 at 1.30 pm

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Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 23 June 2011

Subject: APPLICATION 09/04512/FU (SENTINEL) – APPEAL AGAINST NON DETERMINATION OF AN APPLICATION FOR THE USE OF LAND AS A SECURE OFF-SITE CAR PARK AT SENTINEL CAR PARK, WARREN HOUSE LANE, YEADON, LEEDS, LS19 7FT.

Subject: APPLICATION 09/05365/FU (LEARMONTH) – APPEAL AGAINST REFUSAL OF PERMISSION FOR THE CHANGE OF USE OF UNIT 1A FROM GENERAL INDUSTRIAL USE TO USE FOR OFF-AIRPORT CAR PARKING AT UNIT 1A, LEEDS BRADFORD AIRPORT INDUSTRIAL ESTATE, HARROGATE ROAD, LEEDS, LS19 7WP

Electoral Wards Affected:

Otley & Yeadon
Guiseley & Rawdon
Horsforth
Adel & Wharfedale

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decisions.

1.0 THE APPEAL(S) WERE HEARD AT A JOINT PUBLIC INQUIRY:

- 1.1 The Public Inquiry was held on 15th to the 18th, 22nd and 23rd, 25th and 28th to 29th March 2011.
- 1.2 09/05365/FU (Learmonth) was refused by Plans Panel West in September 2010 in accordance with officers recommendation. 09/04512/FU (Sentinel) was appealed against following presentations to Plans Panel West in September and October 2010. Members of Plans Panel West in December 2010, resolved that, if they had been able to determine the application, then they would have refused permission.
- 1.3 Both applications were refused permission on the grounds that the proposed development would undermine the Council objectives of providing sustainable surface access for the benefit of all airport users and the wider community by

providing parking outside the remit of a plan-led approach for future parking requirements at Leeds Bradford Airport.

- 1.4 09/05365/FU (Learmonth) was refused as the proposed development would result in a reduction in the choice of readily available industrial and warehouse properties of known good quality and the applicant has failed to show that the alternatives available locally are sufficient and of equivalent or better quality.
- 1.5 09/04512/FU (Sentinel) was refused as the proposed development as submitted would result in the loss of part of a key employment site, as designated in Policy E8 of the Leeds Unitary Development Plan (Review 2006), to a non-employment use that would under-utilise an important site in a strategic location. The applicant has failed to show that there are sufficient alternative sites available of equivalent or better quality in the locality.
- 1.6 09/05365/FU (Learmonth) was also refused on highway safety grounds as the scheme related to an option for the shuttle bus for the car park to use a new layby drop-off point on Whitehouse Lane, close to the airport terminal. This was instead of having direct access to the airport forecourt. It became clear that access to the airport forecourt would not (or could not in competition terms) be denied should planning permission be granted for this scheme. The Council agreed to withdraw this third reason for refusal on this basis subject to the imposition of a suitable condition restricting drop-off and pick-up to within the airport forecourt.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR:

- 2.1 The Planning Inspector identified the main issues as the impact of the proposals on the objectives of providing sustainable surface access to Leeds Bradford International Airport and the impact of the proposals on maintaining opportunities for local employment uses.

3.0 SUMMARY OF COMMENTS:

- 3.1 In terms of general background, the Inspector noted that no planning permission exists for the Sentinel site but they have openly operated as a long-stay airport car park since April 2000 with a licence from LBIA. The Inspector also noted that a Certificate of Lawful Use has been granted in February 2011 relating to the top part of the Sentinel site (space for 426 vehicles) but the appeal application seeks to regularise the planning position relating to the whole of the current Sentinel operation (spaces for 2,200 vehicles although this level has never been achieved). The Learmonth appeal site has the capacity for 643 vehicles both within the building (543 spaces) and in the outside parking area (100 spaces). The Inspector also noted that, in addition to the two appeal site, there is another established off site car park operation, known as LBA Carwatch. This operation is within Coney Park and has also received a Certificate of Lawful Use relating to 315 vehicles.
- 3.2 In relation to UDP policies, the reason for refusals made reference to saved policies SA2, T24A, T30 and T30A. The Inspector concluded that Policy T24A is concerned with commuter parking and in his view was of little relevance in the consideration of off-airport car parking. The Inspector also concluded that Policy T30A lists uses which are considered acceptable in principle within the defined Airport Operational Land Boundary (AOLB), including car parking; it does not suggest that uses connected with the airport would be unacceptable beyond this boundary.

- 3.3 In reviewing the Master Plan (MP), the Inspector noted that (because of the airport's location) a significant number of passengers are dropped off and/or picked up by a third party (referred to as 'kiss and fly') and if insufficient parking spaces are provided then the incidence of kiss and fly will increase thereby causing additional double car journeys involving extra travel distances. He also stated that, car travel is seen as being the preferred and only option for a large number of passengers for some time to come.
- 3.4 In relation to demand the Inspector agreed to look at the month of August as the peak month for car parking demand and thus the primary determining factor in assessing the maximum parking levels required.
- 3.5 The agreed parking demand in August 2010 for long-stay parking was 5,111 which included 1,474 at Sentinel, 311 at LBIA Car Watch and 79 at the Otley "meet and greet". The agreed long-stay on airport provision was 3,740. Based on the combined CLEUD provision at Sentinel and LBA Car Watch of 741 spaces there would be a potential shortfall of about 630 spaces in summer 2010 if the rest of the Sentinel site had not been available.
- 3.6 The Inspector then looked at the parking supply for the immediate future in August 2011. He included, the new permitted development car park recently laid out at the airport, the airports own block parking proposals and the lawful Sentinel and LBA Carwatch sites. The Inspector concluded that there could be a shortfall in peak provision ranging from 144 to 289 spaces in the summer 2011. To meet this deficit, the airport would need to block part 62% of their existing car parks but this would be broadly consistent with the level proposed by Bristol Airport which is seen as a good comparator.
- 3.7 However, in summarising demand, the Inspector stated that this small shortfall, should be looked at in context of the potential additional provision at Sentinel and Learmonth (2,417 spaces) and therefore there could be a be a considerable surplus of provision within the immediate future.
- 3.8 Revised predictions based on LBIA's forecasts, are that the airport will handle 2.93 million passengers per annum (mppa) in 2011/12, 4.0mppa in 2015/16 and 4.45mppa in 2018/2019. The Inspector, looking at 4mppa (and taking into account present on-airport parking, the lawful Sentinel and LBA Carwatch sites) stated that there could be a shortfall in provision at that point of between 1,594 and 1,927 spaces.
- 3.9 That being said, the Inspector went on to ask the question, what, if any, would be the harmful consequences of provided excess parking now bearing in mind that the Sentinel site has existed for some time without any demonstrable harm having arisen to the Surface Access Strategy (SAS)?
- 3.10 The Inspector stated that a means of achieving a higher public transport mode split is the provision of a new public transport fixed link to the airport (tram/train). However he noted that no engineering feasibility study has been carried out and no funding or timetable identified for such provision and this is likely to be a long-term prospect. Therefore, in the interim, the only realistic means by which public transport mode share is likely to increase in any fashion is by creating more bus routes or better connections between routes.

- 3.11 The airport is currently served by five bus routes which link it to Leeds, Bradford, Harrogate, Menston and Otley. The Inspector noted that there has been a rise in public bus patronage to the airport (4.4% in 2005 to 6.0% in 2010) at a time when car parking provision has increased (97% from some 3,029 to 5,987) whilst airport passengers have remained at about the same volume.
- 3.12 Whilst the inspector accepted that this rise may have been as a direct result of increasing efforts by LBIA to promote public transport, there is no demonstrable correlation between the volume of parking provision and bus patronage. Furthermore, there is nothing to demonstrate that had parking levels not increased the proportion of public transport users would have increased still further. The Inspector also concluded that there has been no manifestation of harm arising from an excess of car parking in winter months.
- 3.13 In discussing parking restraint and price control as a method that could be used to encourage public transport use, the Inspector concluded that there is no evidence that this has been used by LBIA in the past nor is there any guarantee that it would do so in the future.
- 3.14 The Inspector did not believe that allowing the proposed schemes would lead to an undermining of the viability of subsidised public transport serving the airport which would lead to a spiral of decline in public transport use by airport passengers. The two current appeal proposals, if allowed, would not affect the validity of this as they include S106 obligations towards public transport provision.
- 3.15 Whilst assessing what additional parking provision could be provided in the airport boundary as shown as future allocation in the MP, the Inspector commented that this land is 'greenfield' land within the Green Belt. By contrast, he noted the appeal sites are not within the Green Belt, being inset within it, the former being in a well-screened location, the latter within an established 'brownfield' industrial site.
- 3.16 The Inspector also stated that if the appeals were to be allowed this would not lead to any major undermining of future strategy that might be contained within the revised MP or SAS.
- 3.17 Overall, he concluded that the two proposals would result in a surplus in provision of airport related car parking which would be likely to persist into the immediate future. However, on balance and having regard to all the matters above he was not convinced that it has been demonstrated that they would harmfully prejudice the objective of providing sustainable surface access to the airport or that they would significantly conflict with the existing surface access strategy.
- 3.18 In terms of precedent, Sentinel proffered a Unilateral Undertaking stating that no larger area of land within its ownership would be used for airport car parking whilst any possible new applications at Leeds Bradford Industrial Estate could be assessed against new MP, SAS and LDF policies.
- 3.19 The Inspector also concluded that customer choice is an important factor in PPS4 and the recent ministerial statement 'planning for growth'.
- 3.20 In terms of employment policy and with regard to Sentinel, the Inspector stated that, any strict conflict with criteria (i) and (iii) of Policy E7 is outweighed by more recent policy advice within PPS4, supported by the Ministerial Statement *Planning for Growth*, and their emphasis on positive economic development and as the proposal would result in continuing employment use now.

3.21 The Inspector accepted that parking within an industrial estate would not reduce the supply of premises to the extent that this would harmfully prejudice opportunities for local employment uses within the locality.

4.0 THE DECISION

4.1 The appeals were allowed and permanent planning permission was granted to each proposal subject to conditions in a letter dated 18 May 2011.

4.2 The Sentinel permission is limited to 2,000 parking spaces, whilst Learmonth permission is conditioned to 643 parking spaces and both schemes must use the airport forecourt to pick up & drop off passengers.

4.3 Members should be aware that there are now a total of **2,958** off-site long stay parking spaces and a provision of **3,740** long stay spaces on-site.

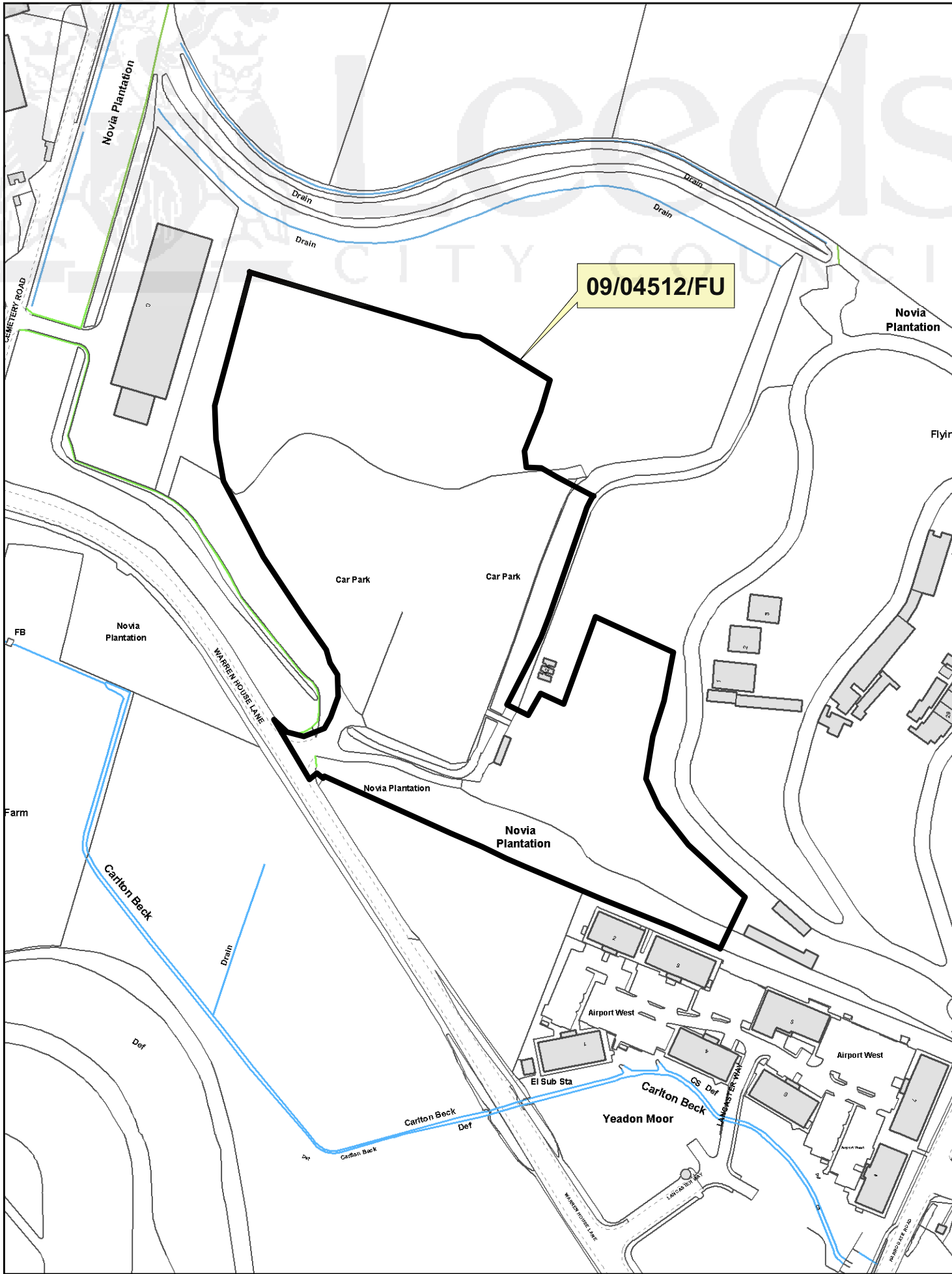
4.4 Both permissions are subject to a Section106 agreement for public transport contributions. Sentinel is to pay £91k within 2 months and Learmonth £36k, 50% prior to occupation and the other 50% within a year of opening.

5.0 IMPLICATIONS:

5.1 The Council will need to consider whether to include a Core Strategy policy or produce other adopted supplementary guidance in the form of a DPD or SPD if we wish to restrict further off site airport car parking outside the operational boundary of the airport.

Background Papers:

Application and history files.



WEST PLANS PANEL

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Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 23 June 2011

Subject: APPLICATIONS 10/00739/FU AND 10/00742/CA – FULL PLANNING APPLICATION AND CONSERVATION AREA CONSENT FOR THE DEMOLITION OF TANNERY BUILDINGS, LAYING OUT OF ACCESS ROAD AND ERECT 12 HOUSES, WITH CAR PARKING AND LANDSCAPING AT THE TANNERY, LEEDS ROAD, OTLEY, LS21 1QX.

APPLICANT
Ms. V Oldham

DATE VALID
18 February 2010

TARGET DATE
20 May 2010

Electoral Wards Affected:

Otley & Yeadon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE Planning Permission and Conservation Area Consent for the following reasons:

PLANNING APPLICATION 10/00739/FU

1. The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).
2. The Local Planning Authority considers that the proposed development would be detrimental to pedestrian and highway safety due to inadequate car parking numbers, space dimensions and inadequate forward visibility on internal access roads. The proposal is therefore considered to be contrary to policies GP5, T2 and T24 of the Leeds

Unitary Development Plan Review (2006) and the guidance contained within Street Design Guide (Adopted Supplementary Planning Document).

3. The proposed development by virtue of its over-intensive nature, height, scale, and external appearance will appear over-dominant and inappropriate in relation to the surrounding neighbourhood and will all have a detrimental impact upon the character and appearance of the Otley Conservation Area. The scheme is therefore considered contrary to Policies GP5, BD5, N12, N13, N19, BC7, A4, N39B and LD1 of the Leeds Unitary Development Plan (Review 2006). The scheme is also considered to be contrary to guidance contained within Supplementary Planning Guidance in Neighbourhoods for Living (page 42), and Otley Conservation Area Appraisal. As well as being contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (paragraphs 16 and 35) and of Planning Policy Statement 3: Housing (paragraphs 13 and 16).

CONSERVATION AREA CONSENT 10/00742/CA

1. The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).
2. The Local Planning Authority considers that, in the absence of a suitable scheme for the re-development of the site, granting consent for demolition would fail to preserve or enhance the character and appearance of the Conservation Area contrary to policies GP5 and N18B of the Unitary Development Plan and National Guidance covered in PPS5: Planning for the Historic Environment (2010).

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of its significance and its impact on the local area and at the request of a Local Ward Councillor (*Councillor Ryk Downes – Otley & Yeadon Ward*).

2.0 PROPOSAL:

- 2.1 This application seeks Planning Permission and Conservation Area Consent to demolish the original Tannery building fronting onto Leeds Road and the ancillary later red brick buildings behind these original works and the construction of new housing around a landscaped courtyard. The housing consists of 12 townhouses in four blocks with associated parking, turning and bin stores.
- 2.2 The application proposes two new residential blocks fronting Leeds Road to replace the main Tannery building. Behind these is one terrace of two houses continuing the line of Pearson's Buildings, and one terrace of four houses, to the east reflecting this layout and enclosing the courtyard.
- 2.3 The ground levels on the site have been reduced by approximately 600mm in the centre to keep the new-build height down.

- 2.4 The access from Leeds Road faces onto the gable of one of the terraces. The garages and canopies have been designed to provide further visual interest and variety.
- 2.5 Vehicular access is 5.5m wide and is off Leeds Road between two new-build three storey blocks which replace the Tannery building. This access has been located so that it faces onto the gable of a terrace. There is a service vehicle turning head within the courtyard. Pedestrians access the site via the footpaths either side of the main vehicle access. All houses have level threshold access. The applicant has confirmed that all access, landscaping and dwellings will meet or exceed DDA requirements.
- 2.6 In terms of parking spaces, the proposed houses fronting Leeds Road contain one garage space and one driveway space each located within the scheme and the courtyard houses have two driveway spaces per dwelling.
- 2.7 All the new-build houses are similar in treatment. Each is a 3-bed unit over three floors, the second floor being partially in the roof space with pitched dormers admitting light. At the Leeds Road boundary two terraces, one of 2 units and one of 4 units, replace the Tannery and provide a new street frontage.
- 2.8 The proposed materials are coursed natural stone with stone cills, heads and feature course. The roof is proposed to be blue slate and windows are double glazed in vertically proportioned openings (single and paired). Hardwood doors, and black metal balconies and rainwater goods are also proposed to complete the applicant's design. The door and window surrounds to the front elevation project in an attempt to provide shadowing and modelling, enlivening the view from the street. The garages and canopies also proposed to have blue slate roofs, with the garage walls in stone to match the houses and timber effect garage doors.

3.0 SITE AND SURROUNDINGS:

- 3.1 The 'L' shaped site is situated on the southern edge of Otley, between Leeds Road and the A660 by-pass. The site slopes approximately 3 metres from the southeast corner to the northwest corner. The by-pass embankment is generally 2 metres higher than the southern boundary and is thickly planted.
- 3.2 Adjacent to the northwest corner of the site is a terrace of 6 residential properties, Pearson's Buildings, in brick and render with slate roofs. The gable end of Number 1 sits approximately 6 metres back from Leeds Road and a 2-storey red brick shed sits on the pavement line. Beyond that is the Massingberd showroom (now demolished, and with planning permission for 14 houses).
- 3.3 Adjoining the site to the east is a petrol filling station (PFS) and workshops, and beyond that, a split terrace of 14 stone-fronted houses, Valley View and Wharfedale View. Between this terrace and the PFS, a footbridge over the by-pass connects Silver Mill Hill and Chevin Avenue with Leeds Road.
- 3.4 The site was first developed as the Albion Works by John Kelley in 1890 for the manufacture of Wharfedale printing machines. The works initially comprised the main building on Leeds Road and extended to cover the whole site by 1921, when it was being used as a tannery. The tannery ceased operation in 1963, and it became variously works, warehouse, garage and furniture outlet.

- 3.5 The Tannery itself is essentially a single-storey red brick building with large arched windows, set on a gritstone plinth. Part of this plinth (the cellar) is usable, as is part of the roof space (a continuous flat roofed dormer provides light and headroom). Thus the building is effectively three-storey at the west end, reducing to single-storey at the east end. Eaves heights above ground level are 6 metres reducing to 5 metres respectively.
- 3.6 The main building has a double pitched roof with central valley gutter, currently clad in asbestos cement sheets. The dominating feature of the Tannery is the square tapering brick chimney rising to 19 metres above the ground level.
- 3.7 The buildings to the rear of the site are generally single-storey brick buildings with asbestos cement sheet roofs built subsequent to the original works. To the west is a two-storey brick building running perpendicular to Leeds Road, with stone lintels and cills, built in 1898/99. The front part of the building is unoccupied at present but the rear part is leased to the adjacent Colin Pitt garage premises.
- 3.8 The Otley Conservation Area appraisal identifies the original building on Leeds Road as a positive contribution to the environment, while the sheds behind detract – these are identified as enhancement opportunities.
- 3.9 Access to the site currently consists of a right of way over the Pearson’s Buildings drive, and on a strip of land to the east, approximately 4 metres wide at its narrowest point as it passes the chimney. There are bus stops immediately outside the site on Leeds Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council’s records the following planning history on the site is considered relevant:-
- 4.1.1 A planning application which sought to demolish the commercial buildings to the rear and for the change of use, including alterations of the tannery building to form 10 two bedroom flats, 2 one bedroom flats and 2 studio flats and erection of 6 three bedroom houses, with car parking and landscaping was submitted under reference 09/01586/FU. However this application was withdrawn.
- 4.1.2 A Conservation Area Application to the commercial buildings to the rear was also submitted to accompany this full redevelopment application, under reference 09/03485/CA. This was also withdrawn.
- 4.1.3 An earlier Conservation Area Application to demolish the commercial buildings to the rear of tannery building was also submitted under reference 09/01585/CA. This was refused planning permission for the following reason: - “The Local Planning Authority considers that, in the absence of a suitable scheme for the re-development of the site, granting consent for demolition would fail to preserve or enhance the character and appearance of the Conservation Area contrary to policies GP5 and N18B of the Unitary Development Plan and National Guidance covered in PPG15.”
- 4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The current owners of the Tannery purchased the building in April 2006. Opening discussions with this applicant regarding redevelopment potential of this site started in 2008 and early 2009.
- 5.2 A Planning Application with Conservation Area Consent was lodged in 2009. This original proposal sought to retain the front part of the Tannery building (*including the chimney*) and convert it into apartments. This scheme also proposed to demolish the rear element of the Tannery and build six houses to the rear. Access through to the rear of the site would have been via an arch created through the Tannery building itself.
- 5.3 It was considered that this scheme would not provide a safe means for vehicles to enter and exit the site through the proposed arch. Alterations to make the archway large enough to satisfy highway safety standards would have resulted in an arch 10m wide. This, it was considered, would compromise the design to such an unreasonable extent that the building was not being satisfactorily retained. There were also concerns in relation to the design and amount of new residential units proposed and the internal road layout.
- 5.4 Given these significant constraints, some of which were conflicting, the application(s) were withdrawn and further discussions were undertaken and options were discussed to endeavour to progress redevelopment options on the site.
- 5.5 The option of the applicant securing alternative access arrangement with adjoining land owners, either through the adjacent garage or via the former Massingberds and cattle market sites were then examined. However these were discounted by the applicant after initial contact with both adjacent parties.
- 5.6 Following these explorations, the owners of the Tannery had continued to market the building for commercial use. They believe they have explored every avenue for the retention of the building, going as far as submitting the previous detailed planning application for the conversion of the building into apartments. Therefore the applicant contends that there is no satisfactory way of developing this unused site without demolition of the whole of the Tannery buildings. This view had led to the submission of this current scheme before Members today.
- 5.7 This scheme did give the Local Planning Authority the opportunity to assess our formal view on the retention of the Tannery Building, as a whole or in part, together with the chimney. Whilst we have sympathy with the applicant in that the state of the building and access arrangement means that it is difficult to let, we do not share the view that these justify the complete demolition of the building.
- 5.8 Notwithstanding this opening stance, the applicant was given the opportunity to progress their case, with the Conservation Officer undertaking a detailed internal site inspection and review, submission of a structural report and amended heritage statement, explaining the Conservation Area Consent for demolition.
- 5.9 During this process, officers continued to negotiate with the applicant, on other design elements of the proposal.
- 5.10 Amendments have been requested in relation to the highway layout of the scheme, in terms of junction visibility sight lines, junction kerb radii, vehicle tracking, parking arrangements and garage sizes, internal boundary wall and fence heights and pedestrian footways. Whilst the applicant has always responded to highway comments and requests, any alterations to the layout have never achieved a

suitable solution that would overcome highways objections. Overall it is considered that significant changes would be required to this layout (reduction of units and a different access road solution) which would warrant a new submission.

- 5.11 Amendments have been requested in relation to the layout of the scheme, the design of the dwellings and their relationship with existing boundaries and landscaping. Some concerns remain in relation to the overall numbers on the site, and the design of the dwellings, which are in essence three storey townhouses with are inappropriate within a historic townscape. Overall it is considered that significant changes would be required to this layout (reduction of units and a different house detailing) which would warrant a new submission.
- 5.12 Officers have discussed the potential of retaining the chimney element and allowing redevelopment of the remainder of the site. However, the applicant has stated that *“If the chimney was retained, with the current scheme they would lose 2 houses. The only way to get these houses back would be to cram them on the site, resulting in a worse (and less sympathetic) development. This would very likely fall foul of other requirements, from highways etc.”* They have also stated that *“The chimney is also in very poor condition, and would probably end up being rebuilt. They don't really see the point of this, given that the materials don't fit in with the Otley vernacular. It couldn't really be described as preservation, and may well be a disincentive for anybody to live in some of the houses.”*
- 5.13 Essentially officers believe that the Tannery buildings have not passed their useful life and whilst they may be difficult to let as commercial industrial warehousing, many other options exists that need fully exploring before we consider the building's demolition. Notwithstanding this, if a redevelopment is pursued we need to ensure that the replacement scheme is of sufficient quality. Officers therefore felt that as all reasonable endeavours had taken place to attempt to redesign this scheme and that these had failed, a determination should be made on this current scheme.
- 5.14 Given the length of time that has elapsed and the very complex constraints on the site, a possible option would be for officers to provide the applicant with a design brief for the site, with could outline what redevelopment or conservation of the site officers could support.

6.0 PUBLIC/LOCAL RESPONSE:

STATEMENT OF COMMUNITY INVOLVEMENT:

- 6.1 An Open Evening was arranged and held at The Otley Civic Centre on Thursday 26 March 2009 from 6pm to 8pm. The applicant states that 98 letters were sent out to local residents and councillors inviting them to attend the 'Open Evening'. The evening consisted of a series of A1 coloured boards displaying the scheme and a 'Filmstrip' of the scheme through a projector onto a screen. The Applicants, Agents and Architects were on hand to introduce the scheme and to take questions.
- 6.2 The applicant states that the majority of the concerns from residents in Pearson's Buildings, which were taken into consideration in the design of the original proposals that sought to retain the Tannery building and have also been considered in the design for the current scheme which is all new-build.

THE APPLICATION:

- 6.3 The application has been advertised on site by the means of a (x3) site notices on Leeds Road, posted 11 March 2010 as a major application affecting the character and appearance of a conservation area. The application proposals were also made

available for public inspection at Otley Library from the 11 March 2010 and gave a publicity period which expired on the 1 April 2010. Notice was also published in the local press, in the Wharfe Valley Times on the 18 March 2010.

FURTHER CONSULTATION:

- 6.4 Following the end of the publicity period, the applicants have stated that they are intending to arrange a further public consultation event with all the objectors and the Town Council to go through their comments.

COUNCILLORS:

- 6.5 Councillor Ryk Downes (Otley and Yeadon Ward) has confirmed he would wish the application be presented to Members of Plans Panel West for determination if recommended for approval.
- 6.6 Councillor Colin Campbell (Otley and Yeadon Ward) has expressed concerns over the length of time it has taken to determine the application.

OTLEY TOWN COUNCIL:

- 6.7 The Town Council objects on the grounds that the plan will lead to the loss of light/commercial industrial buildings in Otley. The Town Council also objects on the grounds that the chimney from the industrial buildings appears to be subject to demolition which would lead to the loss of a key part of the historical heritage of Otley in the conservation area. The Town Council finally objects on the grounds that the additional traffic caused by this site will lead to further road congestion in what is already one of the busiest roads in Otley.

LOCAL AMENITY GROUPS:

- 6.8 Otley Conservation Task Force have stated they object to the demolition of the Tannery Building as this would result in the loss of a key part of the historical heritage of Otley in the conservation area. They would have no objection to the conversion of the building to residential use similar to that achieved in the Suedecraft Mill on Birdcage Walk in Otley.

LOCAL RESIDENTS:

- 6.9 12 letters of objection have been received from local residents and their objections can be summarised as follows: -

- This building is a significant and positive landmark at the south-eastern gateway to the Otley Conservation Area;
- The building is of historic importance, formerly being the Albion Works of John Kelley & Co. where the Wharfedale Printing Press was made from 1889 – 1905. In 2001, Otley Town Council installed a Heritage Plaque to the frontage commemorating this fact;
- Sometime after 1905 the building was re-named The Tannery, where it was used to manufacture chamois leathers, basils and skivers (William Lawson & Sons). It can thus be considered to represent virtually the last remnant of Otley's once extensive tanning industry;
- The chimney of the building is one of only 3 of notable height now remaining in the town, and with 2 more set to be demolished or severely truncated is an important and pleasing visual testimony to the town's manufacturing past;

- This is an important employment site. Jobs will be lost if the businesses housed here are forced to vacate;
- There can be little excuse for the demolition of such an important and historic building in the Conservation Area;
- There is a shortage of industrial units in Otley, but plenty of brownfield sites for housing. One such is a mere few yards down the road, at the now cleared site of the former Massingberd's car showroom and garage;
- If change of use of the site is deemed unavoidable, the building could be converted to residential use while conserving the external appearance, fabric and general character of the site;
- Loss of amenity to surrounding properties through overlooking and disturbance during construction; and
- Danger to highway safety due to existing traffic congestion within the area.

6.10 4 letters of support have been received from local residents and their comments can be summarised as follows: -

- Of the proposals that have been lodged so far, this one is by far the best;
- The Tannery in its present condition is an "eyesore";
- The building of twelve new houses on the site can only be good for the area, assuming they will be at affordable prices;
- The development, if it goes ahead, will be a distinct improvement on what we have at the moment especially on parking;

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations:

HIGHWAYS:

7.1 Objections, as the proposed layout does not conform with the requirements of the Street Design Guide and as submitted would be detrimental to highway safety.

YORKSHIRE WATER:

7.2 No objections subject to conditions as a water supply can be provided.

Non Statutory Consultations:

NEIGHBOURHOODS AND HOUSING:

7.3 The Council's Environmental Protection Team has stated that they have no comments to make.

MAINS DRAINAGE:

7.4 No objections subject to conditions controlling surface water run off. At present the site is almost totally impermeable consisting of a large building taking up most of the site area together with the smaller hard standing and car parking areas. The Council's Mains Drainage section believe that whilst the proposed development

would have a substantially reduced roof area, this may have little impact on the impermeable area as there would be access road and car parking area taking up the bulk of the rest of the site.

LAND CONTAMINATION:

- 7.5 Whilst no objections are raised to the application proposals, conditions are suggested. Due to the sites former industrial uses there is a potential for contamination and given that the end use is residential and therefore sensitive.

ACCESS OFFICER:

- 7.6 Concerns raised in relation to the use of shared surfaces and pavement widths within the scheme and the lack of a larger disabled space within the scheme.

WEST YORKSHIRE POLICE:

- 7.7 Support the application as the scheme will create a safe residential development, where people wish to live.

WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

- 7.8 No objections to the scheme as the site has no apparent archaeological implications.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan which consists of the adopted Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds Unitary Development Plan (Review 2006).

REGIONAL PLANNING POLICIES:

- 8.2 The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) was adopted in May 2008 and sets out a strategic framework for development up to 2026.

- 8.3 However, it is not considered that this proposal raises any issues of regional significance.

LOCAL PLANNING POLICIES:

- 8.4 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.

- 8.5 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

- 8.6 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SA) as follows;

- Policy SG4: To ensure that development is consistent with the principles of sustainable development;
- Policy SA1: Secure highest quality of the environment throughout the District; and
- Policy SA6: Promote the physical and economic regeneration of urban land.

8.7 The application site lies within the Otley Conservation Area and is unallocated with no specific land use allocation. The relevant Leeds Unitary Development Plan policies are considered to be: -

- Policy GP5: Development control considerations;
- Policy BD5: New buildings design consideration given to own amenity and surroundings;
- Policy A4: Development and refurbishment proposals designed to ensure safe and secure environment;
- Policy H4: Residential development on non-allocated sites;
- Policy N12: All development proposals should respect fundamental priorities for urban design;
- Policy N13: Design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- Policy BC7 : Developments within Conservation Areas to be in traditional local materials;
- Policy N19: New buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area;
- Policy BC8: Demolition of unlisted buildings within Conservation Areas may be required by condition that certain features are salvaged;
- Policy N18A: Demolitions of building or part of building shall be presumption against if makes positive contribution to character or appearance of the Conservation Area;
- Policy N18B: Demolitions of building shall not be given consent unless plans for redevelopment approved;
- Policy N20: Demolition of other features which contribute to the character of the Conservation Area will be resisted;
- Policy N25: Site boundaries should be designed in a positive manner;
- Policy N27: Where a landscaping scheme will be required, an application should be accompanied by an illustrative scheme;
- Policy LD1: Landscape schemes should meet specific criteria;

- Policy T2: Development must be capable of being served by highway network and not adding to or creating problems of safety;
- Policy T24: Refers to parking guidelines for new developments.

SUPPLEMENTARY PLANNING GUIDANCE:

8.8 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- SPG13: Neighbourhoods for Living (December 2003); and
- Otley Conservation Area Appraisal (2003).

NATIONAL PLANNING GUIDANCE:

8.9 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes: -

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing (2006); and
- PPS5: Planning for the Historic Environment (2010).

9.0 MAIN ISSUES:

9.1 Having considered these applications and representations, it is considered that the main issues in this case are:

- Principle of the residential development;
- Demolition of the existing building;
- Character and appearance of the Conservation Area;
- Highways issues.
- Residential amenity

10.0 APPRAISAL:

Principle of the residential development (*Loss of employment*):

10.1 The application site lies within the urban area of Otley and is unallocated with no specific land use allocation. Policy E7 of the Leeds UDP Review (2006) indicates that a favourable view of applications for housing on land or buildings in employment use will be adopted where it is established that such land or buildings are no longer needed for that purpose. The Council interprets "need" in the broad sense of the planning need for the site to be retained in employment use.

10.2 In order to check whether there is a planning need for a site, the applicant has submitted a report regarding local industrial land and buildings availability which has been assessed by officers.

- 10.3 On balance, although there is some evidence of a limited supply of smaller industrial units in the locality, the overall supply of employment land in the locality is generally adequate to meet local needs and it is concluded that it would be difficult to justify refusing the application on grounds of loss of employment land. This conclusion is re-enforced by the fairly small size of the site and the poor condition of the existing buildings.
- 10.4 Having said that, it is noted that around 1200m² of the existing building is leased by the adjoining local Colin Pitt garage business which is understood to employ around 11 local people. Planning permission has however been granted recently for a workshop building within the Colin Pitt site which would provide 437m² of floorspace. Although smaller than the space currently leased, much of that space would appear to be in use for the longer term storage of commercial vehicles and the new building would provide commercial accommodation to a modern standard.
- 10.5 Residential proposals on sites such as this will be treated on merit and against UDP housing policies H3 and H4. It is considered that the proposal meets the criteria set out, which relate to the site being within the main urban area, in a sustainable location, being acceptable in sequential terms and within the capacity of existing and proposed infrastructure.
- 10.6 The site is considered to be previously developed land (brownfield development) by the Council as it satisfies the definitions set out in Annex B, PPS3 (Housing).

Principle of the proposed development (*demolition of the existing building and impact on the Conservation Area*):

- 10.7 Some parts of the city are fortunate in having areas whose character and appearance is of a particularly high quality. These are identified by the City Council, following public consultation, by designation as Conservation Areas. This designation also affords a greater measure of protection to these areas as a result of additional planning powers. The City Council aims to preserve or enhance the character and appearance of these Conservation Areas through the control of development and through proposals for enhancement.
- 10.8 Bearing the above in mind and given the site is in the Otley Conservation Area any scheme's approval would be dependant on the Council's acceptance to the demolition of the Tannery Building and the Chimney and on the replacement scheme's detailed design and particularly on its impact upon the character and appearance of the Conservation Area.
- 10.9 To justify the loss of a positive building in a conservation area the applicant would have to demonstrate that the building is no longer viable. This is different from saying that the building isn't viable as part of the proposed scheme (Such as policy E7).
- 10.10 Given that the building has until recently been in use and has a lawful highways access enabling this use, it appears that the building is viable and capable of continued future use. It is not 'genuinely redundant' (*PPS5 Practice Guide*).
- 10.11 Alternatively a case can be made for such serious harm or loss on the grounds that the designated heritage asset is genuinely redundant itself and it is preventing all reasonable uses of the site in which it sits. Even where the asset is genuinely redundant, it will often be the case that it can be worked round or incorporated into new development so that the wider site can remain in active use.

- 10.12 The PPS Practice Guide continues (page 94) Given the irreversibility of any such decision, the demolition or destruction of a designated heritage asset on these grounds is very much a last resort after every option to secure a viable future for the asset has been exhausted. The fact that particular applicants or their advisers cannot conceive of a viable use for the asset does not mean that there is no such use’.
- 10.13 To prove that the building is not viable the applicant would have to meet the tests set out in PPS5 including appropriate marketing (Policy HE 9.3) ‘To be confident that no appropriate and viable use of the heritage asset can be found under policy *HE 9.2 (ii)* local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage asset’s conservation and to find charitable or public authorities willing to take on the heritage asset’.
- 10.14 An alternative argument to justify the loss of a positive building in a conservation area is that its loss is necessary to allow a proposal that delivers substantial public benefit - PPG5 Practice Guide - ’91. Where substantial harm to, or total loss of, the asset’s significance is proposed a case can be made on the grounds that it is necessary to allow a proposal that offers substantial public benefits’. I do not considered that the proposals offer ‘substantial public benefits’; however

Character and appearance of the Conservation Area:

- 10.15 Whilst the application broadly reflects the grain of surrounding development through the use of terraces, the siting of block G-J is unacceptable. The plan form of the surrounding streets is a linear grid formation with terraces running perpendicular to Leeds Road and thus creating extended views down toward the valley and up to the hills. This pattern is strong and these views are expected by anyone walking along Leeds Road. Whilst properties K and L respect these existing view lines, block G-J does not, with its siting firmly truncating views southward. This is uncharacteristic of the area and the presence of the side gable of property G would be a negative element within the area.
- 10.16 The surrounding area is characterised by two storey terraces with relatively modest proportions and eaves which sit close to the lintels of the upper storey windows. Although some box dormers and small wall dormers are in evidence the properties are essentially two storey structures which strongly retain a vernacular form. The proposed houses do not reflect this style. Their proportions, in particular the amount of space between the upper storey windows and the eaves, are out of scale with their surroundings, and the inclusion of tall, narrow wall dormers means that the houses read as three storey structures. They are in essence three storey townhouses with detailing which would be expected in a modern, new build estate and not within a historic townscape. The inclusion of the wall dormers to the front and rear and the projecting balconies produce a profile which is not present at any other point along Leeds Road. This profile will be particularly visible on the approach from the East as the garage is a low slung building which allows clear views of the site. All of this means the houses are uncharacteristic of the immediate streetscape and Otley in general and, as a consequence, will appear as an inappropriate intrusion into the townscape and will harm the character and appearance of the conservation area. It is also worth noting that the concerns regarding the profile of the properties equally applies within the site where the side elevation the block G-J dominates the approach from Leeds Road

Highways issues:

- 10.17 The layout proposed is unacceptable for the following reasons and does not accord with the Adopted Street Design Guide. This scheme has inadequate junction kerb radii, adopted visibility splays and sight lines. Inadequate forward visibility splay around the resultant bend in the highway. Area required for the turning of a refuse vehicle must be within the adopted highway limits. Inadequate parking sizes and Inadequate drive lengths. Parking spaces are away from curtilage of each plot. The scheme also has inadequate footways provided and inadequate parking numbers.
- 10.18 The proposed layout does not conform with the requirements of the Street Design Guide and as submitted would be detrimental to highway safety.

Residential Amenity

- 10.19 The proposal would introduce housing adjacent to a commercial repair garage. However, this is a long established business which appears to operate without local complaint and which is already in close proximity to housing. It is not considered that the potential for noise and disturbance to new residents would amount to grounds for refusal.

11.0 CONCLUSION:

- 11.1 The building is a positive building in the conservation area and so there is a presumption in favour of its retention in all but exceptional circumstances. Its proposed demolition would be detrimental to the special character of the conservation area. The proposed scheme does not justify the loss of this positive building. In the absence of a suitable scheme for the re-development of the site, granting consent for demolition would fail to preserve or enhance the character and appearance of the Conservation Area

Background Papers:

Current Applications

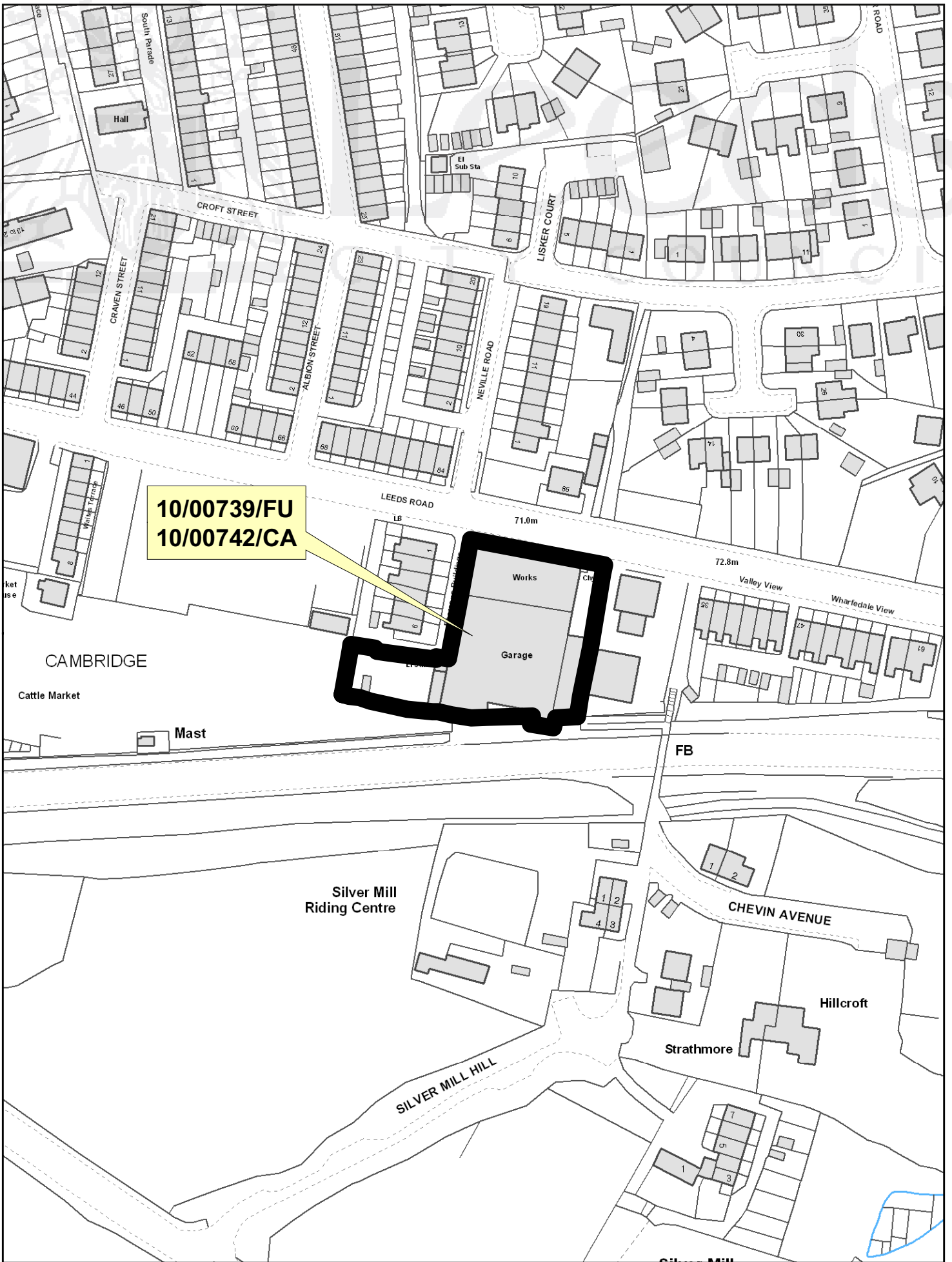
Certificate of Ownership

History files: -

Planning Application 09/01586/FU

Conservation Area Application 09/03485/CA.

Conservation Area Application 09/01585/CA.



10/00739/FU
10/00742/CA

WEST PLANS PANEL

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Originator: Peter Jorysz

Tel: 0113 247 7998

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 23rd June 2010

Subject: APPLICATION 10/04924/FU – REPLACEMENT PART 2/3/4 STOREY CARE HOME, WITH 34 SELF CONTAINED FLATS, 39 DEMENTIA/RESPIRE/NURSING CARE ROOMS, CHAPEL, LOUNGES, DINING AREA, ACTIVITY ROOMS AND FUNCTION ROOM, WITH CAR PARKING AND LANDSCAPING AT FORMER ST JOSEPHS CONVALESCENT HOME, OUTWOOD LANE, HORSFORTH, LEEDS 18.

APPLICANT

Institute of our Lady of Mercy

DATE VALID

1st November 2010

TARGET DATE

31st January 2011

Electoral Wards Affected:

Horsforth

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSAL FOR THE FOLLOWING REASONS:

1. The proposed eastern element (dementia block) represents poor design in terms of footprint, scale, massing and elevational treatment, by failing to adequately relate to the rest of the building and its immediate context to the detriment of the visual amenity of the area. The proposal thereby conflicts with adopted Leeds UDP (2006) policies N12, N13 and H20A as well as PPS1 paras 13, 19, 34-36 and the Horsforth Design Statement.
2. The proposal would be harmful to the draft Horsforth Cragg Hill and Woodside Conservation Area through overdevelopment of the site in terms of overall design, footprint, scale, massing and height. These elements would not preserve or enhance the character and appearance of the draft Conservation Area identified in the Draft Conservation Area Appraisal and Management Plan. The proposal thereby conflicts with adopted Leeds UDP (2006) policies GP5, N19, PPS5 and the draft Conservation Area Appraisal and Management Plan.

1.0 INTRODUCTION:

- 1.1 The application comprises a proposal for a significant new building in Horsforth. This report follows the refusal of a previous application ref 09/03666/FU by Panel on 18th June 2010.

2.0 PROPOSAL:

- 2.1 The proposal follows the demolition of the existing St. Josephs Care Home and comprises a replacement with a new part two/three/four storey care home comprising 34 self contained flats and 39 dementia/respite/nursing care rooms. In addition there are supporting lounges, dining area, activity areas, function rooms and a chapel. Ancillary parking and amenity space is also provided.
- 2.2 The proposal represents a strong contrast to the previous Victorian buildings by introducing a contemporary design that makes a strong visual statement, particularly on Outwood Lane. The three/four storey elements face Outwood Lane and New Road Side to the north and south, whilst three storey elevations face west and two/three/four storey elevations face east.
- 2.3 The palette of materials comprise dry-stone walling, rough cut stone and Ashlar stone; reflecting some of the natural materials found in the locality. The roof is proposed to be a standing seam construction. The main elevation to Outwood Lane comprises primarily dry-stone at ground floor level with Ashlar stone above, and dry stone for the chapel.
- 2.4 The proposed car park provides for 29 car parking spaces with additional provision for ambulance parking and cycle parking behind the existing boundary wall onto Outwood Lane, the majority of which is proposed for retention.
- 2.5 An area of open amenity space (formal and informal) is located to the south of the building, in roughly the same location as the existing area of open space and retains the majority of TPO trees.
- 2.6 A draft S106 offers:
- a) Public Transport Contribution (£20,353.00)
 - b) Bus Infrastructure Contribution towards a new bus shelter inc seating, lighting and real-time info (£10,000.00)
 - c) Off-site parking contribution (tbc)
 - d) Travel Plan monitoring fee (£2,500.00)

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises the former St. Josephs Care Home (now demolished) which operated for over 25 years and was an established feature of Horsforth. The site ceased operating c 3.5 years ago. It was formed by two original stone built Victorian houses with modern 1970's infill and a number of smaller ad hoc extensions. The original Victorian elements were two/two and a half storeys and the 1970's infill was two storey with a flat roof. The site contains the former parking area (accessed off Outwood Lane) and a large lower garden area, with a significant number of trees protected by a group TPO. A large stone wall forms the boundary to the west, north and east with a stone wall/fence to the south on New Road Side.

3.2 The site surroundings are primarily of domestic character and scale i.e. terraced, semi-detached and detached dwellings. To the west lies 2 Outwood Lane, a two storey Victorian house and Sandywood Court, a post-war three storey block of flats with a pitched roof. To the north lie two storey Victorian terraces on Outwood Lane. To the east lies a post-war semi-detached “chalet” property at 8A/8B Outwood Lane and a two and a half storey Victorian villa at 10 Outwood Lane. To the south lie a number of large Victorian properties on the south side of New Road Side.

4.0 RELEVANT PLANNING HISTORY:

4.1 A previous full planning application was submitted in 2009 (ref 09/03666/FU) for a similar proposal comprising a replacement, part three/four/five storey care home, with 39 self contained flats, care rooms, chapel, lounges, dining area, activity rooms and function room, with car parking and landscaping. The application was refused at Panel in line with the officer recommendation 18th June 2010 for the following reasons:

1. The proposal comprises a footprint, scale and massing that results in overdevelopment of the site with a building that would have a detrimental impact on the streetscene, out of character with the locality and conflicts with policies N12, N13 and H20A of the adopted Leeds UDP (2006) as well as PPS1 paras 13, 19, 34-36.

2. The proposal would have an overbearing and overdominant effect with overlooking and loss of privacy for the neighbouring gardens of 8A Outwood Lane and 1 Oliver Hill, detrimental to those properties residential amenity contrary to Policies GP5, BD6 and H20A of the adopted Leeds UDP (2006).

5.0 HISTORY OF NEGOTIATIONS:

5.1 The agent agreed post refusal of 09/03666/FU that it would be sensible to meet officers and members as part of formal pre-application discussion to assess the reasons for refusal on the previous application and discuss a potential resubmission. The agent was made aware of the Council’s formal pre-application charter. However prior to an initial informal meeting on 8th September 2010 the applicant presented a fully worked up proposal and subsequently declined the offer of formal pre-application discussions with officers and members.

5.2 Having declined to enter into formal pre-application discussions the agent confirmed that they had been instructed by their client to submit a full planning application which was submitted on 22nd October 2010.

5.3 On expiry of the consultation period a meeting was held with the applicant on 20th January 2011. Various outstanding information and Section 106 requirements were outlined. It was noted that an officer view could not be made until the design consultation had been received. Following receipt of the Design Consultation on 25th January 2011 a further meeting was held on 7th March with the Design officer and the applicant. It was noted that there remained design issues with the proposal and it was noted that the Conservation officer had not yet responded to the submitted Conservation Statement. The Conservation officer’s consultation response was received on the 10th March objecting on conservation grounds.

5.4 On 24th May 2011 a letter was received from the agent voicing concern that there has been no significant progress on the application and requesting an early

determination at Panel. Officers wrote to the agent on 31st May confirming that in the light of the continued design and conservation concerns and the lack of receipt of revised plans, that the application would be taken to the next available Panel with a recommendation for refusal.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were posted on 19th November 2010. One representation of support has been received on the basis that the:

- contemporary scheme sits on site not unlike previous building,
- materials offer variety and freshness,
- existing use needs to take forward,
- existing residential development e.g. dormers are a blight, not this development.

6.2 Three representations of partial support/objection has been received that whilst the principle is strongly supported, but the minor modifications do not satisfactorily address original objections in that mass is out of character and parking inadequate. Overdevelopment, overbearing, overdominant. The Planning and Transport Statements are not accepted as large contemporary design is unnecessary, no evidence that modern development referred to is accepted a locally attractive addition. Staff, residents and visitors will not shift to public transport, only one bus route, distance to train station.

6.3 A total of 76 objections have been received from 74 objectors (as at 9th June 2011). Whilst nobody has objected to the principle of a care home on the site, objections have been made on the following grounds:

- Victorian buildings should have been retained,
- developers have allowed original buildings to fall into disrepair as an excuse for demolition,
- a care "village" of 73 residents is not a replacement for a care "home" for 27 residents,
- development huge, overbearing and shoe-horned into the site, monolithic block, more appropriate to city centre or ring road,
- footprint twice the existing, takes up much more of the site,
- size, scale, height mass unacceptable, little regard to policy GP5 or N13,
- scheme sticks out like a sore thumb, more like an office block, industrial, large hospital,
- design too modern,
- no basis for the design, fish only visible from above, will look more like Berlin Wall,
- roof pitch out of character with surroundings,
- materials do not reflect the architecture of Outwood Lane or Horsforth,
- Four/five storey no regard to local character (mainly two and three storey Victorian/Edwardian buildings), will dwarf local houses and be at odds with the local area, should be at least one storey less,
- building of this footprint should be no more than two to three storeys,
- five storeys near main road unacceptable,
- long distance views from Outwood Lane and Wood Lane over valley to Newlay Conservation Area obscured,
- overbearing effect on adjoining properties, public footpath and Sandywood Court,
- loss of daylight/sunlight for kitchen/bedroom at 30 Sandywood Court,
- will dwarf bungalows to side of ginnel,
- out of character contrary to UDP policy N12, N13 and GP5,
- loss of majority of green space on the site,

- traffic generation, full highway impact assessment needs to be carried out,
- reduction in on-site car spaces compared to original St. Joseph's,
- need underground car park of one or two levels,
- Outwood Lane property affected by traffic generation from Brodwell Grange and BUPA developments with parking along the whole of Outwood Lane,
- Outwood Lane/Oliver Hill cannot cope with traffic, parking on both sides of the road and now single lane, nasty bends and narrow places,
- specialist staff will have to resort to on street parking,
- Pennington Court is an unsuitable comparison,
- increased traffic dangerous to children and elderly residents,
- Outwood Lane already a rat run, should have speed limit of 20mph,
- use of train station unrealistic for staff/visitors and cyclists,
- not a care home but a nursing home which has higher staffing levels (at least 60 not 24) therefore inadequate parking,
- unrealistic that no residents will have cars,
- road cannot accommodate large construction and commercial servicing vehicles,
- inadequate parking facilities onsite, no disabled parking,
- St Gemma's hospice has 160 car spaces for 32 beds, Sue Ryder, Wheatfields has 40 spaces for 18 beds, 29 spaces for 34 beds therefore inadequate,
- parking does not provide for shift changeover and residents with cars, will double amount of parking needed,
- service vehicles may be blocked from Oliver Hill,
- loss of TPO trees,
- impact on wildlife,
- devalue existing houses,
- applicant accepts impending Conservation Area is a material consideration,
- loss of sunlight, daylight and overlooking for neighbours,
- to support application would need major improvements to Horsforth transport, major support of education infrastructure, zero carbon and low car per household ratio,
- appears to be no provision for emergency vehicles or taxis,
- 24 hour working means light/noise pollution and disruption for residents,
- reducing 39-34 flats inadequate,
- building the same, or similar to the previous one which was rejected,
- application forms, supporting submissions (especially Application Forms, Planning Statement, Arboricultural Survey and Bat survey) inaccurate, out of date and misleading,
- proposal fails to take on board comments made by residents at the consultation meeting,
- public consultation was undertaken on the last day for public representations.

- 6.4 The Cragg Hill and Woodside Resident's Group have objected that the footprint has only reduced 3% and mass by 5%, the reasons for refusal have not been addressed, the design has nothing to do with character, there has been inadequate consultation, the proposal is not a replacement care home as it is larger, the Conservation Area should be taken into account, analysis of traffic needs a proper assessment and that the building does not meet policies N12 and N13.
- 6.5 Councillor Cleasby and Townsley have objected as ward members on the grounds of overdevelopment, highways issues and additional vehicle movements with on-street parking and road safety issues, design out of keeping which will dominate the streetscene and that the Conservation Area is imminent.
- 6.6 Horsforth Town Council objects that issues set out in reasons for refusal have not been addressed and issues remain that development is overdominant, design is

unsympathetic to surroundings, the façade is out of character, planned parking is inadequate and that 24 hour working will increase impact.

- 6.7 Newlay Conservation Area Society and Horsforth Civic Society object on basis that although room numbers have fallen the building looks pretty much the same as that refused. The massing remains dominant. The fish straddles whole site with a massive structure. Overlooking is unresolved. No reasonable solutions have been found to the parking problem pushing parking onto local streets. The design is a “hotch-potch” of materials. The proposal is overbearing, dominates streetscape and is unsympathetic near the Newlay Conservation Area and proposed Cragg Hill Conservation Area. There has been an insufficient response by developer to the original consultation, original objections and reasons for refusal.
- 6.8 Leeds Civic Trust object that the scheme pays no regard to the wider historic context and is completely out of scale with it’s location. Small reduction in rooms does not reduce mass of building, occupies too much of former gardens and result in loss of trees. Horizontal emphasis is at odds with character of Outwood Lane. Development should retain the original gardens, with a more varied roof line and broken for to reflect character of area.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Yorkshire Water: No objection, subject to conditions.

Non-statutory:

Design: Objection. Design revisions required as follows:

- Engagement with local community should be part of good design process
 - Still some concern re footprint, especially at eastern edge.
 - Scale and massing of eastern edge poorer response to simple edge treatments of buildings in the area.
 - Gable treatment at east end of top floor provides abrupt end detail, design needs modulation and consistency.
 - Render material best avoided on front elevation.
 - Overall use of stone on front welcomed, but Ashlar not appropriate. Standing seam roof - need more information.
 - Boundary treatment to Outwood Lane appears to be acceptable.
 - Long sweep of curved block sits comfortably; may be appropriate to consider further modulation, reduction or break up on basis of conservation issues.
- Management and maintenance will be important.

Conservation: Objection. Proposed Conservation Area well advanced. Number of concerns about the proposals namely:

- Width and height of the building block will block long distance views.
- Building likely to be visible on the horizon.
- Building will occupy full width of site at odds with villas on south side of Outwood Lane.
- Mass very large, not domestic scale or comparable to other buildings in the proposed Conservation Area.
- Horizontal proportions challenge the vertical, domestically scaled elevations of the adjoining buildings.
- Building striking but not simple.

Concludes that although a bold and innovative design, it would not preserve or enhance the proposed Conservation Area.

Contamination: No objection, subject to conditions.

Architectural Liaison Officer: No objection; suggestions made re access control, receipt of mail, landing/stairwell and use of defensive shrubbery.

METRO: No objection, subject to provision of cantilever shelter for existing bus stop (£10,000).

Landscape: No objection, subject to conditions. Greater landscaped space than previous application and provision of large canopy trees will help filter views of building. Concern at level changes impact on trees in north-west corner. Strategy for useable/therapeutic outdoor space admirable but need larger trees. Tree report out of date, favours phases removal of declining trees. Hard landscaping approach not clear. Notwithstanding large footprint preserves wider landscape setting with potential for long term positive management broad strategy approach supported as designed to provide variety of functional recreation and amenity spaces. Tree planting on New Roadside to be reviewed, more detail of shrub planting required. Boundary wall height needs careful consideration, tree protection fencing to be erected, wildlife features need incorporating, colour of roof finish important, bin store to be relocated.

Travelwise: Objection; Should be secured by S106, modes split target must not be changed, targets should be set for percentage of visitors arriving by car, monitoring needs to cover visitor travel, plan required for shower provision, smart cars unclear, should advise on further measures if targets not met, base map needs changing, storage for mobility scooters to be designed in, real time info in reception, car share spaces to be marked on plan.

Transport Policy: Proposal will have a significant travel impact therefore a financial contribution of £20,353 required in accordance with the Public Transport SPD.

Highways: No objection in principle subject to following issues being resolved:

1. During staff changes insufficient off-street parking. Car parking strategy required.
2. Layout in TA/Travel Plan and main layout need to match.
3. Lack of mobility scooter parking.
4. Unsuitable bin storage facilities and ramps more than 1:20.
5. Service area too small to accommodate large vehicle manoeuvres.
6. City car club cars not feasible.

If permission given conditions recommended. S106 required to include:

1. Cantilever Bus stop.
2. Site pool cars for staff/residents.
3. Travel Plan attached.
4. Travel Plan monitoring fee £2,500.
5. Public Transport SPD contribution £20,352.
6. All residents over 60 years old.
7. No flats to be sold privately.
8. If overspill parking observed in 5 years traffic calming measures to be funded.

Mains Drainage: No objection, subject to conditions.

Nature Conservation Officer: No objection subject to condition.

Refuse Collection: No objections.

Access Officer: Generally fine, request info re tactile paving and seating.

8.0 PLANNING POLICIES:

Adopted Leeds UDP Review (2006)

8.1 The site is identified within the main urban area as designated in the adopted Leeds UDP (2006) and no other allocations or designations affect the site. Relevant policies include:

GP5: development to resolve detailed planning considerations,

H20A: Proposals for residential institutions will only be accepted where:

-the site includes adequate amenity space,

-the proposal is compatible with amenities of neighbouring dwellings and residential character of the area,

-the proposal provides adequate parking space.

T2: new development to be served adequately from the existing or proposed highway network,

T24: parking standards,

N12: urban design principles inc. spaces between buildings, good design, buildings to be good neighbours, respect character and scale of buildings and routes that connect them, encourage visual interest.

N13: design of new buildings to be of high quality and have regard to character and appearance of surroundings; good contemporary design welcomed.

N19: All new buildings in conservation areas to preserve or enhance character, detailed design to relate to adjoining buildings, materials to be sympathetic to adjoining buildings, careful attention to design and quality of landscape/boundary treatment.

BD6: All new buildings to consider their own amenity and that of their surroundings including privacy.

Regional Spatial Strategy : Yorkshire and the Humber (2008)

8.2 A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.

YH7: First priority to re-use of previously developed land and existing developed areas within town and cities, second infill in cities, third extension to towns and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.

LCR1: Focus most development in Leeds and Bradford.

T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

Local Development Framework (LDF)

8.3 Initial consultations on Issues and Allocations were carried out in October 2007 followed by consultation on the Preferred Approach in October/December 2009. The formal publication of the Core Strategy however, will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

PPS1 “Delivering Sustainable Development” 2005

8.4 PPS1 para 18/19 states that planning should seek to “improve” and “enhance” the local environment and refers to the desire to improve the character and quality of an area (para 13 iv) and enhance the environment (para 19). Design which is inappropriate in it’s context or fails to take opportunities for improving the character and quality of an area should not be accepted (para 13 v) and 34). Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use. Development should respond to it’s local context and create or reinforce local distinctiveness (para 36).

PPS5 “Planning for the Historic Environment” 2010

8.5 PPS5 defines heritage assets as including places:

“...positively identified as having a degree of significance meriting consideration in planning decisions....They include designated heritage assets...and assets identified by the local planning authority during the process of decision-making....”

8.6 Policy HE7:1/2 then states that local planning authorities should assess the degree of significance of heritage assets affected and the impact of a proposal on that significance. Policy HE7.5 states:

“Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

PPG13 “Transport” 2006

8.7 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Paras 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

Adopted SPD “Public Transport Improvements and Developer Contributions” 2008

8.8 Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

Draft SPD “Travel Plans” 2007

8.9 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan.

Adopted SPD “Horsforth Design Statement” 2010

- 8.10 Two of the key aims are to “appraise the particular local character of the area” and assisting Leeds City Council “in ensuring that future development responds to and respects that character.”
- 8.11 The Statement refers to existing Conservation Areas and the approval in principle of the proposed Conservation Area at Cragg Hill and Woodside.
- 8.12 The site is identified within the Area 4 “Cragg Hill and Woodside” character area which is described as predominantly residential, with a mixture of buildings, materials and styles. Outwood Lane is described as:

“... a collection of attractive stone detached and semi-detached villa houses linked by mature woodland and bounded by a stone wall on its southern side, so retaining a semi-rural character. At the Woodside end this includes the Methodist Church and Sunday School. However the business premises at the junction of Outwood Lane and Low Lane are out of scale, and detract from character of the area.”

Draft Horsforth and Cragg Hill and Woodside Conservation Area Appraisal and Management Plan

- 8.13 A proposal to designate a Conservation Area for Cragg Hill and Woodside was subject to public consultation (May to July 2010). Representations were considered and reported to Executive Board on 13th January 2011 where the recommendation was to designate the Conservation Area. However designation has been delayed by further submissions regarding one site known as Danoptra, which lies at the northern end of the proposed Conservation Area. An item is due to go back to Executive Board on 22nd June 2011 seeking to agree the designation after which the decision would be ratified.
- 8.14 The Conservation Area Appraisal acknowledges that the Conservation Area has a varied building stock resulting from slow, piecemeal development over three centuries. Under the summary of issues (P1) it is noted that a key issue is risk of inappropriate infill development and that new development should take reference from “existing” positive buildings. In the Character Analysis section architectural character is identified as generally simple design, two-storey domestic property and pitched roofs. Page 8 identifies key long distance views including from this site over the valley.
- 8.15 The site lies within character area 3 which has 2 main types of development:
1. Detached Villa Development (inc. two storey eaves height, loose grain built form).
 2. Terrace Rows (inc. two storey eaves height, back of pavement location).
- 8.16 The Character Analysis section (P17) states that key characteristics throughout the Conservation Area include domestic two storey architecture, buildings orientated to face the street, many located on the back of pavements. Key ways to retain character include:
- keep the domestic scale and massing within the area,
 - new build properties to be normally two storeys.
- 8.17 In resisting inappropriate infill P20 states:

“Often the infill does not take into account the scale, massing and proportion of structures in the area....The failure to ensure that these characteristics are upheld can result in developments that will have a detrimental effect on the character and appearance of the Conservation Area.”

9.0 MAIN ISSUES

1. Principle of Development
2. Replacement of existing buildings
3. Design
4. Conservation
5. Highways
6. Landscape
7. Residential Amenity

10.0 APPRAISAL

1. Principle of Development

- 10.1 The previous use of the site was for St Joseph’s Care Home. Although the buildings were demolished last year, it is clear that the landowner has not intended to pursue an alternative use. A letter from the applicant dated 25th November 2009 in relation to the previous application stated:

“...this proposed development seeks to continue an historic community use on the site to the benefit of elderly and frail members of society and their healthcare needs.”

Therefore the use has not been abandoned and remains the lawful use of the site.

- 10.2 St. Joseph’s comprises a brownfield site which lies in the main urban area. It is officers view that the principle of development is acceptable and a replacement care home would allow for the provision of accommodation for elderly residents, with a range of care needs, in modern, purpose built accommodation. As such the principle of the use is considered acceptable.

2. Replacement of existing buildings

- 10.3 A number of residents have objected to the demolition of the original St Joseph’s, in particular the Victorian villas that comprised the oldest parts of the site. At the time of demolition the local planning authority had no control over demolition of non-residential buildings that were not listed, or in a Conservation Area. As part of pre-application discussions, planning officers sought to retain the original Victorian elements (in particular the main building) which the applicant was unwilling to consider. Planning officers had noted that should an application be pursued that proposed the demolition of all the Victorian elements, the resultant proposal should be of sufficient merit to outweigh their loss.

3. Design

Layout/Scale/Massing/Elevations

- 10.4 The overall design ethos/architectural style of this application remains the same as the previous application and only minor amendments have been made. The Design

officer has commented that there is still “some way to go with the design process” and has commented that the design of the eastern end (dementia unit) and gable treatment at the east end of the top floor are abrupt and require modulation. Although the long sweep of the curved block “appears to sit comfortably on this site” he comments that it may be appropriate to also consider further modulation of this element based on conservation issues.

- 10.5 As part of the previous full planning application (ref 09/03666/FU) both planning officers and design officers were concerned that minor revisions to the scheme had not gone far enough and a letter dated 5th November 2009 was sent to the agent requesting changes to the footprint, layout and massing. The applicant confirmed that they did not consider any of these changes necessary, although they were willing to consider amending certain materials. Accordingly officers advised Panel that the extent of the footprint, scale/massing and height resulted in a building that was out of character with the area and surrounding development and hence represented overdevelopment of the site. The application was refused at Panel in line with the officer recommendation 18th June 2010 with reasons for refusal number one stating:

“The proposal comprises a footprint, scale and massing that results in overdevelopment of the site with a building that would have a detrimental impact on the streetscene, out of character with the locality and conflicts with policies N12, N13 and H20A of the adopted Leeds UDP (2006) as well as PPS1 paras 13, 19, 34-36”.

- 10.6 As regards the current application the applicant has sought to overcome this reason for refusal. The applicants describe their amendments as:

- reduction of footprint by 2m overall,
- additional areas for motorcycle, ambulance and secure parking,
- movement of building within site to reduce perceived height and impact on Outwood Lane,
- prominence of the Chapel increased,
- reduction in extent of third floor by 3m at both ends,
- boundary wall lowered and cut back in limited locations,
- flat roof introduced to link main building and dementia unit,
- removal of fin entrance and replacement with glazed element,
- replace metal cladding on front elevation with glazing,
- reduce scale of dementia unit from 3/4 storeys to 2/3,
- dementia unit facing Outwood Lane to be rough hewn stone not ashlar,
- chapel to be dry stone not rough cut stone.

- 10.7 Whilst these minor amendments largely follow the advice given, the Design Officer now comments that there is:

”still some concern around the footprint of the proposal - especially at it’s eastern end where 2-3 storey elements are positioned adjacent to this boundary. The scale and massing at this edge has a poorer response to the simple, positive edge treatments of the buildings in this area. This aspect to the overall scheme (east and west edges) has been a concern throughout discussions on this project.”

Apart from this issue, the remainder of the design concerns identified by the Design Officer are not considered sufficient to refuse the application.

- 10.8 It is planning officers view that in seeking to overcome the previous reason for refusal on overlooking and loss of privacy to 8A Outwood Lane and 1 Oliver Hill additional issues have resulted. The eastern end of the building (Dementia Unit) is overly complex in form, with poor elevational treatment in relation to the rest of the scheme and positive local context (it does not represent integrated design). This is a poor element of townscape and fails to achieve the objectives of adopted Leeds UDP policy N12 and N13 and the objectives of good design in PPS1. As such the footprint, scale, massing and elevational treatment of this specific element are still not considered acceptable,

Materials

- 10.9 The mix of traditional materials with extensive natural stone walling is generally supported although the design officer has objected to certain elements such as the use of render and extent of Ashlar stone on the front elevations. The applicant has indicated an intention to submit amended elevations prior to Panel to resolve this concern. Members will be updated at Panel.

4. Conservation

- 10.10 The design approach to this site was first considered in January 2006 when the applicant was advised to incorporate the Victorian elements. An initial site visit was held on 24th October 2007 followed by further pre-application discussions. At that time it was considered that St. Joseph's was a large site and could accommodate a reasonably large building. An innovative design could be considered as long as it used traditional materials. The previous application was then submitted in 2009 (ref 09/03666/FU).
- 10.11 However there has been material change of circumstances between the original discussion in 2006 and submission of the current application in November 2010, including the consultation process for the Horsforth Cragg Hill and Woodside Conservation Area, within which this would be a major prominent development site. In this context it is considered that the design ethos needs to be revised to take into account the proposed Conservation Area which is now far advanced and close to designation.
- 10.12 The applicant has submitted a Conservation Statement arguing that their proposal remains acceptable if the Conservation Area is designated and that a more fundamental re-assessment is not necessary. However conservation officers and planning officers have considered the scheme in relation to the draft Conservation Appraisal and do not agree with that assessment, considering that the proposal would not preserve or enhance the character and appearance of the Conservation Area as identified in that appraisal. Particular concerns are that the proposal would:
- represent inappropriate infill,
 - conflict with predominant character of domestic two storey scale and massing,
 - hinder long distance views.
- 10.13 It is therefore concluded that the current proposal would not preserve or enhance the character and appearance of the draft Conservation Area and hence would be detrimental to the draft Conservation Area.
- 10.14 The applicant's supporting documentation acknowledges that the draft Conservation Area is a material consideration, which is agreed. In determining this application, Panel must decide what weight to place on conservation issues given that the Conservation Area is not yet statutory. It is planning officers view that although

having less weight than a statutory Conservation Area, it has a reasonable degree of weight given the advanced stage, and as such is an important consideration.

5. Highways

- 10.15 Highways have no objection in principal subject to the resolution of the following matters:
1. During staff changes insufficient off-street parking.
 2. Car parking strategy required.
 3. Layout in TA/Travel Plan and main layout need to match.
 4. Lack of mobility scooter parking.
 5. Unsuitable bin storage facilities and ramps more than 1:20.
 6. Service area too small to accommodate large vehicle manoeuvres.
 7. City car club cars not feasible.
- 10.16 Highways have concluded that sufficient parking has been provided on-site to meet UDP guidelines. Similar developments which have received permission at Panel have had similar levels of parking e.g. Victoria Care Home, 224 Kirkstall Lane Headingley, which had the same ratio of spaces to rooms.
- 10.17 The concerns listed above could be resolved by conditions/S106 and the applicant has indicated an intention to submit a revised layout prior to Panel to resolve the layout concerns. Members will be updated at Panel.
- 10.18 Whilst there are therefore deficiencies in both the current layout and Travel Plan, it is considered that these could be resolved by condition or further negotiation and hence a highways reason for refusal is not warranted.

6. Landscape

- 10.19 The Landscape Officer considers that the provision of greater landscaped space than the previous application and provision of large canopy trees will help filter views of the building. Notwithstanding the large footprint, the proposal preserves the wider landscape setting with potential for a longer term positive management strategy approach. It is planning officers view that landscape officers remaining concerns could be controlled by condition.

7. Residential Amenity

- 10.20 The proposed west elevation is min 15m from properties at Sandywood Court and does not directly face any primary elevation or windows. The boundary is well vegetated and Sandywood Court presents a blank gable (bar one small secondary window at third floor level) towards the St Joseph's site. Nos 30 Sandywood Court has objected to the impact on this kitchen window. It is considered that whilst there will be a material impact on this window, in the context that is at third floor level, 15m away and that the proposed property is to the east, that loss of daylight/sunlight will be minimal and not sufficient to warrant refusal.
- 10.21 The proposed east elevation as part of previous application (09/03666/FU) was only 16m from 8A Outwood Lane and 15m from 1 Oliver Hill. A large three/four storey gable end included a large number of windows at all floors. This would have resulted in overlooking of gardens to those properties and would have been overdominant and overbearing; accordingly the application was refused.

10.22 The current application has been revised so that the east elevation is now 18m from 8A Outwood Lane and 14m from 1 Oliver Hill. The large three/four storey gable end has now been reduced to two/three storeys with substantially reduced number of windows. As such it is concluded that the revisions are sufficient to overcome the overlooking/loss of privacy objection; albeit causing different issues.

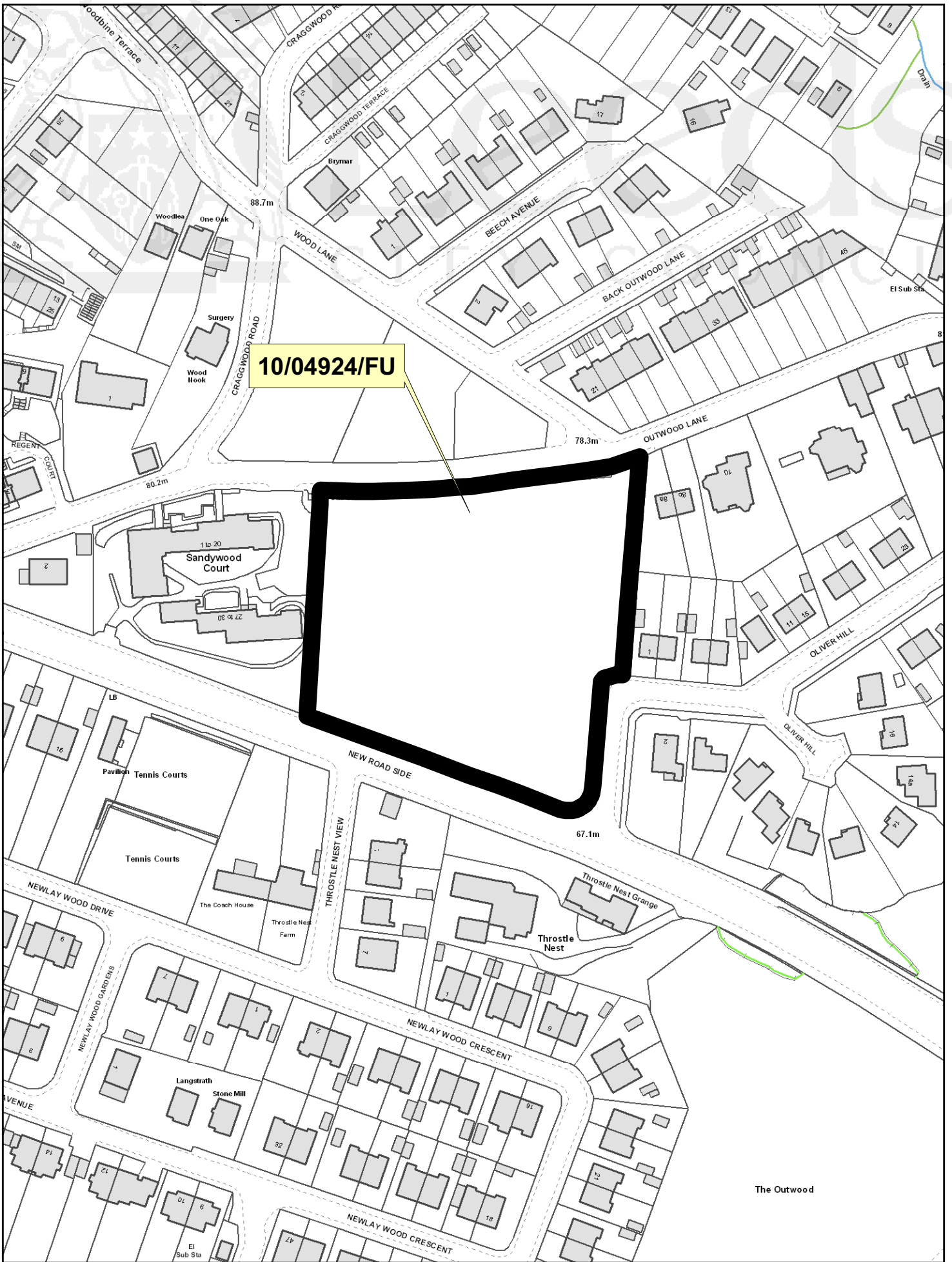
11.0 CONCLUSION

11.1 It is considered that the design ethos of the previous proposal was appropriate at the time of the original pre-application discussions in 2006/7. However, the refusal of the previous planning application, adoption of the Horsforth Design Statement and impending Conservation Area are matters that require a more fundamental re-assessment than provided with this proposal.

11.2 It is considered that although the application proposal does seek to respond to the previous reasons for refusal, that it does not do so adequately and that the design of the dementia unit is inappropriate. The proposal does not preserve or enhance the character and appearance of the draft Horsforth Cragg Hill and Woodside Conservation Area. Accordingly the recommendation is for refusal.

Background Papers:

Previous application file ref 09/03666/FU, Draft Cragg Hill and Woodside Conservation Area Appraisal and adopted SPD Horsforth Design Statement.



WEST PLANS PANEL