



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 26th July, 2012
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar	J Bentley	P Wadsworth	T Leadley
M Coulson		R Wood	
J Hardy			
J Harper (Chair)			
C Gruen			
Towler			
J Walker			

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 DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES - 14 JUNE 2012</p> <p>To receive the minutes of the meeting held on 14 June 2012</p>	1 - 8
7	Horsforth;		<p>APPLICATION 10/04924/FU - FORMER ST JOSEPH'S CONVALESCENT HOME, OUTWOOD LANE, HORSFORTH - APPEAL</p> <p>To consider the attached report of the Chief Planning Officer regarding an appeal against the refusal of full planning permission for a replacement part 2, part 3 and part 4 storey care home, with 34 self contained flats, 39 dementia/respice/nursing care homes, chapel, lounges, dining area, activity rooms and function room, with car parking and landscaping.</p>	9 - 12

Item No	Ward	Item Not Open		Page No
8	Weetwood;		<p>APPLICATION 12/01295/FU - GARAGES TO REAR OF 15 SILK MILL GARDENS, COOKRIDGE, LEEDS</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for the erection of a pair of domestic garages.</p>	13 - 18
9	Headingley;		<p>APPLICATIONS 12/02326/FU AND 12/02465/LI - 87 OTLEY ROAD, HEADINGLEY, LEEDS</p> <p>To consider the attached report of the Chief Planning Officer regarding an application to change the use of shop (Class A1) to letting agency with associated alterations to the listed building.</p>	19 - 26
10	Headingley;		<p>APPLICATION 12/01481/FU - LAND ADJACENT TO 47 ST MICHAEL'S LANE, FORMERLY KNOWN AS 45 ST MICHAEL'S LANE, HEADINGLEY</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for part three, part four storey block of 41 studio flats with ancillary office space, landscaping and car parking.</p>	27 - 38
11	Guiselley and Rawdon;		<p>APPLICATION 12/02118/FU - GABLE HOUSE, 11A NEW ROAD SIDE, RAWDON, LEEDS</p> <p>To consider an application of the Chief Planning Officer regarding the change of use of a house to a dental practice at Gable House.</p>	39 - 44
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday, 16 August 2012 at 1.30 p.m.</p>	

Agenda Item 6

PLANS PANEL (WEST)

THURSDAY, 14TH JUNE, 2012

PRESENT: Councillor Taggart in the Chair

Councillors J Akhtar, M Coulson, J Hardy,
T Leadley, P Wadsworth, C Gruen, Towler,
J Walker, J Bentley, G Latty and N Taggart

12 **Declarations of Interest**

Councillor Hardy declared a personal and prejudicial interest in Agenda Item 8, Cookridge Hospital due to being a patient of the hospital. He withdrew from the meeting during the discussion on this item.

Councillor Wadsworth declared a personal interest in Agenda Item 11, Leeds Bradford International Airport due to previous involvement in consultation.

Councillor J Bentley declared a personal interest in Agenda Item 10, Silk Mill Gardens due to previous involvement with objectors to the application.

Councillor J Akhtar declared a personal interest in Agenda Item 9, Leeds Girls High School due to previous discussions he had been involved in at The North West Inner Area Committee.

13 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Harper and R Wood. Councillors N Taggart and G Latty were in attendance as substitutes.

14 **Minutes**

RESOLVED – That the minutes of the meeting held on 23 May 2012 be confirmed as a correct record.

15 **Application 12/02071/OT - University of Leeds Bodington Hall Otley Road Adel LS16**

The report of the Chief Planning officer introduced an outline application for residential development including means of access and demolition of existing buildings at the University of Leeds, Bodington Hall, Otley Road, Adel.

The application had been brought to the Plans Panel due to the local interest in the scheme and the scale of the proposed development. Members were also informed of further representations that had been made regarding the application.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Access to the site
- Retention of woodland and TPO trees.
- Objections regarding the use of Adel Lane – it was reported that a traffic calming scheme would be provided.
- All section 106 obligations had been met and would be dealt with at reserved matters.
- Negotiations to include a pedestrian crossing by the school.

In response to Members comments and questions, the following issues were discussed:

- Retention of the playing fields on the site.
- There was an intention to mix the affordable housing provision throughout the site.
- Traffic calming – this would reduce the need for improved visibility splays. It was reported that when the previous application was refused, there was a lack of information from the applicant regarding the proposals for the junction with Adel Lane.
- It was indicated that there would be approximately 160 dwellings on site. Transport assessments had been made on a base of 180 dwellings.
- Indicative layout and design – it was reported that the developer wished to maintain access through the site. Further discussion was to be held regarding design of properties.
- Conditions relating to repairs/maintenance of the development and ecological/conservation issues.
- Bus services – possibility of using the a loop road in the development as a turning point.
- There were currently approximately 1,000 bedspaces in the development.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer subject to conditions as outlined in the report.

Councillors G Latty and P Wadsworth requested that their votes against the recommendation on this item be recorded.

- 16 Applications 11/03324/FU, 11/03496/LI, 11/03492/LI and 11/03491/LI - former Cookridge Hospital and grounds Hospital Lane Cookridge LS16**
- The report of the Chief Planning Officer introduced an application for planning permission and listed building consent for the development of 143 houses and 12 flats; restoration of The Lodge to form 1 house; alterations and extensions to the hospital building to form a residential care home comprising 20 apartments and 35 bedspaces (C2) use; alterations and extensions to the

former Ida Wing building to form 56 extra care housing units (C3) use at the former Cookridge Hospital and Grounds, Hospital Lane, Cookridge.

The applications had been brought to Panel due to the history associated with the site and also because of the applicant's request that the Local Planning Authority considered a revised Section 106 package for the Planning Applications. This was previously discussed at the last meeting of Plans Panel West and the proposed Section 106 package was outlined in the report.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- There would be no through route of the site.
- The Ida building would utilise a private drive
- Current car parking spaces would be allocated to residents and visitors of the Ida building.
- Houses on the development would have natural slate roofs and timber framed doors and windows.
- Conversion of the main hospital building to a nursing home.
- Proposed extension to the Ida building.

In response to Members comments and questions, the following issues were discussed:

- Section 106 monies for play provision would be in the vicinity/ward of the development.
- Use of the Arlington building.
- Conditions regarding the use of materials.

RESOLVED – That the applications be deferred and delegated to the Chief Planning Officer subject to conditions specified in the report.

17 Application 12/01236/FU - Leeds Girls High School Headingley Lane LS6 - Position statement

The report of the Chief Planning Officer provided the Panel with a position statement on the outline application including layout, scale and means of access for 53 dwellings and full application for conversion and extension of the main school building and stable block to form 36 dwellings at the former Leeds Girls High School, Headingley Lane, Headingley, Leeds.

Members had attended a site visit prior to the meeting and photographs and plans of the site were displayed.

The Panel was reminded of the planning history at the site and the Inspector's recommendations following a public inquiry. Further issues highlighted in relation to the application included the following:

- Road access on the western side of the site. Tests had been done to show tree roots would not be significantly damaged and that the road could be brought up to an adoptable standard. This could enable the Headingley Lane access to be closed.
- There was still to be further consultation regarding the design code as there was not enough detail at this stage.
- Section 106 agreement for affordable housing – Members had previously indicated a preference towards the purchase of HMOs in the area.
- Reference was made to an additional representation made by Councillor J Illingworth regarding the use of sports pitches and facilities at the site and the related health issues and the health responsibilities of the Council. This had been previously debated in full by Plans Panel and at the Public Inquiry and this argument had been rejected by the Inspector as they had only previously been available for private use.

Members were asked to comment on questions outlined in the report, the following issues were discussed:

- Block 10 – it was felt that this was too close to trees and it was queried whether this would cause damage to trees, particularly if the western access road was brought up to adoptable standards.
- Affordable housing – some felt that this should be provided on site and not be allocated for the re-use of HMOs. Changes to the amount of affordable housing that needed to be provided would affect what could be achieved and it was suggested to discuss this later.
- Boundaries to the site – it was felt that this should be railings and not fencing.
- It was felt that proposals for lodges/gate houses at blocks 17 and 18 should be scaled down and that 6 properties would be too much and would not allow for suitable garden provision.
- Members felt that there was not enough detail on the proposed block 19 and that it may need to be reduced in size. There was also an issue regarding the proximity of trees.

RESOLVED – That the report be noted.

- 18 Application 12/01295/FU - Garages to rear of 19 Silk Mill Gardens LS16**
The report of the Chief Planning Officer introduced an application to erect a detached building forming a pair of garages.

The application had been referred to Panel at the request of a Ward Councillor and due to a significant level of public interest.

Members were shown photographs and plans of the site.

The following issues were highlighted in relation to the application:

- The site was previously part of the garden of 15 Silk Mill Gardens.
- The land adjacent which provided access to the site was owned by Leeds West North West Homes.
- Objections had been received regarding the potential use of the proposed garages.
- Leeds West North West Homes had expressed doubt as to whether access would be given to the plot.

The current owner of 15 Silk Mill Gardens addressed the Panel with objections and concern to the application. The following issues were raised:

- The applicant was the previous owner of 15 Silk Mill Gardens and lived 3 miles away.
- The proposed buildings would be of an industrial size.
- It was proposed for them to be let on a commercial basis and would increase traffic on a residential street where there was currently a lack of parking.
- Concern regarding what the garages would be used for.

In response to Members comments and questions, the following issues were discussed:

- The land was currently unused and unkempt.
- The use of the garages would still be classed as domestic if let to other individuals.
- Issues of access and whether this would be granted. It was suggested that this be clarified before a decision could be taken.
- The applicant already had a container present adjacent to the site.

RESOLVED – That the application be delegated to the Chief Planning Officer to determine whether the applicant would wish to withdraw the application should access be refused.

19 Application 11/03934/COND - Leeds Bradford International Airport

The report of the Chief Planning Officer introduced an application regarding the Forecourt Management Plan (Condition 14 of Planning Approval 08/06944/FU) for Terminal Extension at Leeds Bradford International Airport, Whitehouse Lane, Yeadon.

Members attended a site visit prior to the meeting and site photographs and plans were displayed.

It was reported that the initial application came to Plans Panel in 2008 and had since been to Plans Panel on a further 5 occasions. This application was in respect of the final condition to discharge and the deadline for this was December 2012.

Issues related highlighted in relation to the application and the condition included the following:

- Short stay car parking costs for picking up and drop off at the airport.
- Forecourt arrangements for public transport, contracted private hire vehicles and dropping passengers off.
- LBIA had made no provision for hackney carriages within the forecourt.
- The current private hire contract ran until 2014.
- There was no dedicated route for a proposed drop off point.
- The Voyager Area which was available to all private hire and hackney carriage drivers for an annual fee.
- Signage
- Pedestrian access
- Representations made by local Ward Members
- Shuttle bus facilities

A representative of the hackney carriage trade addressed the meeting with objections to the application. It was felt that the proposals were against local people and providers of public transport and there had not been sufficient consultation regarding the public transport system. He also informed of difficulties for transporting disabled passengers as they had to be dropped a significant distance away from the terminal building. In response to Members questions, it was not felt that the Voyager Area offered a satisfactory solution to hackney carriage operators and was still some distance away from the terminal for disabled passengers.

A representative of LBIA addressed the meeting. He highlighted the following issues:

- LBIA was highly regulated by the Health and Safety Executive, Civil Aviation Authority and Department of Transport.
- There had been over £2 million invested on the terminal forecourt.
- New exit and entrance barriers had been installed to speed up through traffic.
- There had been an 18% increase in bus patronage.
- LBIA had provided subsidies of £230k towards buses.
- LBIA were prepared to subsidise traffic enforcement measures on Whitehouse Lane.

In response to Members comments and questions, the following issues were discussed:

- Location of the 1 hour free waiting area. Members asked if other areas could be used for this.
- Viability of having a free drop off point – charging was part of the economics of the airport.
- Problems and potential danger with passengers being dropped off on Whitehouse Lane.
- Members concluded that the main issue of concern was dropping off of passengers, particularly on Whitehouse Lane.

Members voted against the recommendation in the report and it was suggested that further negotiation take place between officers and LBIA for improved drop off and pick up proposals.

RESOLVED – That the item be deferred for officers to negotiate improved drop off and pick up proposals.

- 20** **Date and Time of Next Meeting**
Thursday, 26 July 2012 at 4.00 p.m.

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Originator: Peter Jorysz

Tel: 0113 2477998

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 26th July 2012

Subject: APPEAL DECISION 10/04924/FU (Former St Joseph's Care Home site):
Appeal against the refusal of full planning permission for a replacement part 2, part 3, and part 4 storey care home, with 34 self contained flats, 39 dementia/respite/nursing care rooms, chapel, lounges, dining area, activity rooms and function room, with car parking and landscaping.

Electoral Wards Affected:

Horsforth

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 decision.

PUBLIC INQUIRY

- 1.1 West Plans Panel refused planning permission for a replacement care home (10/04924/FU) on 27th June 2011.
- 1.2 The first reason for refusal related to the poor design of the dementia block in terms of footprint, scale, massing and elevational treatment, by failing to adequately relate to the rest of the building and its immediate context. The second reason for refusal related to the detrimental impact of the overall proposal on the Cragg Hill and Woodside Conservation Area through overdevelopment of the site in terms of overall design, footprint, scale, massing and height.
- 1.3 The appeal was considered at a Public Inquiry held on 15th-17th May 2012. Evidence was given by Planning, Design and Conservation Officers and the Council's case was presented by John Hunter of Kings Chambers.
- 1.4 The Inspector agreed with the Panel's decision and the Council's case and accordingly dismissed the appeal. No cost application was made by either party who therefore bore their own appeal costs.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The Inspector considered that the main issue was whether the appeal proposal would preserve or enhance the character or appearance of the Conservation Area.

3.0 THE DECISION

Conservation Issues

- 3.1 The Inspector considered that the proposal would cause “clear harm.” He considered that although the area was characterised by buildings of “domestic scale,” that did not rule out buildings larger than domestic scale where they had adequate space around them and were well integrated into their setting (para 8). However in comparing the appeal proposal with adjoining properties he concluded that a 4 storey structure of 1,687 sq m:

“ would appear as a very substantial structure, entirely unrelated in scale to those properties.” (para 10)

- 3.2 Overall the Inspector considered the building “excessive in scale” (para 11-12). He also considered other secondary issues as follows.

Design Issues (Dementia Block)

- 3.3 The Inspector also agreed with the Council’s concerns regarding the design of the dementia block:

“it’s blocky appearance would sit uneasily with the gentle curve of the main building, appearing as a rather awkward addition, unrelated to it’s design” (para 15)

- 3.4 The Inspector concluded that this meant that the overall design would be “very significantly compromised” (para 15).

Highways Issues

- 3.5 The Inspector considered highway concerns raised by residents but concluded at para 27 that the area is well served by public transport and agreed with both parties that a Car Park Management Plan could overcome outstanding concerns. As regards road safety, the Inspector was satisfied that the various measures put forward would adequately address matters arising from additional traffic.

Sustainability Issues

- 3.6 The Inspector recognized the NPPF presumption in favour of sustainable development at para 32 and noted the sustainability benefits of the scheme. However he also noted that sustainability is a wider matter in the context of NPPF and that regard must be had to the whole document, including para 9 which indicates that sustainable development involves seeking positive improvements to the quality of the built, natural and historic environment. In this context he concluded that:

“I do not consider that the Framework establishes any presumption in favour of development that applies in this case, in view of the significant harm I have found.” (para 32).

4.0 CONCLUSION

- 4.1 The Inspector concluded that the appeal proposal would cause clear harm to the Conservation Area and conflict with UDP policies GP5, N12, N13, N19 and H20A, all of which he felt were consistent with the National Planning Policy Framework.

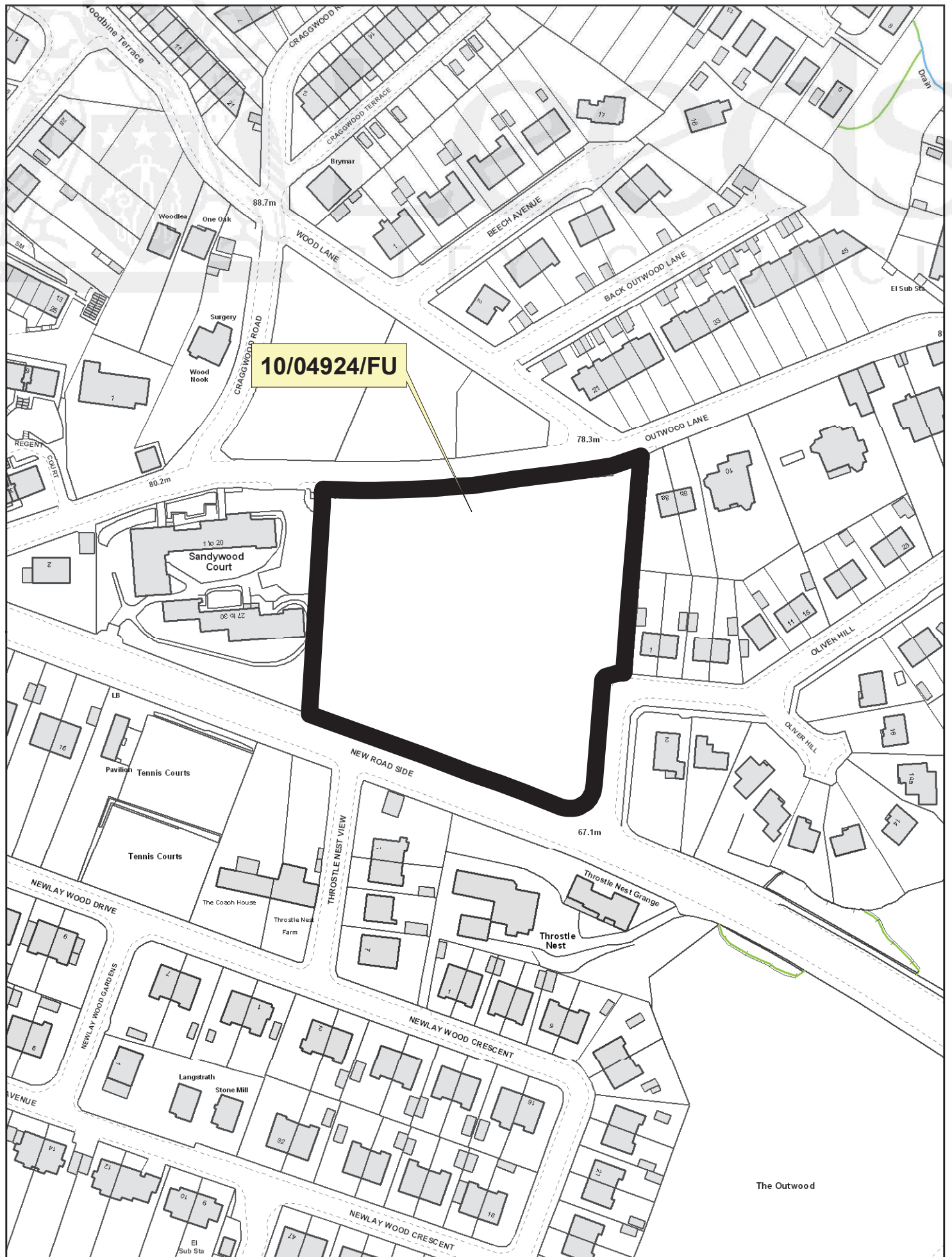
4.2 In recognising that there is no objection to the principle of development, the Inspector also commented that:

“The evidence before me does not show that it would not be possible to bring forward a scheme that would have similar benefits, albeit perhaps at a reduced scale.”

4.3 The decision is one of the first in the Cragg Hill & Woodside Conservation Area and under the new NPPF and is helpful in indicating Inspector’s approaches to both.

Background Papers:

Application and history files.



WEST PLANS PANEL



Originator: Terry Moran

Tel: 0113 3952110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 26th July 2012

Subject: APPLICATION 12/01295/FU – ERECTION OF PAIR OF DOMESTIC GARAGES TO THE REAR OF 15 SILK MILL GARDENS

APPLICANT

Mr P Lawton Harris

DATE VALID

16 July 2012

TARGET DATE

10 Sep 2012

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE IN PRINCIPLE BUT DEFER AND DELEGATE THE DECISION TO THE CHIEF PLANNING OFFICER SUBJECT TO THE EXPIRATION OF THE ADVERTISEMENT PERIOD AND ANY NEW ISSUES BEING RAISED DURING THAT PERIOD.

1. Development to be commenced within 3 years
2. Development to be carried out in accordance with the approved plans.
3. External walling and roofing materials to be approved
4. The garages shall be used for the storage of private motor vehicles only and specifically shall not be used for any commercial purposes.
5. Two single garages only to be constructed in accordance with approved plans
6. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2

Neighbourhoods for Living

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

Informative: The applicant is advised that this planning permission does not confer any right to use the means of access to the garages from Silk Mill Gardens

1.0 INTRODUCTION:

- 1.1 This application is brought back to Panel following a decision by the June Plans Panel to defer the proposal for further consideration. Members were concerned that the applicant did not own or control the means of access to the site and that permission had not been given to access the garages by the owners.
- 1.2 Subsequent to the last Panel, legal advice has been sought from the City Council's Legal Officer. The advice received is that the absence of control over the whole of the site does provide sustainable grounds for refusal. It should be the planning merits of the proposal which form the basis of the decision.
- 1.3 Further clarification has been received from Leeds West North West Homes (owners of the garage court and access from Silk Mill Gardens) which states that they are not prepared to grant right of access across the adjoining site to serve as access to the proposed garages. This is due to concerns about the future use of the garages and also that any increase in levels of parking may result in further restrictions on access to the site for existing tenants.
- 1.4 Leeds West North West Homes has also indicated that there is no formal agreement for the use of the adjacent garage plot for the storage of an industrial size container, as these plots are intended to be used only for domestic garages.
- 1.5 Additionally, the applicant has now submitted a statement to clarify his position. In this statement he states that the proposed garages are for the storage of private motor vehicles only and that he considers that the adjacent landowner does not have the right to deny access to the site. Members are advised that discussions relating to right of access are a matter of civil law and are not a material planning consideration.
- 1.6 Members are advised that the applicant has since submitted a revised redline boundary plan which includes access across the adjoining land. The application has therefore been re-advertised to allow interested parties to comment.

2.0 PROPOSAL:

- 2.1 The application is to erect a detached building forming a pair of garages. The block of garages measures 8.0m wide, 6.2m long and 2.7m high and are of brick and render construction with an asphalt roof.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is situated within a residential estate development of mainly semi-detached dwellings in Cookridge. The site adjoins a backland garage court area to the rear of the dwellings which is reached via a narrow access running between 17 and 19 Silk Mill Gardens. The land is understood to have in the past formed part of the rear garden of 15 Silk Mill Gardens but is now in separate ownership. It is therefore now an isolated plot of land adjoining the garage court and gardens with no frontage to a

road or other public right of way. The adjoining garage court is in the ownership of Leeds North West Homes

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There have been no recent planning applications at this site.
- 4.2 PREAPP/11/00506 – Pre-application enquiry for detached garages to vacant land. Officers advised that the proposal would be likely to be acceptable - 09/06/2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by letter to 10 adjacent properties.
- 6.2 Nine letters of representation including a petition with 11 signatures have been received. These are all objections to the proposal, on the grounds of highway safety, noise, loss of privacy, unacceptable commercial development, potential increase in anti-social behaviour, impact on planting, noise and fumes.
- 6.3 Leeds North West Homes (which owns the adjoining garage court and access from Silk Mill Gardens) has advised that it is not prepared to grant a right of way to the proposed garages and has also expressed concerns over what use they would be put to and the impact on the narrow means of access.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 None, due to nature of the application.

Non-statutory

- 7.2 Highway Authority – No objections. The vehicular access is considered adequate. A condition requiring the garages to be used for domestic purposes only is recommended.
- 7.3 Neighbourhoods and Housing – No objection

8.0 PLANNING POLICIES:

DEVELOPMENT PLAN

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The Development Plan for Leeds currently comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007. The most relevant policies in the adopted Leeds Unitary Development Plan are listed below:

REGIONAL PLANNING POLICIES:

- 8.3 It is not considered that the RSS has any policies of direct relevance to this application.

LOCAL PLANNING POLICIES:

- 8.4 Policy GP5 – seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- 8.5 Policy T2 – Highway safety issues.

RELEVANT SUPPLEMENTARY GUIDANCE:

- 8.6 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:
- Neighbourhoods for Living

NATIONAL PLANNING POLICY:

- 8.7 The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

EMERGING CORE STRATEGY:

- 8.8 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

9.0 MAIN ISSUES:

- 9.1 It is the considered view that the main issues are:
- Design and appearance;
 - Boundary treatments;
 - Highway safety;
 - Use of the garages; and
 - Access.

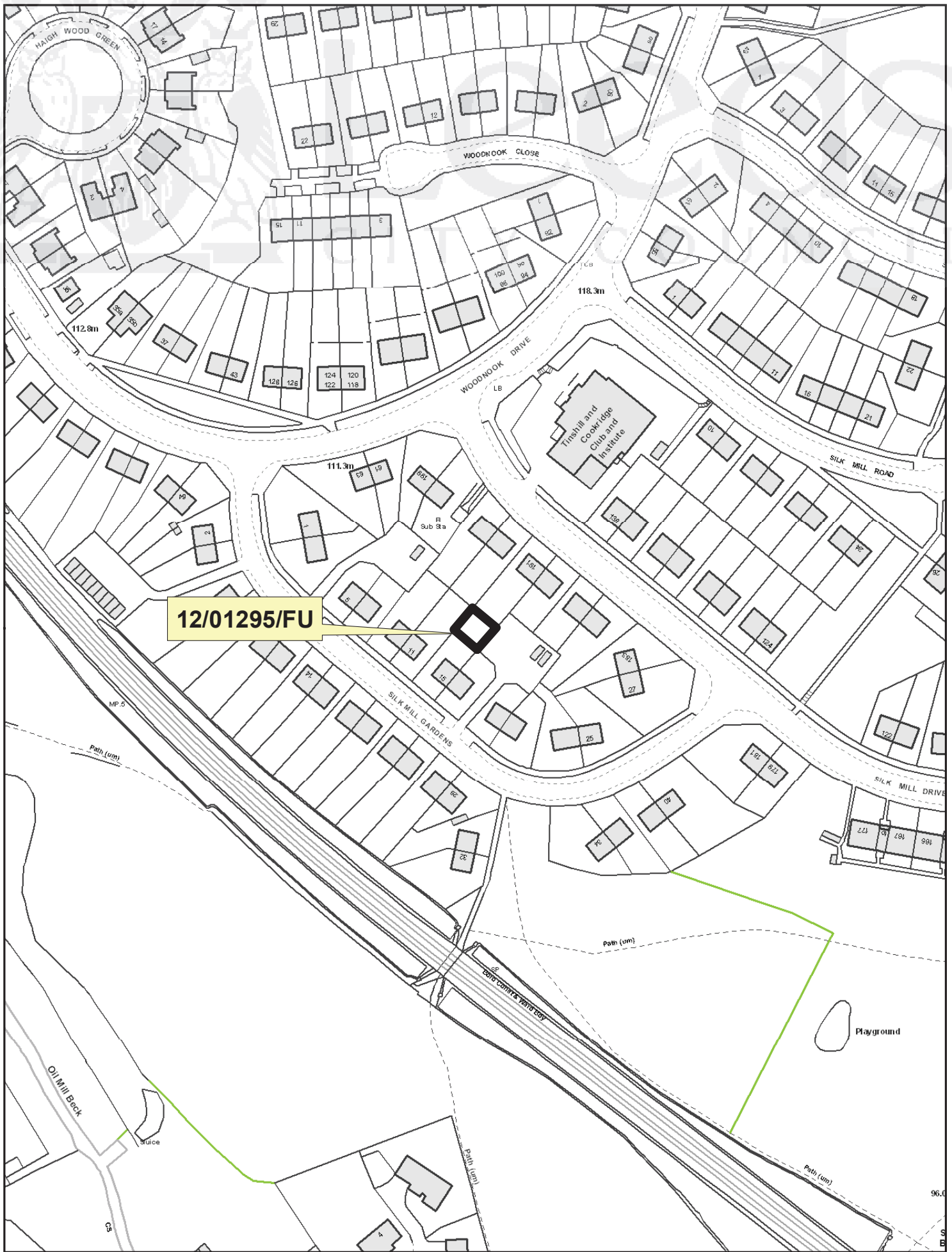
10.0 APPRAISAL:

- 10.1 The proposed garages are of a standard design, featuring brick to the front elevation and brick and render to the other sides. They are very similar to existing garages in the adjacent forecourt area. As such, the design is considered acceptable with no adverse visual impact.
- 10.2 There are no protected trees on the site, but there is a well established hedge and a condition is recommended requiring the retention of existing boundary planting, in the interests of visual amenity.
- 10.3 The site is accessible via a gravelled single track unmade access from Silk Mill Gardens. The Highways Officer raises no objection to the proposal provided that the garages are not used for commercial purposes.
- 10.4 Although next to an existing garage court, Leeds North West Homes advises that no right of access to the application site across this area and the access from Silk Mill Gardens has been granted. It is considered however that this is a private matter and the applicant would be advised via an informative on any decision notice granting planning permission that the permission did not grant or infer any such right of access.
- 10.5 Objections from surrounding residents have been received regarding the potential commercial use of the garages but such usage would require a separate grant of planning permission and a condition preventing such usage is also recommended.
- 11.0 CONCLUSION:**
- 11.1 On balance, the erection of the proposed garages is considered acceptable in planning and highway safety terms. Approval is therefore recommended. Approval does not give a right of access and this would be made clear on the decision notice.

Background Papers:

Application and history files.

Certificate of Ownership.



12/01295/FU

WEST PLANS PANEL





Originator: Terry Moran

Tel: 0113 39 52110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 26th July, 2012

Subject: APPLICATION REFERENCE 12/02326/FU AND LISTED BUILDING CONSENT REFERENCE 12/02465/LI – CHANGE OF USE OF SHOP (USE CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2) WITH ASSOCIATED ALTERATIONS TO THE LISTED BUILDING AT 87 OTLEY ROAD, HEADINGLEY, LEEDS. LS6 3PS

APPLICANT

Right Let Leeds

DATE VALID

23/05/2012

TARGET DATE

18/07/2012

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION and Listed Building consent subject to the following conditions:

Conditions 12/02465/FU:

- 1) Standard 3 year time limit.
- 2) Works in accordance with approved plans.
- 3) Specified opening hours 09:00 to 17:30 Mon-Sat only.
- 4) In recommending the granting of planning permission for this development it is considered all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2006 Review (UDP).

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

Conditions 12/02465/LI:

- 1) Standard 3 year time limit.
- 2) Works in accordance with approved plans.
- 3) On balance, it is considered the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

In granting Listed Building Consent the City Council has taken into account all material matters relating to the building's special architectural or historic interest, including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

N14, N17, N19, BC2, BC7

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

1.0 INTRODUCTION:

- 1.1 This proposal is brought before Members at the request of Councillor Janette Walker and Neil Walshaw due to the high level of local interest in this site, which is directly opposite the Arndale Centre.

2.0 PROPOSAL:

- 2.1 The proposal seeks to convert an existing retail unit into A2 offices for use as a Letting Agent. It incorporates alterations to the shopfront, for which Listed Building consent is also required.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a stone-built mid-terraced commercial property erected in the Victorian era. The property is a Grade II Listed Building.
- 3.2 The site is within a mixed residential and commercial area within the Headingley shopping centre. The site faces onto the busy A660 Otley Road opposite the Headingley Arndale Centre. Within the parade are a vacant shop, hairdressers, solicitor's office, letting agency, sandwich shop wool shop and a hot food takeaway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history on the site is considered relevant:-
- 4.2 12/00362/FU - Change of use of private car park to public pay and display car park at 83a Otley Road. Approved, 25/05/2012.

4.3 **06/03678/FU** - Change of use of derelict shop and outbuildings (listed building) involving extension and alterations to form two retail units, an (A3) unit and two flats with car parking and landscaping at 83a Otley Road - Approved 07/02/2007.

4.4 **06/03681/LI** - Listed building application to carry out alterations and extension to form two retail units, coffee shop (A3) and two flats with car parking and landscaping to derelict shop at 83a Otley Road - Approved, 06/12/2006.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The agent discussed the possible change of use of this site with the Case Officer on an informal basis earlier this year and was advised that the property is not within a Primary Shopping Frontage where UDP policy seeks to preserve a good proportion of A1 shopping uses, that any application for change of use would be considered on its merits.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by Site Notices.

6.2 There have been 9 letters of objection, including from Ward Councillors Janette Walker and Neil Walshaw who have also requested that this application be brought before Members of the Plans Panel.

6.3 Objections relate to the proliferation of A2 uses in the locality and that the proposed use would result in an unacceptable increase in the numbers of such uses.

6.4 Two letters of support have also been received, one from a local resident who considers that the use of the premises as a Letting Agency is preferable to other uses such as Food outlets and the other from a Leeds resident who indicates that the applicant has a good reputation elsewhere in the city.

7.0 CONSULTATION RESPONSES:

7.1 The Highways Authority has commented that the proposal raises no specific road safety concerns.

7.2 Environmental Health Officer – No objection.

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 in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

8.3 The site is not allocated within the Proposals Maps of the adopted UDP. A number of policies in the adopted Leeds UDP Review (2006) are relevant, as follows:

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2: The vitality and viability of the following town centres (which includes Headingley) should be maintained and enhanced. Non-retail development will not normally be permitted where it would reduce significantly the shopping function of a centre. Retail development will be encouraged unless it would undermine the vitality and viability of the centres or adversely affect the range of services and functions within the centres.
- Policy SF9: This refers to residual shopping areas and states that proposals for change of use of any retail premises within a shopping centre not included in a primary shopping frontage will normally be permitted.
- Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.
- Policy BD6 – this refers to the scale and form of extensions.

Supplementary Planning Guidance:

- 8.4 Hyde Park and Headingley Neighbourhood Design Statement – this gives a thorough assessment of the locality and seeks to preserve and enhance the local area. The application site is not referred to in this SPD individually but is within the character assessment within section 9 (Headingley Centre) of the adopted SPD.
- 8.5 Neighbourhoods for Living – this SPD gives detailed design advice and guidance on amenity issues.

National Guidance/Statements:

- 8.6 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 relevant, including;
- National Planning Policy Framework. This sets out the government’s aims for promoting growth and sustainable forms of development.
 - This document refers, in paragraph 23, to the need to be positive and promote competitive town centre environments.
 - This document refers to the importance of heritage assets, stating in paragraph 126 that “*heritage assets are an irreplaceable resource*” which should be conserved “*in a manner appropriate to their significance*” and in paragraph 132 that “*as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*”

9.0 MAIN ISSUES:

- 9.1 It is considered that the main issues in this case are:
- Principle of the Change of Use;
 - Impact on the character of the Listed Building;
 - Car parking.

10.0 APPRAISAL:

Principle of use.

- 10.1 The site is within the defined S2 Centre but is not in a defined shopping frontage. Consequently, any commercial development must be carefully assessed in terms of position and impact on its surroundings. The NPPF states that Local Planning

Authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and vitality. It is considered that the current site, facing the Arndale Centre, is an important one, which is likely to benefit from being occupied on a commercial basis.

10.2 The proposal is for A2, financial and professional services, which would include such uses as banks and insurance brokers and also estate agents or letting agencies. The objections received relate specifically to letting agency use. Although it is true that there are currently a large number of A2 letting agencies in the Headingley area, there are no policies or other material planning grounds on which a refusal of this proposal could be based.

10.3 In this case, the site is not part of a designated shopping frontage meaning that there are insufficient policy grounds to decline the change of use. Consequently, it is considered that the proposed use for A2 purposes is acceptable in principle.

Design:

10.4 The design of the proposed scheme seeks to reflect and respect the existing character and style of the Grade II Listed Building. Careful consideration has been given to the design and the retention of the existing shopfront, which is considered acceptable in this setting with no impact on the existing Grade II Listed Building

Parking:

10.5 The site layout incorporates one parking space. This is considered acceptable given the relatively sustainable location which has excellent public transport links, and complies with the same requirements as the existing A1 use. There is a small public car park adjacent to the application property.

11.0 Conclusion:

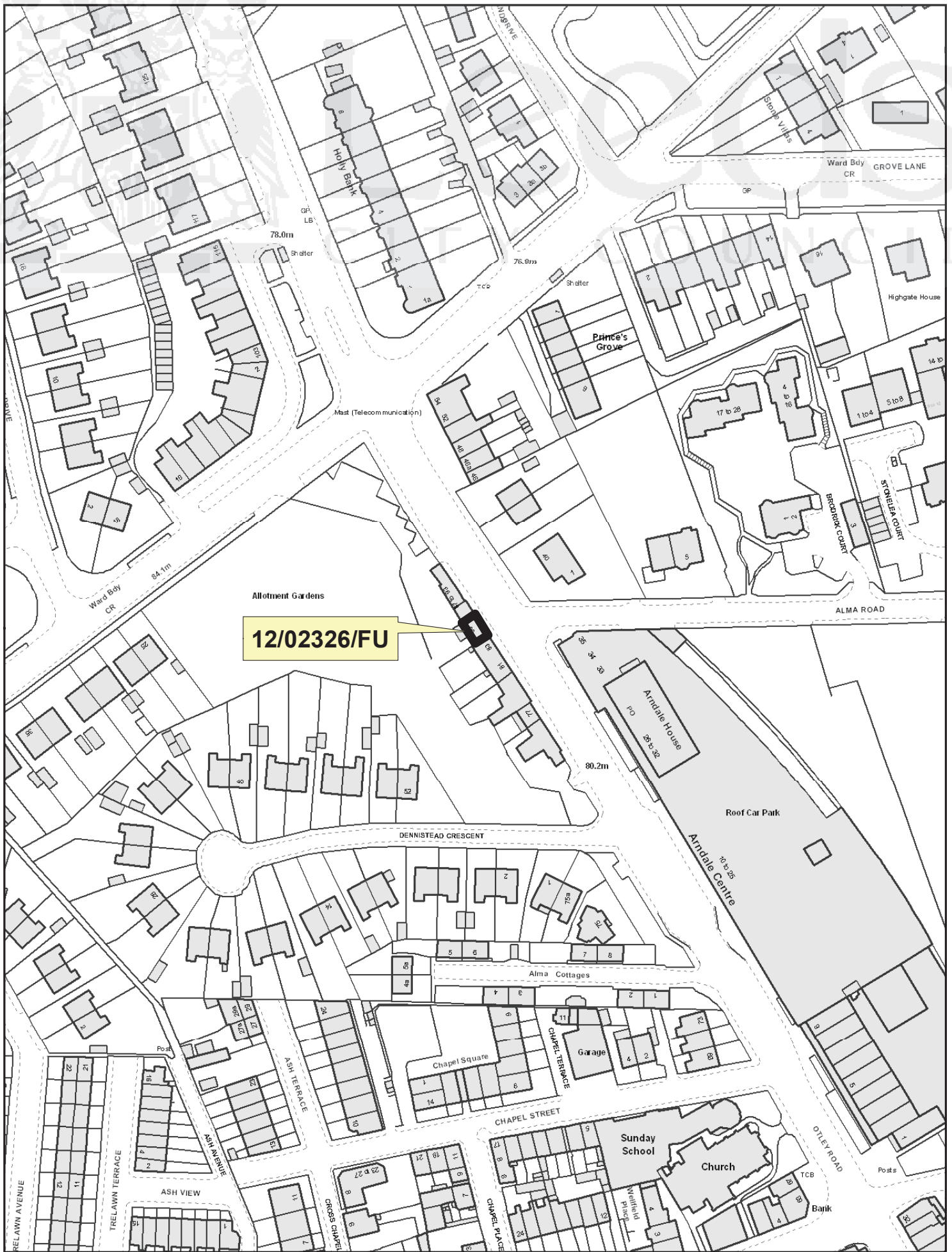
11.1 The proposal to change the use of this vacant property is considered acceptable in principle.

11.2 The proposal will serve to preserve or enhance the character of the Conservation Area and Listed Building. Notwithstanding local concerns about numbers of A2 letting agents in the locality, officers' advice to the Panel is that there is policy basis or other material considerations of weight on which to refuse this application.

11.3 Members are therefore requested to approve these applications subject to the conditions outlined at the head of this report.

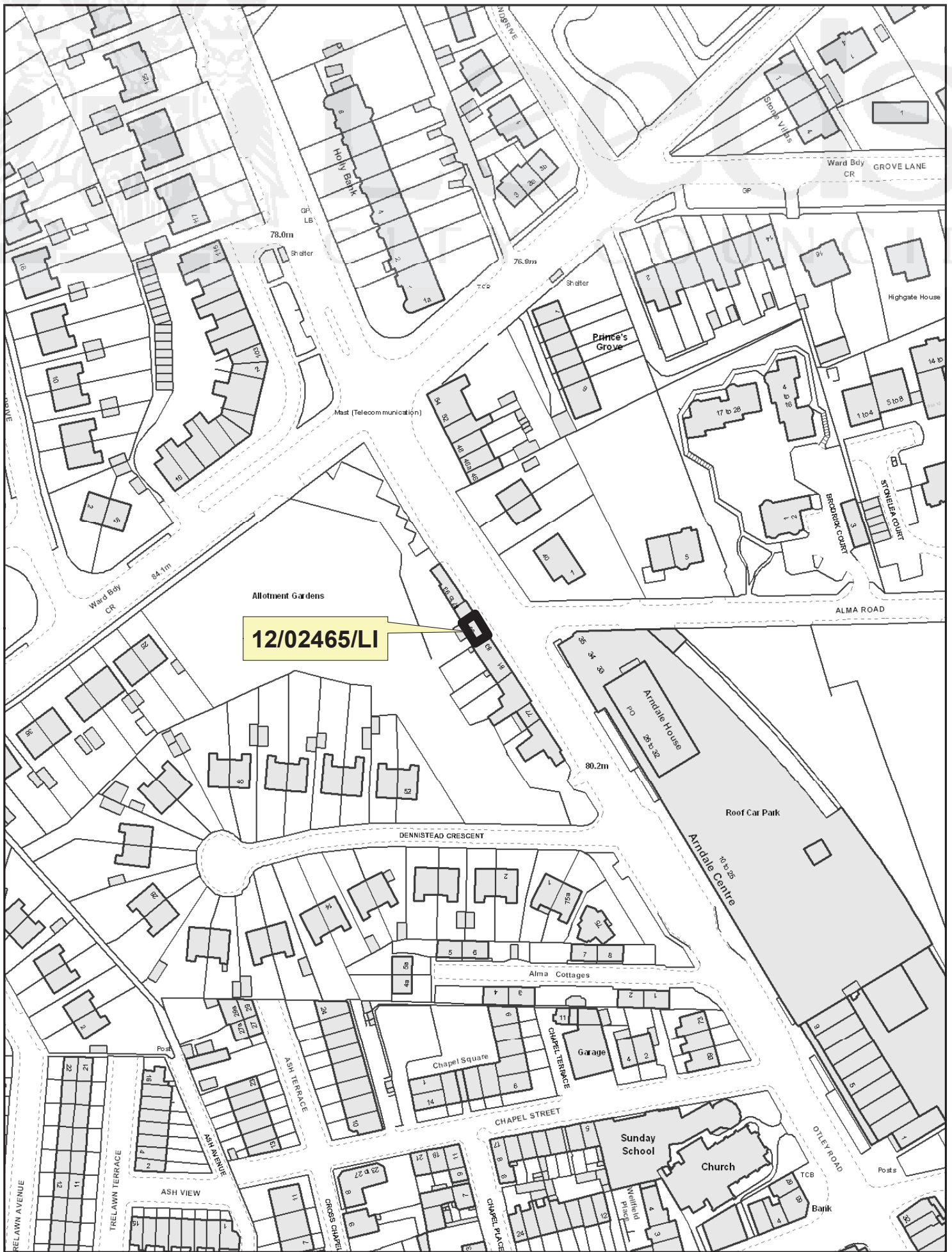
Background Papers:

Application and history files.



12/02326/FU

WEST PLANS PANEL



12/02465/LI

WEST PLANS PANEL

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Report of the Chief Planning Officer

Plans Panel West

Date: 26th July 2012

Subject: APPLICATION NUMBER 12/01481/FU FOR A PART THREE, PART FOUR STOREY BLOCK OF 41 STUDIO FLATS WITH ANCILLARY OFFICE SPACE, LANDSCAPING AND CAR PARKING AT LAND ADJACENT TO 47 ST MICHAELS LANE, HEADINGLEY

APPLICANT
St Michaels Place Ltd

DATE VALID
5th April 2012

TARGET DATE
5th July 2012

<p>Electoral Wards Affected:</p> <p>Headingley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the chief planning officer, to include the following obligations: -

- off-site Greenspace contribution of £24, 756
- bus stop improvement contribution of £10, 000
- £24, 255 contribution to Metrocard provision of residents of the development.

1. Standard 3 year time limit.
2. Details of approved plans
3. Walling and roofing materials to be submitted and approved
4. Details of the balustrade enclosing the roof top garden area to be submitted and constructed as agreed.
5. Submission and implementation of a landscaping plan
6. Landscape maintenance schedule
7. Submission and approval of surface water drainage details
8. Details of bin and cycle/ motor cycle storage to be submitted and approved
9. Areas to be used by vehicles to be laid out, hard surfaced and drained
10. Parking spaces should be unallocated for the lifetime of the development

11. Prior to the first occupation of the development, and unless otherwise agreed in writing, a scheme to restrict parking in front of the access to the site should be submitted and agreed in writing and implemented to an agreed timescale
12. Details of contractors' plant, vehicle and materials storage to be submitted and approved
13. Submission of a Phase 1 Desk Top Study
14. Amendment of remediation statement
15. Submission of verification statements
16. Oriol bay windows to be obscure glazed as shown on the approved plans and retained as such thereafter.
- 17.

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

GP5, N2, N4, N12, N13, BD5, T2, T5, T6, T24, H15
 Neighbourhoods for Living
 Headingley and Hyde Park Neighbourhood Design Statement
 Street Design Guide
 Greenspace relating to new housing development

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

1.0 INTRODUCTION:

- 1.1 This application is brought to West Plans Panel following a request from Ward Councillor Martin Hamilton. He makes the following comments:

'Notwithstanding the appeal decision, I think the proposals are contrary to the emerging core strategy and the national planning framework. I also have concerns about the scale, size and design of the proposals and the impact they will have on neighbouring properties.'

- 1.2 There is a history of approvals on this site Permission was allowed on appeal for a part three and four storey block of 11 student and non-student cluster flats with 47 bedrooms and 14 parking spaces on the 21st August 2007. This permission was extended by the Council on the 18 January 2011 and this permission is valid until 17 January 2014.

2.0 PROPOSAL:

- 2.1 The proposal is for a part three, part four storey block of student studio flats. Also included in the scheme are an ancillary office and roof top terrace garden. The site will be landscaped with car parking to the ground floor.

- 2.2 The design of the building is modern with a flat roof. The building encloses the site with a small courtyard formed in the centre. A small communal grassed area is sited adjacent to Back Broomfield Crescent and there is another external space on top of the central section of the building to provide amenity space for residents.
- 2.3 The building is built from a mixture of materials chosen to reflect the local character with red brick used to the front and rear blocks and render to the central section. The fourth floor is render to front and rear but with a set back from the main elevation. Fenestration is recessed into the brick work with coloured panels to provide interest.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a cleared former commercial site on the eastern side of St Michaels lane opposite Headingley Cricket Ground and adjoining the cricket school. It lies just outside Headingley Conservation Area, the edge of which runs down the rear boundary of the properties on Cardigan Road and includes Broomfield House to the south of the site.
- 3.2 The site has a narrow frontage to St Michaels Lane and runs between that road and Back Broomfield Crescent, an un-adopted and un-surfaced road. Beyond the cricket and rugby stadium, the area is predominantly residential in character. Immediately to the west of the site are post-war semi-detached dwellings but many of the properties to the south of the site are terraced.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 26/578/04/FU – Part two part four storey block of 13 two bedroom and 1 one bedroom flats with ten covered car parking spaces – approved on the 21st July 2005
- 4.2 06/02738/FU – Part three and four storey block of 11 student and non-student cluster flats with 47 bedrooms and 14 parking spaces – refused 14th August 2006.
- 4.2 This application was refused by Plans Panel on 10th August 2006 for the following reasons:
- Scale and density of the proposed development
 - Impact of third floor of proposal on neighbouring amenity
 - Inadequate parking provision
 - Student occupancy would have a detrimental impact on the sustainability of the community
- 4.3 The application was allowed on appeal on the 21st August 2007. The appeal inspector noted that the scheme was similar to the previously approved scheme in design terms but included an additional storey, 20 additional bed spaces and a change from 2 bed flats to cluster flats. He stated that, in his opinion, the proposal met the criteria of H15; the angled windows of the proposal restricted overlooking of neighbouring properties; the outlook of neighbouring properties would not be overly restricted given the previous use of the site and the industrial building on the cricket school site; the design was more attractive than the former commercial buildings and not overly dominant; and that the site was in a sustainable location and, given the flats were likely to be occupied by students, parking provision was adequate.

- 4.4 08/02062/FU – part 3 and 4 storey block of 36 student bedsit flats (amendment to 06/02738/FU) – refused by reason of overdevelopment manifested in a lack of parking provision and amenity space and inadequate bin and cycle storage.
- 4.5 10/00779/EXT – extension of time of planning application 06/02738/FU) – approved 18 January.2011 and valid until 17 January 2014.
- 4.6 11/00708/FU – Three storey block of 39 studio apartments and 2 two bedroom apartments with ground floor office and 6 car parking spaces – refused by reason of poor design, overlooking of neighbouring properties, inadequate parking provision and lack of off-site Greenspace provision.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions were undertaken with the Council following the refused application in 2011 and prior to submission of the current application. The proposal was referred to Design Review and was generally welcomed as being an improvement on the extant scheme 06/02738/FU. Amendments were requested to show brick to the end blocks to link the building visually with residential development in the locality. Details regarding S106 contributions, parking and cycle parking provision were discussed.
- 5.2 Further revisions have since been secured as the building was originally proposed to extend beyond the footprint of the proposal allowed by the appeal inspector. This resulted in bedroom windows closer to the boundary with No's 47-53 St Michaels Lane and was considered to lead to unacceptable levels of the overlooking to those properties. The scheme has now been revised and does not extend beyond the previously approved footprint. 4 units have been lost from the scheme to achieve this revision but the design concept, which received support from the Design Review Panel, has been retained.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 21 letters of representation have been received regarding the application. This includes 19 letters of objection and 2 letters of support.
- 6.2 Letters of objection have been received from 2 ward councillors Cllrs Walshaw and Hamilton, 2 residents' groups and two local pressure groups. The issues raised within these representations are:
- The development is intended solely for students; there are already enough students within the locality
 - There is a lack of family housing locally
 - The development is too dense to fit with local character
 - The building is out of proportion with local properties and will have an overbearing impact on neighbouring properties
 - There is no outside space
 - Inadequate parking provision
 - The development will not be an attractive place to live
 - Impact on neighbouring residents from anti-social behaviour, noise and littering
 - Contrary to the NPPF and core strategy – does not support mixed communities
 - Materials are inappropriate to the local area
 - Overlooks neighbouring properties
 - Impact on residents of noise from stadium
 - No communal space provided on site

- There are a lot of empty student properties in the locality
- The proposal will bring more traffic to the already busy town centre
- The rooms are excessively small
- Rooms have little outlook
- No on-site supervision outside office hours

6.3 The letters of support note that the land has been derelict for some years and that the high quality scheme proposed is welcomed and that the use will complement the education use within Headingley Stadium.

7.0 CONSULTATION RESPONSES:

7.1 Drainage - no objections in principle subject to conditions.

7.2 Yorkshire Water – conditions recommended.

7.3 Contaminated land – further information requested from developer; awaiting response but no objection in principle.

7.4 Highways – no objections. Conditions recommended including one restricting the development to student use only. This condition has not been included as it was not required by the appeal inspector in 2007 who felt that the type of accommodation led to the development being most likely to be occupied by students and young professionals with lower car usage and within a sustainable location. Amendments to the TRO along St Michaels Lane may be required to restrict parking in front of the access to the site.

7.5 Environmental Health – advise contacting the Housing Regulation Team to provide comments in relation to housing legislation and HMO requirements considering the size of the proposed flats.

7.6 Local Plans – Greenspace contribution of £24,756.70 is required.

7.7 Metro – future residents would benefit from a live bus information display at bus stop number 11421 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. Metro supports the provision of Residential MetroCards for this application. The scheme requires the applicant to provide discounted tickets to future residents of the site on a first come first served basis. The cost to the developer for a Bus & Rail Zone 1-3 Travel Card for each resident is £24,255.00 including a 10% administration fee for the scheme.

7.8 Access – concern was raised regarding the use of shared surfaces within the site as these can be difficult for the visually impaired and deaf. It was noted however that there would be a low level of traffic and adequate signage for drivers may be sufficient to deal with this issue.

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

The most relevant policies in the adopted Leeds Unitary Development Plan are listed below.

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity

N2 – establishment of a hierarchy of greenspaces

N4 – provision of greenspace to ensure access for residents of new development

N12 – urban design priorities

N13 – new buildings should be of high quality design and have regard to the character and appearance of their surroundings

BD5 – new development and amenity

T2 – highways issues

T5 – safe and secure access for pedestrians and cyclists should be provided

T6 – satisfactory access to new development for disabled people and people with mobility problems should be provided

T24 – parking provision for new development

H15 – Area of housing mix

Relevant supplementary guidance:

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.

Street Design Guide

Neighbourhoods for Living

Headingley and Hyde Park Neighbourhood Design Statement

Greenspace relating to new housing development

National planning policy

National Planning Policy Framework:

- Paragraph 50 states that planning should aim to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development.
- Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.
- Paragraph 131 refers to the requirement of Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Emerging Core Strategy:

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.

POLICY H6 OF THE draft CS states that development proposals for purpose built student accommodation will be controlled:

- i) *To help extend the supply of student accommodation taking pressure off the need for private housing to be used.*
- ii) *To avoid the loss of existing housing suitable for family accommodation.*
- iii) *To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which could undermine the balance and wellbeing of communities.*
- iv) *To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas.*

As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

9.0 MAIN ISSUES:

- 9.1 The principle of the development
- 9.2 Design and character
- 9.3 Area of Housing Mix
- 9.4 Highways issues
- 9.5 Amenity
- 9.6 S106 package – greenspace previously secured via condition

10.0 APPRAISAL:

The principle of the development

- 10.1 The principle of student residential accommodation on the site has been accepted by the previous appeal decision on the application 06/02738/FU extended by 10/00779/EXT. This permission is for 45 bedspaces arranged in 9 cluster flats and is still valid. There is no condition restricting the occupancy of this development to students only.

Design and character

- 10.2 The proposal consists of a three storey block running the length of the site and abutting the cricket school building with a fourth floor on either end of the building. The top floor to the front of the site will be set back while at the rear, facing Back Broomfield Crescent, the top floor sits flush with the lower floors. This is a broadly similar concept to the 2006 design which was approved on appeal and renewed in 2010. The main difference between the schemes is the addition of a fourth floor to the front of the building.
- 10.3 During the pre-application process the scheme was taken to Design Review where the amendments from the extant scheme were welcomed and the current scheme was considered an improvement in design terms from the previous scheme. It was particularly noted that the additional fourth storey to the front of the building balanced the structure giving a feeling of enclosure to the central courtyard area.

- 10.4 Materials have been amended following Design Review to show brick to the lower floors of the front part of the building and to part of the rear block. It was anticipated that these would give the building a visual link to the residential dwellings in the locality which are predominantly red brick. The building is also considered to be an appropriate scale to bridge the gap between the commercial/ leisure related building of the stadium and cricket school and the adjoining housing.
- 10.5 The design is considered to provide a striking contemporary addition to this part of St Michaels Lane. The design is enhanced by the strong façade of the building which contains detailed design elements including coloured panels, careful use of materials and stepped back elements giving interest to the front of the property. The building relates positively to its neighbours and provides an attractive infill to this derelict and redundant site.
- 10.6 Whilst slightly higher than the adjoining cricket school, the set back of the top floor of the proposal will ensure that the proposal does not dominate the streetscene. It also allows a step down in height from the proposal to the neighbouring residential dwellings so as to allow some space between the buildings and to limit any potential for over-dominance.
- 10.7 To the frontage, the building will follow the curve in the road ensuring views along St Michaels Lane are retained as noted within the Headingley and Hyde Park Neighbourhood Design Statement. The ground floor site office is inset slightly but will retain some active frontage to the building during office hours.

Area of Housing Mix

- 10.8 The site is within the Area of Housing Mix and the development is specifically intended for student occupation. Policy H15 is therefore relevant.
- 10.9 Policy H15 gives a number of criteria where student accommodation would be acceptable. The policy states:

Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:

- I) the stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;*
 - II) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;*
 - III) the scale and character of the proposal would be compatible with the surrounding area;*
 - IV) satisfactory provision would be made for car parking; and*
 - V) the proposal would improve the quality or variety of the stock of student housing.*
- 10.10 The proposal is considered to meet the criteria of the policy although, as stated previously, the appeal inspector has already allowed for the development of this site as student accommodation. The inspector saw no requirement to restrict use to students via condition or legal agreement given the character of the locality and type of accommodation on offer which was most likely to appeal to students.

- 10.11 The Leeds UDP Review recommends a maximum of 1 parking space per 4 student bed spaces. A total of 13 parking spaces, including 1 disabled space, are provided within this scheme. The proposal therefore meets UDP parking guidelines.
- 10.12 A condition is suggested to ensure parking within the site is to remain unallocated to any individual occupant and a direction would also be included with any future planning approval to advise that occupants would not be eligible for parking permits in the surrounding permit controlled zones. As stated earlier, a condition restricting occupancy to students is not considered appropriate and was not recommended by the appeal inspector.
- 10.13 Cycle and bin storage are considered acceptable.

Amenity

- 10.14 Issues of noise and disturbance have been covered under the appeal decision. The inspector stated that the site was in a busy and vibrant location due to the significant student population and the neighbouring sporting venues. The site was previously in a commercial use and these combined uses would have had an impact on the locality in terms of noise and disturbance. He considered that the proposed use would not so significantly increase comings and goings to such an extent that unacceptable disturbance would occur and result in any significant impact on the living conditions of neighbouring residents.
- 10.15 The current scheme does differ in one important matter to the appeal scheme in that it includes a roof top terrace to improve amenity for residents. These may impact on neighbouring amenity through noise and disturbance however the external area is small and relatively enclosed. At 11m from the neighbouring properties and with potential to screen direct overlooking, it is considered unlikely to result in additional disturbance to neighbours. The terrace is also set back from the edge of the building closest to the neighbouring residential properties. To the rear the terrace area backs on to the rooftop of the cricket school. Details of the balustrade to the terrace area will be secured via condition to ensure that it is of sufficient height for safety and to provide some barrier to noise transference. An opaque screen is also suggested in order to prevent overlooking to neighbouring residential properties.
- 10.16 The scheme, by virtue of the terraced garden, communal rooms and ground floor rear external space, is considered to provide sufficient amenity space for residents and an improvement on the amenity space provision within the existing approved scheme.
- 10.17 Overlooking of neighbouring properties was an issue in previous schemes. Windows are approximately 7m from the adjoining boundary with neighbours as per the extant scheme. The distance fails to meet Council guidelines, however overlooking issues have been resolved in the schemes through angled windows. This allows only for oblique views of neighbouring properties whilst allowing residents an outlook. Sufficient natural light will reach the rooms via the window which will have one side of obscure glazed glass and the other of clear glass. This arrangement was considered satisfactory by the Appeal Inspector.
- 10.18 The orientation of the properties will ensure that there is little increased overshadowing of neighbouring properties. Any additional overshadowing will occur in the morning and is considered to have little impact on neighbouring amenity.

S106 package

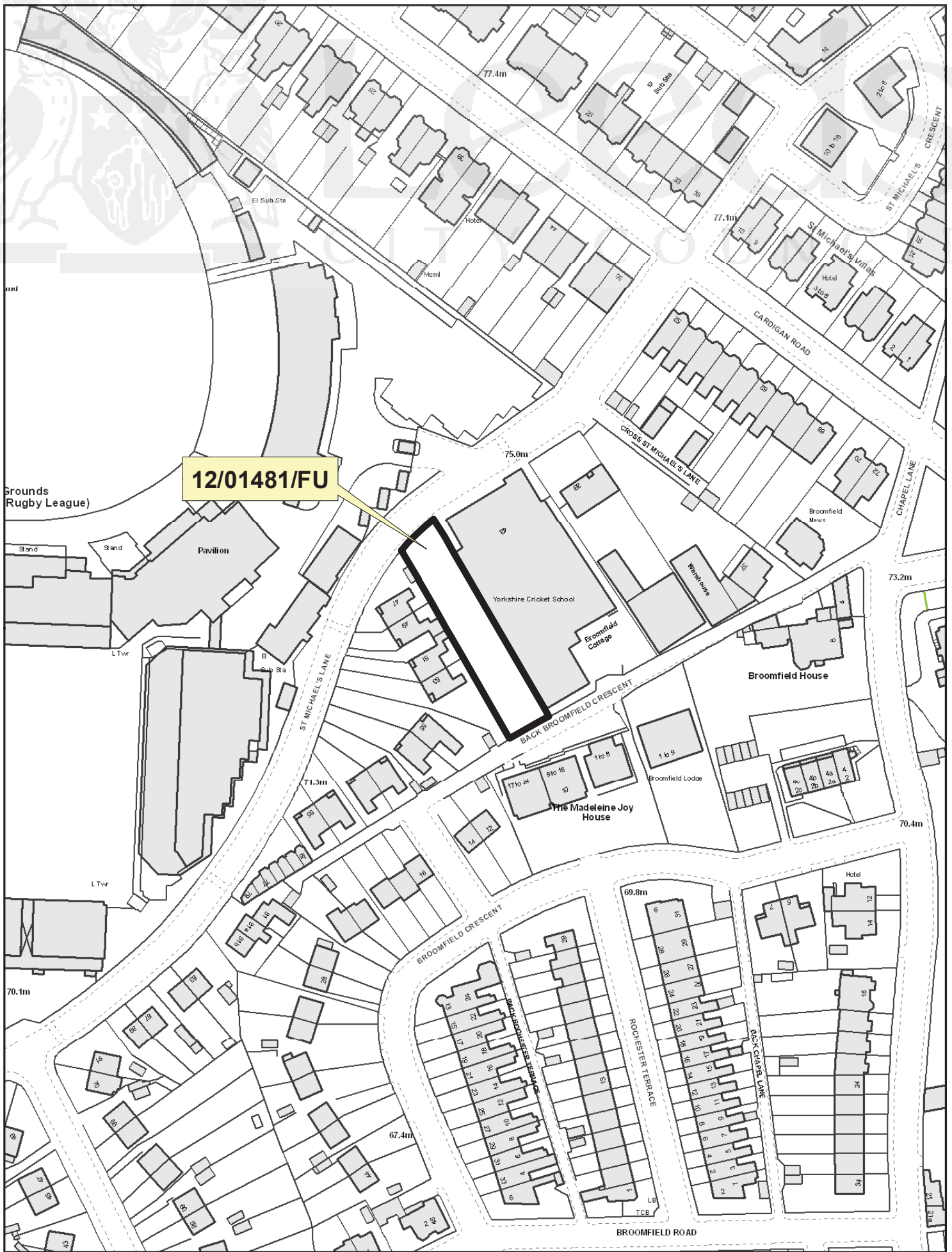
- 10.19 An off-site greenspace contribution of £24,756.70 is required for the development in accordance with adopted SPG and policies N2 and N4 of the UDPR.
- 10.20 As an additional benefit of this scheme a travel plan contribution towards Metrocards and real time timetables has also been agreed which was not part of the extant permission. This will provide £10,000 towards a real time timetable on Cardigan Road and £24,255 towards Metrocards for new residents of the development. This will also be secured within the S106 agreement and has been agreed by the developer.

11.0 CONCLUSION:

- 11.1 The proposed scheme is considered an improvement in design terms on the extant permission for 11 cluster flats. The design responds well to the site and the character of the locality with a use of materials which links the building to the neighbouring residential properties whilst ensuring the building is not dwarfed by neighbouring non-residential uses. The current unattractive state of the site is such that development of this site is welcomed.
- 11.2 The reduced number of rooms and improved amenity space are considered to mitigate for any issues arising from the change to studio flats and it is considered that the scheme would result in little difference to neighbouring amenity over the extant scheme.
- 11.3 An enhanced S106 package of greenspace contribution, Metrocards, and real time timetables improves on the extant permission in which only a greenspace contribution was achieved.

Background Papers:

Application and history files.



12/01481/FU

WEST PLANS PANEL



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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 26th July 2012

Subject: APPLICATION 12/02118/FU - CHANGE OF USE OF HOUSE TO DENTAL PRACTICE AT GABLE HOUSE, 11A NEW ROAD SIDE, RAWDON, LEEDS LS19 6DD.

APPLICANT	DATE VALID	TARGET DATE
Ms P Allen	31 st May 2012	26 th July 2012

<p>Electoral Wards Affected:</p> <p>Guiseley & Rawdon</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
GRANT PERMISSION subject to the following conditions:

1. Time limit three years for implementation
2. Development in accordance with plans
3. details and sample of materials for access ramp
4. making good of existing stone work
5. cycle parking facilities
6. vehicle spaces to be laid out
7. opening hours 08.00 – 18.00 Monday - Friday
8. storage and collection of waste as detailed
9. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

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

1.0 INTRODUCTION:

1.1 This application is brought to Panel at the request of Ward Councillor Graham Latty, who objects to the proposal for reasons related to highway safety.

2.0 PROPOSAL:

2.1 The proposal is a full application for the change of use of a dwelling house to a dental practice.

2.2 The practice presently operates from a site on Leeds Road approximately 200m to the south. The purpose of the application is to enable the practice to relocate from the existing site to larger premises.

3.0 SITE AND SURROUNDINGS:

3.1 The application site consists of a large detached house. The building is a two storey structure of stone and tile construction. The building is largely unaltered from the time of its construction, and probably dates from the early part of the twentieth century. The design of the building is relatively plain, and includes a projecting front gable structure incorporating the front door facing New Road Side.

3.2 The building stands approximately in the middle of the site, and is surrounded by mature gardens. The building is largely screened from view from the street by trees, shrubbery and a 1m high stone boundary wall. Hedgerows form other boundaries.

3.3 To the south of the site there is a doctors surgery and pharmacy, which appears to be of relatively modern construction. This has a large car park to the front. To the north of the site there is the access road for Rawdon Littlemoor Primary School, beyond which there are semi-detached dwellings. To the rear of the property there is a public car park.

4.0 RELEVANT PLANNING HISTORY:

4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposal has been the subject of a pre-application enquiry submitted in April 2012.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notices; one objection has been received from Councillor Latty. Councillor Latty objects on the grounds of:

- Lack of off-street parking.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None, due to nature of the application.

Non-statutory:

HIGHWAYS:

7.2 Secure cycle parking will be available to staff in the garage, a short stay cycle stand would benefit customers, detail should be conditioned;

7.3 Proposed disabled space should be 3.6m x 6m; adequate space is available for bin storage;

7.4 The car park to the rear of the property was built in connection with the pedestrian crossing and associated parking control measures on New Road Side provided for Rawdon Littlemoor School. The car park was provided for local businesses losing out on kerb side parking space and appears to be lightly used outside of school pick up and drop off times. However, the area is saturated with parking for long periods during pick up and drop off times. The proposed staff arrangements are for 1 full time dentist, 1 part time dentist and 2 part time hygienists. The UDP recommends 3 parking spaces per dentist for this type of use, it could be argued that 6 to 9 parking spaces would be appropriate for the proposed use. One staff space and one disabled space will be provided on site, this leaves a shortfall of between 4 and 7 spaces by comparison to UDP guidance. The use of the public car park by customers should be acceptable on this basis, given that spare capacity seems to exist outside of school pick up and drop off times. It would be difficult to demonstrate that the additional parking demand during these times would be significantly different by comparison to existing day to day fluctuations and a highway objection would therefore be difficult to justify.

7.5 The following conditions should be attached: cycle parking facilities notwithstanding approved drawings; vehicle space to be laid out.

NEIGHBOURHOODS AND HOUSING:

7.6 If permission is to be granted it is recommended that the following conditions are imposed:

- The opening hours as proposed by the applicant shall be formalised; and
- The provision of waste storage and collection proposed by the applicant shall be formalised.

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 in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

- GP5 – general planning criteria;
- T2 – highway access;
- T24 – parking guidelines;
- SA8 – access to community facilities;

8.3 National Planning Policy Guidance:

- National Planning Policy Framework

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Amenity; and
- Highways.

10.0 APPRAISAL:

Amenity:

- 10.1 The site lies within the existing built up area of Rawdon and is currently in use as a dwelling house. The surrounding land uses are mixed, and include a doctors surgery, pharmacy, school and dwellings. UDP policy states that existing land uses should generally remain the dominant uses of an area, and changes of use should be permitted only where the proposed uses are compatible with existing uses in the area.
- 10.2 The existing dwelling is somewhat isolated from other residential properties, the nearest dwelling on the same side of New Road Side being approximately 40m to the north. The principal access to Rawdon Littlemoor Primary School, which was opened in April 2005, adjoins the site to the north. As part of the development of the school, a car park for community use containing 20 spaces has been built to a site behind the house. As referred to above, a doctors surgery and pharmacy, with a car park of approximately the same size as the community car park adjoins to the south. As a consequence of this more recent development surrounding the property, the amenity enjoyed by the house is limited by the busy nature of the environs.
- 10.3 The proposed use, however, would be more suited to this type of environment, and would not cause any loss of amenity for surrounding occupiers and existing uses in the area. The proposal would provide an important community facility in an accessible location. The use would be similar in nature to the surgery adjacent. It is considered that the proposal would have a minimal impact upon amenity.
- 10.4 The applicant presently has private contracts for the collection of non-clinical and clinical waste, which would be continued. The existing garage has suitable capacity for storage of separate bins.
- 10.5 The building would lend itself to conversion with minimum interventions. External alterations would be limited to the addition of an access ramp to the front entrance. The impact upon the street scene would be small as the property is relatively well screened from the street frontage by existing trees and boundary treatments. The proposed end user would no doubt require signage to advertise their presence, however this could be accommodated within the site. This would be likely to be the subject of a separate application for Advertisement Consent.

Highways:

- 10.6 Under UDPR policy the proposal would require a maximum of 6-9 off-street parking spaces. The site includes parking for approximately two vehicles, meaning there would be a significant shortfall. The community car park to the rear of the site was

built in order to re-provide parking for local business losing out on on-street parking as a result of the development of the Littlemoor School site. This is heavily used during school pick up and drop off times, but is much less busy at other times. At the time of the officer site visit in the middle of the working day, only five spaces were occupied.

10.7 The car park therefore appears to have spare capacity for periods of the day, outside of peak times. Additionally some on-street parking is available on New Road Side away from the school entrance.

10.8 On balance therefore it is not considered that an objection to the proposal on highways grounds would be justified.

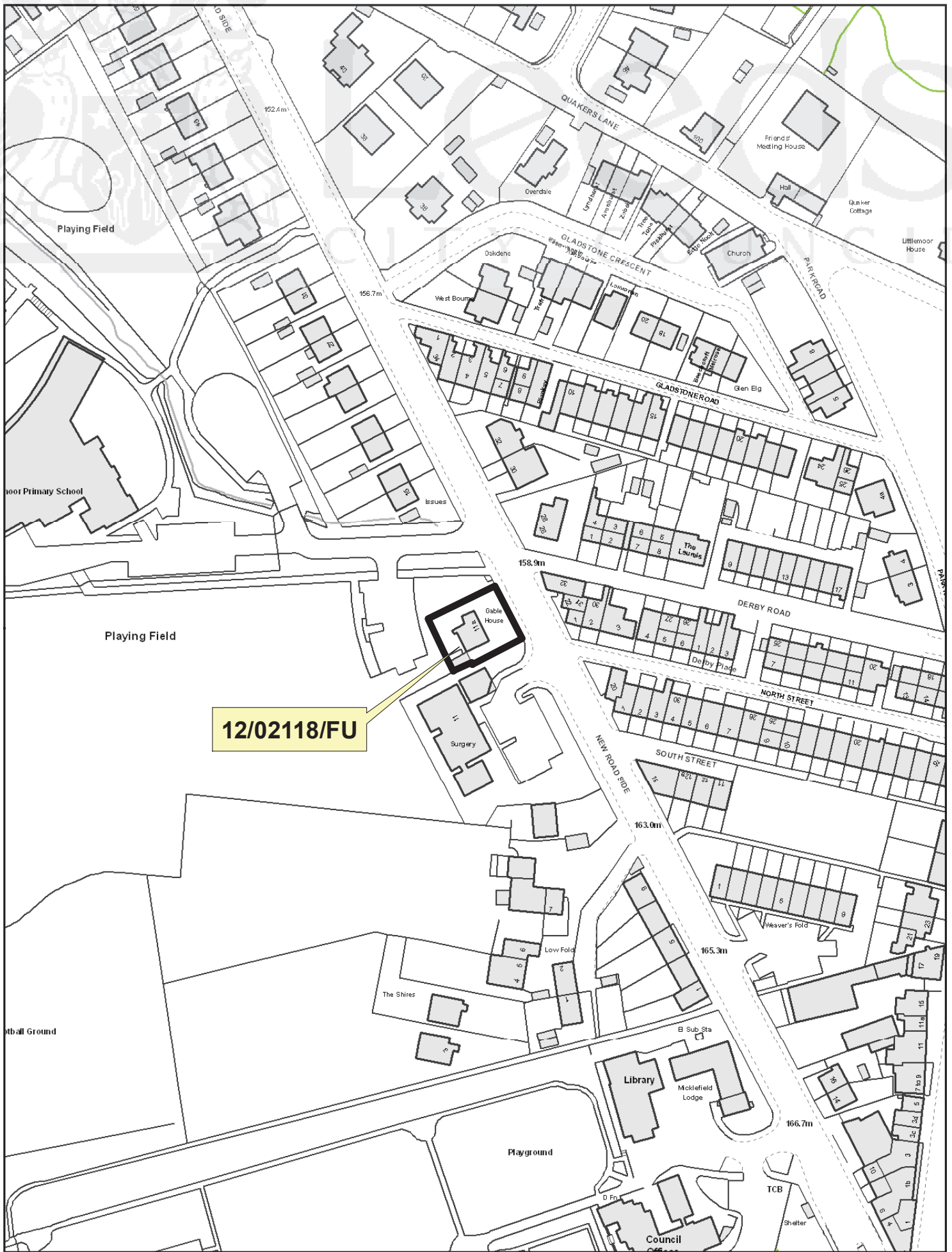
11.0 CONCLUSION:

11.1 Overall it is considered that the proposal would not cause material harm to any interests of acknowledged importance, and the proposal is recommended for approval.

Background Papers:

Application file.

Certificate of Ownership.



12/02118/FU

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