



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 21st February, 2013
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
(Chair)
R Grahame
M Harland
C Macniven
A McKenna
E Taylor
B Selby

C Campbell

J Procter
G Wilkinson

Whip's nominee

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 247 4754**

AGENDA

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <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 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 Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
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 the following 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, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
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>	
6			<p>MINUTES</p> <p>To approve the minutes of the North and East Plans Panel meeting held on 20th December 2012</p> <p>(minutes attached)</p>	3 - 6
7	Alwoodley		<p>APPLICATION 12/03250/FU - THE LINGFIELD - LINGFIELD DRIVE MOORTOWN LS17</p> <p>To consider a report of the Chief Planning Officer on an application for Change of Use of vacant public house to community and welfare centre, with ancillary accommodation and additional car parking</p> <p>(report attached)</p>	7 - 26

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8	Kippax and Methley		<p>APPLICATIONS 12/03915/FU AND 12/03916/LI - ROYAL OAK CROSS HILLS KIPPAX LS25</p> <p>To consider a report of the Chief Planning Officer on applications for Change of Use involving alterations and single storey side extension of vacant public house to form seven flats and erection of detached retail unit with flat above and associated Listed Building application</p> <p>(report attached)</p>	27 - 38
9	Roundhay		<p>APPLICATION 12/04634/FU - 30 UPLAND ROAD LS8</p> <p>To consider a report of the Chief Planning Officer on an application for single storey detached outbuilding forming ancillary living accommodation to rear</p> <p>(report attached)</p>	39 - 48
10	Roundhay		<p>APPLICATION 12/05169/FU - 10 MONTAGU VIEW LS8</p> <p>To consider a report of the Chief Planning Officer on an application for part single storey and part two storey side extension with Juliet balcony to rear</p> <p>(report attached)</p>	49 - 58
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 21st March 2013 at 1.30pm in the Civic Hall, Leeds</p>	

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To all Members of North and East
Plans Panel

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

Contact: Angela M Bloor
Tel: 0113 247 4754
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Your reference:
Our reference: n&e pp site visits
Date 13th March 2013

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – 21ST FEBRUARY 2013

Prior to the meeting of the North and East Plans Panel on Thursday 21st February 2013, the following site visits will take place:

10.20am		Depart Civic Hall
10.45am	Kippax and Methley	Royal Oak Cross Hills Kippax – Planning and Listed Building application for Change of Use involving alterations and single storey side extension of vacant public house to form 7 flats and erection of detached retail unit with flat above – Applications 12/03925/FU and 12/03916/LI
11.20am	Alwoodley	The Lingfield – Lingfield Drive Moortown LS17 – Change of Use of vacant public house to community and welfare centre with ancillary accommodation and additional car parking – Application 12/03250/FU
11.45am	Roundhay	10 Montagu View LS8 – Part single storey and part two storey side extension with Juliet balcony to rear – Application 12/05169/FU
12.05pm	Roundhay	30 Upland Road LS8 – Single storey detached outbuilding forming ancillary living accommodation to rear – Application 12/04634/FU
12.30pm Approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.20am**.
Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet
in the Ante Chamber at **10.15am**.

Yours sincerely

Angela M Bloor
Governance Officer



Agenda Item 6

NORTH AND EAST PLANS PANEL

THURSDAY, 20TH DECEMBER, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, M Harland,
C Macniven, A McKenna, J Procter,
E Taylor, G Wilkinson and B Selby

30 Late Items

There were no late items

31 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

32 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of disclosable pecuniary interests or other interests

For the record, Councillor Selby stated that although he lived in the next street to Primley Park Crescent – Application 12/04103/FU – 29 Primley Park Crescent – he did not know the applicant or any of the objectors other than Councillor Harrand (minute 35 refers)

33 Apologies for Absence

Apologies for absence were received from Councillor R Grahame who was substituted for by Councillor J Harper

34 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 29th November 2012 be approved

35 Application 12/04103/FU - New first and second floor dormers to existing bungalow to form house; porch to front and new ground floor window to each side; two storey extension and conservatories to rear front boundary wall and gates - 29 Primley Park Crescent Alwoodley LS17

Draft minutes to be approved at the Meeting held on 21st February 2013

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel's Lead Officer presented the report which sought permission for extensions to form a new house at 29 Primley Park Crescent Alwoodley LS17

The design characteristics of the surrounding area were outlined with Members being informed that it was not unusual for there to be a mix of bungalows and two storey properties adjacent to each other

An in/out driveway was proposed which was considered to be acceptable. As the plot was a generous one, two conservatories would be sited at the rear of the property, whilst still leaving an appropriate area of garden land

Officers were of the view there were good levels of separation between the property and its neighbour; that the spatial setting of the proposals was acceptable and that a generous garden would be retained and recommended approval of the application, with an additional condition in respect of the boundary enclosure to the eastern side of the property

Panel was informed that a revised plan had been submitted and had been sent to Councillor Harrand. In response to a question from Panel, it was stated that Councillor Harrand had not made further representations in respect of this revised plan

Members discussed the application and sought clarification about the size of the second storey dormer windows, with the Panel's Lead Officer stating these were slightly smaller than those on the adjacent property

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring the submission of details of the boundary enclosure to the eastern side of the site

36 Application 12/04456/FU - Two storey side, front and rear extension including dormer window with Juliet balcony to the side, raised terrace with balustrading above to front and new bay window to other side - Dene Cottage Linton Lane Linton Wetherby LS22

Plans, photographs and drawings showing the current application and previous consented schemes were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel's Lead Officer presented the report which sought retrospective permission for extensions to Dene Cottage, Linton Lane, Wetherby, which was situated in a Conservation Area

Members were informed that a peculiarity of the site was that the rear of Dene Cottage was the front of the adjacent house, The Willows, and that this was an important consideration in understanding the application

Members noted that unauthorised works had been carried out on the property and initially the applicant had not ceased work but had now done so

A particular issue was the impact the extensions, which were at an advanced stage, had on the amenity of the residents of The Willows

Whilst the extension to the front of the house which had been constructed was similar in scale and form to what had been granted planning

permission in 2004 and 2009, there were elevational differences. It was set out that it could be contended that the extension to the rear did not comply with the Householder Design Guide in respect of how the impact of an extension, on the amenity of neighbours was assessed. Members were informed that in respect of this, although the proposals contravened the letter of the Code, Officers were of the view that due to a number of other factors, this was a balanced decision and were recommending approval of the application. It was noted that the Conservation Officer's view differed from that of Planning Officers

The receipt of 15 further letters of support were reported

The Panel heard representations from an objector who attended the meeting

Panel then discussed the application and commented on the following matters:

- the rear boundary treatment which would help screen the extension from The Willows and that although a condition had been placed on the retention of this in the 2009 application, this had not been included in the current scheme
- that the 2009 scheme was more suitable as it was subservient to the host property, unlike what had been constructed on site
- that whilst Planning Officers might express a view to an applicant on a planning application this could only be an initial view as the planning process provided the opportunity for public consultation on the proposals, including representations both in support and against an application
- concerns about the rear extensions and its impact on The Willows

The Panel's Lead Officer stated that whilst the Head of Planning Services had been asked by the applicant to give an initial view on the proposals and had done so, without prejudice to the determination of any planning application that might be submitted, the applicant had been somewhat premature and had commenced the works

Members considered how to proceed

RESOLVED - That determination of the application be deferred to enable further negotiations regarding the projection of the extension with a view to making this more subservient to the host dwelling and to reduce the impact on the neighbouring dwelling and that a further report be presented to Panel in due course, for determination of the application

37 Applications 11/00975/UTW1 and 12/00501/FU - 10 Elmete Avenue Scholes LS15 - appeal summary in respect of enforcement case and planning application

Further to minute 212 of the Plans Panel East meeting held on 17th May 2012, where Panel resolved to refuse an application for the variation of condition 2 (approved plans) of approval 09/03138/FU, for minor material amendment relating to three 4 bedroom detached houses with integral garage to rear garden, Members considered a report of the Chief Planning Officer on appeal decisions in respect of this refusal and of an enforcement appeal

The Panel's Lead Officer presented the report and stated that the applicant had been successful in appealing the decision to refuse planning permission but had lost the enforcement appeal. The Inspector required plot 3, which had not been built in accordance with the approved plan, to be demolished within three months and that to address this, the applicant would now implement the planning permission granted on appeal, within three months. Members were informed that issues still remained regarding boundary treatments and drainage and that these were being dealt with

Concerns were raised that no reference had been made to why the planning appeal had been granted, i.e. through an administrative error within Planning Services which resulted in the timescale for submission of evidence being missed, as set out in the submitted report and that no apology had been offered to Panel or to the local residents who were affected by this situation

The Panel's Lead Officer stated that a meeting had been arranged with local residents and objectors for January and that steps had been taken to ensure this situation could not be repeated

Members noted the steps which had been taken and suggested that a report be submitted to the Joint Officer/Working Group, if considered appropriate, which set out the measures which had been put in place to prevent this situation from occurring in the future

RESOLVED - To note the appeal decisions and the comments now made

38 Date and Time of Next Meeting

Thursday 24th January 2013 at 1.30pm in the Civic Hall, Leeds

39 Chair's closing remarks

The Chair wished everyone a Merry Christmas and Happy 2013



Originator: Jillian Rann

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 21st February 2013

Subject: Application 12/03250/FU – Change of use of vacant public house to community and welfare centre with ancillary accommodation and additional car parking at The Lingfield, Lingfield Drive, Moortown, LS17 7EL

APPLICANT

UKIM Leeds

DATE VALID

8th August 2012

TARGET DATE

3rd October 2012

Electoral Wards Affected: Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Time limit for commencement of development
2. Approved plans.
3. Opening hours restricted to 8.30am – 10.30pm, except during the month of Ramadan, when opening hours shall be restricted to 8.30am – 12.00 midnight.
4. At those times when building is to be used after 10.30pm its use shall be subject to a management plan including: restriction of visitor numbers to no more than 65, use restricted solely to prayer room, measures to encourage visitors to leave the site promptly and quietly once prayers have ended. Management plan to be submitted and approved prior to commencement of use.
5. Delivery hours restricted to 7.30am-6.30pm.
6. No music or amplified sound to be projected to outside areas, and no use of public address systems within the building.
7. Outdoor paved area to west of building's main entrance not to be used for any activities associated with the centre outside the hours of 8.30am – 7.00pm.
8. Lighting only to be installed in accordance with details submitted as part of application, and to be positioned and screened to prevent light spillage and glare to

- neighbouring properties. Details to be submitted and approved if any further lighting is to be installed.
9. Sound insulation scheme for building.
 10. Details of any extraction, ventilation or air conditioning equipment to be submitted and approved, including any equipment to remove cooking odours from kitchen area.
 11. Close-boarded timber fence to be installed along northern and eastern site boundaries prior to commencement of use and retained as such thereafter. Notwithstanding submitted details, fence to be 2m high.
 12. Details of signage encouraging visitors to leave premises and site quietly.
 13. Bin storage and provision, including litter bins.
 14. No marquees or temporary buildings (including facilities such as bouncy castles) to be placed within the grounds at any time and no benches in areas more than 5m from the building.
 15. Building not to be used for weddings or other functions.
 16. Parking spaces to be marked out prior to commencement of use and retained as such thereafter.
 17. Details of cycle parking, and provision of cycle parking prior to commencement of use.
 18. Centre to be laid out internally in complete accordance with submitted floor plans (quoting plan reference numbers), and internal areas shall only thereafter be used for the purposes stated on these approved plans.
 19. Details of access ramp and steps, including width, gradient, design of ramp and design, materials and colour of handrails.
 20. Landscaping – detailed proposals, specifications, implementation programme and timescales, management and maintenance for 5 years.
 21. Scheme for community use.

Informatives

Need to ensure compliance with Building Regulations, Fire Regulations, Health and Safety etc.

Reasons for approval

The application is considered to comply with policies GP5, SA7, N25, T2, T5, T6, T24, BD6 and LD1 of the Leeds Unitary Development Plan Review, as well as guidance contained within the National Planning Policy Framework and Circular 11/95: The use of Conditions in Planning Permissions. Having regard to these policies and guidance and all other material planning considerations, including those raised by Ward Members and local residents making representations on the proposals, it is considered on balance that the proposals are acceptable.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillors Buckley, Cohen and Harrand on the grounds of concerns regarding parking, the hours of use of the building, and public/community access to the building. The Ward Members have also requested a site visit by Plans Panel Members.
- 1.2 Permission is sought by the applicants, the UK Islamic Mission, for the change of use of a vacant former public house on Lingfield Drive in Moortown into a community and welfare centre.

2.0 PROPOSAL:

- 2.1 Full permission is sought for the change of use of a former public house, The Lingfield, which has been vacant for several years, into a community and welfare centre. No external alterations are proposed to the building itself, although some changes are proposed to the areas around the building to provide car parking for the centre and provide landscaping and screening around the site boundaries. Some external security lighting is proposed to be attached to the building, but no freestanding lighting is proposed within the car parking areas.
- 2.2 At ground floor level, the centre is proposed to include a prayer room, incorporating a folding partition allowing its subdivision into two separate rooms, a multi-purpose community room, and a gym with a changing room and showers, together with toilet and kitchen facilities. To the first floor, the building would house a library, IT suite and training room/office, as well as a 2 bedroom caretaker's apartment.
- 2.3 Details submitted with the application advise that the centre is proposed to be used for a variety of purposes, including:
- Prayer/religious groups
 - Elderly day care facilities, youth groups, women's groups.
 - Community meeting rooms
 - Counselling facilities
 - Access to job search and IT facilities
 - Educational uses
 - Gym
- 2.4 In terms of the operation of the building, the submitted details advise that the community/meeting rooms would be lettable on a one-off or regular basis, with a discount offered to groups based within the LS17 area, that the centre would provide free wi-fi as well as the IT facilities proposed. The details state that the gym would be available for anyone to use on a drop-in basis, with separate men's/women's days, but that the opening schedule of the gym would depend on staff and volunteer availability.
- 2.5 The proposed opening hours of the centre are 8.30am to 11.00pm, 7 days a week, with the peak times expected to be after school hours and into the evening. However, the applicants have confirmed that at certain times during Ramadan the prayer hall could be in use until up to 12 midnight. On the basis of the submitted plans of the building, it is estimated that the maximum capacity of the areas of the building open to visitors would be around 250 people, although the submitted details advise that the centre would be managed to prevent the use of the building by than two large groups at the same time, and that the maximum number of people likely to be present at any one time is around 160. At those times when the centre would be open later, during Ramadan, only the prayer room is proposed to be in use, thereby limiting visitor numbers to around 70 at these times.
- 2.6 In terms of access and parking for the centre, it is proposed to retain the two existing vehicular access points into the site – one from Lingfield Drive to the south and one from Lingfield Hill to the west – and to provide 73 parking spaces within the site, including 5 disabled parking spaces. 12 covered cycle parking spaces are also proposed to the south of the building. A separate pedestrian access point from Lingfield Hill is also to be retained.

- 2.7 The main entrance to the building would be in the western elevation, where a new access ramp is proposed to provide level access for visitors. Improvements are also proposed to the external steps between this entrance and the parking area to the north in line with relevant guidance relating to access for disabled people.
- 2.8 New 1.8m high close-boarded timber fencing and a border of new tree and shrub planting are proposed along the northern and western boundaries of the site, between the parking areas and neighbouring houses/gardens and the area of greenspace to the north east. The southern and western site frontages along Lingfield Drive and Lingfield Hill are to be enclosed by brick walls with railings for which permission was granted in January 2012, and which are currently under construction. These boundary treatments replace an unauthorised palisade fence erected without planning permission, the southern and western sections of which were the subject of enforcement action and have now predominantly been removed. The remaining eastern and northern parts of the fence, being lower than 2m in height and not adjacent to a highway, are permitted development and therefore were not the subject of the enforcement action, but are to be replaced by the proposed timber fence referred to above.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Lingfield public house, a large brick building located at the junction of Lingfield Drive and Lingfield Hill in Moortown. The building itself is located in the central part of the site, and surrounded by areas of hardstanding which formerly served as the car parking areas for the pub. The building has been vacant for a number of years, and is boarded up at present.
- 3.2 The site was formerly enclosed by low brick walls along its frontages with Lingfield Drive and Lingfield Hill, although works are currently taking place to provide a higher wall, with railings, along these site frontages, replacing an unauthorised metal palisade fence which was installed in late 2010 and was subsequently the subject of enforcement action. The palisade fencing which has been installed along the northern and eastern boundaries, which falls within the limits of permitted development and therefore was not the subject of any further action, remains in place, with planting and hedges within the gardens of neighbouring residential properties beyond. A number of trees which formerly stood within the north eastern part of the site have now been removed, although a number of trees remain within the area of greenspace to the north east, which is accessed via a footpath which runs alongside the northern boundary of the site.
- 3.3 The surrounding area is residential in character, although there is a small parade of shops to the south, which have a small lay-by to the front, providing parking for their customers. Surrounding properties vary in their scale and design, with semi-detached houses to the west, south and north west, and three storey flat blocks to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Permission was granted in January 2012 to increase the height and add railings to the boundary wall along Lingfield Drive and Lingfield Hill site frontages, with planting behind, in January 2012 (application 11/03719/FU) . This application was submitted and approved following the serving of an enforcement notice requiring the removal of an unauthorised metal palisade fence erected around the site in 2010 and the subsequent refusal of an application to retain the unauthorised fence (application 11/00308/FU) on the grounds that it was uncharacteristic and incongruous within

this residential area. The majority of the unauthorised fencing along the southern and western boundaries has now been removed, and works to replace this with the raised wall and railings are ongoing. As noted above, the remaining sections of the palisade fence, along the northern and eastern site boundaries, fall within the limits of permitted development, were not covered by the enforcement notice, and remain in place.

4.2 Permission for the demolition of the pub and the construction of 20 houses on the site and part of the area of greenspace to the north east was refused in April 2010 for a number of reasons, including overdevelopment, visual and residential amenity, highway safety, and lack of provision for affordable housing (application 09/04818/FU).

4.3 All other planning history relates to alterations and outbuildings to the pub building.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Further information and clarification on a number of matters, including the management of the centre, opening hours, availability for the use of the community, and access and parking arrangements have been sought and received from the applicants. At the request of the case officer and the Ward Members, the applicants have held two public meetings regarding the proposals. Details of these, and a further meeting arranged by local residents, are provided in Section 6.0 below.

5.2 Following concerns from residents and Ward Members regarding the potential for overspill parking from the proposed centre in the lay-by opposite the parade of shops to the south of the site, the possibility of providing funding to fund a Traffic Regulation Order (TRO) for parking restrictions in the lay-by in the event that this becomes a problem has been suggested to the applicant. This would be on the basis that a sum would be provided to and held by the Council, and spent on a TRO only in the event that such overspill parking became a persistent problem, with the provision that this would be refunded to the applicant if not used within a specified period. However, on the basis of the level of parking proposed within the site, and that they are a charitable organisation, the applicants have expressed reservations about the need to provide additional funding, and this has not been pursued further.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

6.1 Both Councillor Harrand and Councillor Cohen have commented on the proposals, reflecting concerns raised by local residents regarding certain aspects of the scheme, as detailed below, but also noting the potential for the building to be a significant asset for the whole community. Both they and Councillor Buckley have requested that the application is referred to Plans Panel for a decision. The following concerns have been raised:

- Concerns regarding potential overspill parking in lay-by outside shops opposite and impact on shops as a result of customers being unable to park. Could a TRO be sought to limit parking in this lay-by?
- Sufficiency of parking within the site.
- Potential noise and disturbance for neighbouring residents resulting from hours of use and potential numbers of people using the building.
- Preparation of food within the building and potential odour.

- Need to ensure that access to the building and to the amenities and facilities it provides are available for all members of the local community.

Public Meetings

6.2 Although no public consultation was carried out by the applicants prior to the submission of the application, two public meetings have subsequently been arranged by them at the suggestion of officers and Ward Members, who attended the second of these meetings. Around 30 people are understood to have attended the first meeting, on 12th November 2012, and around 60-70+ attended the second on 10th December. The following issues were discussed:

- Background to UK Islamic Mission and their aims, including links and work with local schools, churches and synagogues, provision of youth facilities and free supplementary education classes for young people.
- Need for improved facilities for Asian women in the area.
- Discussion about whether another library was needed in the area – suggestion that this could be tailored towards younger children as well.
- Inclusion of prayer facilities suggested that building was a mosque rather than a community centre. Query as to whether people of other religions would be able to pray there and confirmation from applicants that they could do so if they wished to.
- Need for centre to develop links and work together with other community centres in the area, rather than duplicating provision which already exists.
- Concern that no female changing facilities for the gym and that people would be excluded from using it.
- Questions about how access to the centre for local people, Muslim and non-Muslim, would be ensured and concerns about the potential for tensions to arise if this were not achieved.
- Opportunity for members of the local community to be on the committee responsible for the running of the centre.
- Opening hours and late night opening – advice from applicant that as many of the activities were run by volunteers, this was when they were able to give up their time.
- Level of parking provision and concerns regarding existing traffic problems in the area, particularly around local schools – suggestion that any events were timed so as to avoid peak school pick-up and drop-off times.
- Lack of local involvement prior to submission of application, and concern raised locally about previous unauthorised development at the site.
- Concerns about campaign against the proposed centre, and racist language used in some aspects, including a Facebook campaign.

6.3 Planning officers and Councillor Buckley also attended a meeting organised by local residents on 4th September 2012, where the case officer briefly described the proposals and the decision making process for the application, and the following issues were raised and discussed:

- Existing traffic problems around nearby schools – request for case officer to visit at school collection times to see this. Potential for additional traffic associated with centre to worsen this, particularly in view of traffic problems around applicant's existing centre on Carr Manor Crescent.
- Capacity of building and health and safety issues.
- Late night opening hours.

- Need for dialogue with local community regarding facilities they feel are needed and concern that centre would not be available for use by local community and could result in tensions within the area.
- Potential for centre to become a mosque in future.
- Insufficient parking on site and possibility of overspill parking on surrounding residential streets – possibility of double yellow lines?
- Does centre have a travel plan?
- Lack of pre-application consultation with community by applicants.
- Unauthorised development which has taken place on site – concern that planning conditions on any permission for the centre would not be complied with.

Other public response

6.4

The application has been publicised by site notices, posted 17th August 2012. At the time of writing, around 380 letters of objection have been received. Any further representations received following the publication of the report will be reported verbally to Members at the Plans Panel meeting. The following concerns are raised:

- Not characteristic of residential area.
- Opening hours and noise for neighbours from cars, people talking outside the premises etc, particularly late at night.
- Inclusion of living quarters in the building mean it will be in use 24 hours a day.
- Disturbance from lights on building.
- Food odours and litter.
- Traffic, parking and highway safety – existing traffic and parking problems in the area, particularly around local schools, sometimes preventing buses from getting through, and with rat-running from Ring Road to King Lane – will worsen as a result of proposals, as will pollution.
- Lack of parking on site will lead to additional parking on street – difficulties for residents accessing their homes.
- Access to site not wide enough for 2-way passing.
- Safety of pedestrians, particularly children and elderly people living locally, from additional traffic.
- Impact on businesses/shops to the south of the site if customers are unable to park in lay-by opposite as a result of overspill parking from the centre.
- Centre won't be available for use by local community.
- Many visitors likely to come from outside the area and therefore won't walk to get there – additional traffic, and implications for community cohesion and safety.
- Likelihood of crime and vandalism to the building if use is brought into the area against the wishes of the local community.
- Lack of changing facilities for women – discrimination. Lack of diversity in management of centre.
- Application states numbers would be limited to 160, but building has capacity for greater numbers – how would this be enforced?
- Description as 'education and welfare centre' misleading. Concern about possible future change of use to a mosque.
- Lack of need for the proposed facility – already 2 existing mosques in close proximity, and relatively low Muslim population locally.

- Already a library and 2 existing community centres nearby [*one of which, formerly located opposite the site, has subsequently closed*]. No need for additional provision in this respect.
- Unauthorised development taken place at the site previously, and non-compliance with conditions at applicant's existing premises elsewhere in Leeds – concern that planning conditions would not be complied with.
- Quality of construction works to new wall – concerns about safety.
- Existing problems associated with similar centre on Carr Manors will be experienced here.
- Those supporting the application live outside the area.
- Site should be used for housing, a health centre, park or for a centre with activities for local children, all of which are needed in the area.
- Impact on property values.

6.5 264 letters of support have been received from local residents and from people in the wider area, including 79 copies of one standard letter of support and 181 copies of a second standard letter, both signed by individual householders. The following comments are made in support of the proposals:

- Building has been vacant and in disrepair for several years, and will be improved by being brought back into use for the community by a charity at no public expense.
- Developers already run several similar successful projects in cities across the UK, and centre will be an asset for the community.
- Will provide vital facilities for young people in the area in a safe environment.
- Opportunity for adults to meet new people and learn new skills.
- Gym facilities will be of benefit to those who cannot private gym membership, and will reduce vehicle journeys to gyms further afield.

6.6 It is understood that an anonymous letter has been circulated to local households encouraging residents to object to the proposals. Correspondence has been received from several residents raising concerns about the veracity of some of the statements made in this letter, and that it is likely to add to tensions within the community. Although officers have been made aware of this letter, it was not sent with the knowledge or authorisation of the local authority. In terms of the assessment of the application, whilst representations received from residents who became aware of the proposals having received it are noted and addressed here, the original letter itself was sent only to residents, and not submitted as a representation to the local planning authority, and has therefore been given no weight in the consideration of the application.

7.0 CONSULTATION RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

7.2 The site has a lawful use as a public house and could be brought back into use as such without requiring planning permission, with associated potential for the holding of functions etc catering for large numbers of patrons. There are substantial areas of hardstanding around the building, which would accommodate parking for 73 vehicles, according to the most recently submitted plans. The likely activities associated with the proposed use are unlikely to generate a high proportion on single

occupancy vehicle trips, and on the basis of this and the proposed schedule of accommodation, the level of parking provision is considered to be acceptable. On balance therefore, it is not considered that refusal of the application on highways grounds could be justified.

- 7.3 Some minor changes to the parking layout and to provide cycle parking were requested and have now been made, and the existing vehicular access onto Lingfield Hill, previously proposed to be stopped up and made into a pedestrian-only access, is now proposed to be retained as an exit route from the car park. The details as originally submitted also referred to a Travel Plan, which was not provided, however as the proposed use does not exceed the threshold at which a Travel Plan is required, this has not been requested, and references to this document have now been deleted.
- 7.4 The potential for restricting numbers of people on the premises has been considered, but on the basis of the proposed internal layout and capacity of the building and the amount of parking proposed on site, which is considered acceptable for the amount of floorspace proposed, it is not considered that a condition to this effect could be justified. However, this assessment is based solely on the levels and nature of accommodation proposed, and could change were these to change or increase in the future. Conditions are therefore recommended requiring the building to be laid out internally in accordance with the internal layout plans and the schedule of accommodation submitted in the design and access statement, and the parking to be marked out on site in accordance with the submitted site plan prior to the building being brought into use.
- 7.5 Concerns raised by Ward Members and local residents regarding the potential for overspill parking to take place in the lay-by outside the shops opposite the site are noted, and it is suggested that the applicant could provide funding (£5000) to allow for the provision of a Traffic Regulation Order for parking restrictions in this lay-by and/or surrounding streets were this to become a problem once the centre was open. This would be returned to the applicant if not used within a specified period – for example 10 years.

Noise and Environmental Protection

- 7.6 Concerns that unlike the previous use of the premises as a public house, likely to be regulated by more stringent licensing conditions, the proposed use is likely to have greater potential for noise nuisance for a number of reasons:
- Increase in number of people attending the premises throughout the week, and greater likelihood of arrival by car, with associated noise from doors slamming, engines, stereos etc;
 - Potential for intensive use of the premises if used for celebrations/functions such as weddings or religious festivals;
 - Use of premises late at night, particularly during Ramadan or at Eid for example;
 - Noise from within premises if PA systems used.
 - Potential for noise for neighbouring residents from people congregating outdoors when leaving, or if smoking in external areas.
- 7.7 In the light of the above, whilst having no objections to the proposals in principle, the Environmental Health Officer (EHO) has recommended that if permission is granted, this should be subject to a number of conditions in order to prevent noise nuisance and disturbance for neighbouring residents. These include:

- A scheme of sound insulation of the building itself to prevent noise travelling to external areas,
- Opening and delivery hour restrictions – opening hours recommended as 8.30am-11pm as applied for. However, some later opening during certain periods may be acceptable, during Ramadan and at Eid for example, to allow later prayer times which may occur at these times, but in these instances the centre should be managed in accordance with a noise management plan covering restrictions on visitor numbers and measures to prevent noise and disturbance to neighbouring residents.
- Prohibition of any marquees or temporary structures within the grounds.
- Provision of a 2m high close-boarded timber fence along the northern and eastern site boundaries to provide screening from adjacent car parking areas.

Access

7.8 Requested revisions to plans as originally submitted regarding design of steps, provision of level access to main entrance, and tactile paving adjacent to vehicular entrance from Lingfield Drive, all of which have now been included.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of the location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the consideration of this application.

8.2 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations, including amenity

SA7 – Access to housing, employment, education, community facilities etc for all sections of the community.

N25 – Boundary treatments

T2 – Highway safety

T5 – Access for pedestrians and cyclists

T6 – Access for disabled people and those with mobility difficulties

T24 – Parking

BD6 – Alterations to existing buildings

LD1 – Landscaping

Draft Core Strategy

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and

any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

- 8.4 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

National Planning Policy Framework

- 8.5 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Circulars and other relevant advice

- 8.6 Circular 11/95 – The Use of Conditions in Planning Permissions.

9.0 MAIN ISSUES

1. Principle of proposed use
2. Highway and pedestrian safety and access
3. Residential amenity
4. Visual amenity and landscaping
5. Community use of the building
6. Equality
7. Other issues

10.0 APPRAISAL

Principle of proposed use

- 10.1 The proposed use of the building includes religious/worship uses, community halls and education uses, as well as a gym. Whilst noting concerns regarding the suitability of a community use within a residential area, uses such as community centres, places of worship, village/community/church halls etc are not defined specifically as 'town centre' uses, and are common features of many residential areas. There is therefore no objection in principle to the intended use of the building for the purposes proposed, provided that the proposed use would not detract from highway and pedestrian safety in the area, from the amenities of neighbouring residents, or from the character and appearance of the surrounding area.
- 10.2 Concerns have been raised regarding the description of the proposed use as a 'community and welfare centre', and the potential for the building to be changed into a mosque without requiring planning permission. Requests have been made for conditions preventing the use of the building as a mosque. Whilst the use is not specifically described as a religious facility/place of worship in the submitted documentation, the proposals have been considered on the basis of the submitted plans and design and access statement, which detail the range and nature of uses proposed within the building. These uses do include a prayer room, and therefore it is clear that the building is to be used this purpose. The implications of the proposals in terms of highway safety and residential amenity which arise from these potential uses, as well as the other stated uses of the building, have all been taken into account in the consideration of the proposals.

10.3 Places of worship generally tend to provide a range of community, educational and other uses in addition to their religious/congregational use, including playgroups, community meetings, counselling and youth facilities. The current scheme also encompasses many of these uses, as well as the prayer facilities proposed. On balance therefore, it is considered that it would be difficult to define at what point a material change of use to a place of worship could be deemed to have occurred, or to precisely word a condition which would be enforceable on this basis. The specific concerns likely to arise from the use of the building for religious/worship purposes, such as community uses, traffic/parking and hours of use/residential amenity, are common to many community uses, and are considered in more detail below. In each case, specific conditions are suggested which, it is considered, would appropriately address the concerns arising in each of these respects, including a condition restricting the internal layout of rooms within the building to that which has been applied for, on highway safety grounds. In the light of this and the advice in Circular 11/95, it is not considered that a condition specifically preventing the use of the building as a place of worship or restricting it to a particular use within the D1 use class would meet the tests set out therein, or that there are exceptional circumstances specific to this site which provide justification for doing so in this instance.

10.4 Concerns that there is no need for such a facility in the local area, and suggestions that the site should be used for other purposes, such as housing, a park, or youth facility are noted, but are not matters to which significant weight can be attached in the determination of the application or on which refusal of the application could be based. Whilst other potential uses for the site may exist, the local planning authority has a duty to determine the application before it on its own merits, taking into account the material planning implications of the particular development or use proposed, together with relevant planning policies and guidance relating to those proposals, and cannot refuse permission for a development considered acceptable on its own terms solely because alternative uses may also exist for the site.

Highway and pedestrian safety and access

10.5 The concerns raised by many local residents and by the Ward Members with regard to traffic, parking and highway safety arising from the proposed use are noted.

10.6 Many residents have referred to existing on-street parking problems in the area, particularly around nearby schools at pick-up and drop-off times, and to parked vehicles obstructing bus routes at certain times. Concerns have been raised that the proposed centre would generate additional on-street parking which would exacerbate these existing problems. One of the key issues to consider in the assessment of the current proposals is therefore whether the site has sufficient capacity to accommodate the parking requirements of the proposed centre without creating further overspill parking on surrounding streets.

10.7 On the basis of experience of similar uses elsewhere in the city, the highways officer has advised that the proposed use is unlikely to generate a high proportion of single occupancy vehicle trips, and that a greater proportion of visitors arriving by car are likely to come with someone else or in groups. In the light of this, and taking into account the proposed layout of the building, and the level of floorspace proposed for use by visitors (excluding the caretaker's flat, toilets, storage areas etc), the highways officer has advised that the provision of 73 car parking spaces within the site is considered to be an appropriate level of parking for the proposed use. Whilst acknowledging that the building has been vacant for a number of years since the former pub use ceased, and that it is likely to have been sometime since the use was operating at its fullest capacity, the lawful (A4) use of the building as a public

house nonetheless remains a material consideration to which some weight must be attached when assessing any subsequent proposal for a change to this use. The submitted details advise that there are 57 spaces on site at present, which would be around the appropriate level of provision – on the basis of current parking guidelines – for the level of A4 floorspace associated with the lawful use were this to recommence. The proposals would open up more of the building to public use than was the case during its use as a pub, but would also provide additional parking within the site to a level considered acceptable by the highways officer. In the light of this and on the basis of the floorspace and parking layouts shown on the submitted plans, it is considered that the level of parking proposed within the site would be sufficient for the proposed use without significantly adding to existing levels of on-street parking, and that refusal of the application on these grounds could therefore not be justified.

- 10.8 Consideration has been given as to whether it would be appropriate to restrict the number of visitors to the centre. However, on the basis of the plans submitted, the layout and amount of useable space open to visitors within the centre is such that, even were all ‘public’ areas (excluding the caretaker’s flat, storage areas etc) to be fully occupied at once, the level of parking proposed within the site would be sufficient to accommodate this. In the light of this, it is not therefore considered that such a condition would be reasonable. However, if the internal layout of the building to be changed – for which planning permission would not usually be required – and, for example the caretaker’s flat were to be deleted and made available as a further public area, the capacity and therefore the parking requirements are likely to increase. In the light of this, and in view of the existing on-street parking problems in the vicinity of the site, the local planning authority would therefore wish to retain control over any subsequent expansion of public areas within the building or changes to the layout and nature of the accommodation therein, to allow parking and traffic implications to be considered fully in the light of this. A condition is therefore recommended as part of any permission requiring the building to be laid out fully in accordance with the submitted plans, and preventing any subsequent changes to the layout and nature of accommodation within the building without planning permission.
- 10.9 Concerns have also been raised that the proposed use would significantly increase traffic volumes in the area. At present, the building is empty and has been for some time. Any subsequent re-use or redevelopment of the site will therefore result in an increase in traffic beyond that associated with its present use, which could be considerable in view of the size of the site, even if redeveloped for a relatively low intensity use such as housing. Whilst noting residents observations about existing traffic problems in the area, including rat-running through the estate from the Ring Road and Harrogate Road to King Lane, and safety concerns arising from parking and traffic around nearby schools, these are existing problems, and the highways officer has not raised specific concerns that any of these would be unacceptably worsened by the proposed use. In the light of this, and on the basis that the levels of off-street parking proposed for the centre are considered to be acceptable as discussed above, it is not considered that refusal of the application on the grounds of highway safety could be substantiated.
- 10.10 Revised plans have been received during the course of the application showing improvements to steps within the site, the provision of an access ramp to the building’s main entrance, and tactile paving on the pavement to either side of the site access onto Lingfield Drive, in response to concerns raised by the Access Officer regarding the proposals as originally submitted. On the basis of these revised plans, and subject to conditions requiring details of the design, gradient,

specification etc of the proposed ramp and design, materials and colour of any handrails to the ramp and steps, the proposals are considered acceptable in terms of providing appropriate access to the building for all visitors.

- 10.11 In the light of the above it is considered that the proposals are acceptable on highway safety grounds. Conditions are recommended requiring the parking to be marked out on site and cycle parking to be provided in accordance with the submitted plans before the use of the building commences. A condition is also recommended preventing the use of the building for weddings and other functions, to minimise the likelihood of 'peak' traffic and parking generating events in the interests of both highway safety and residential amenity.
- 10.12 The Ward Members and a number of local residents have raised concerns regarding the potential for overspill on-street parking around the site, particularly in the lay-by outside the shops opposite, which could prevent customers parking and have an impact on these businesses as a result, as well as worsening existing on-street parking problems in the area. Advice in this respect has been sought from the Council's traffic section, who have suggested that a contribution of £5000 towards a 'deferred' TRO – to be spent only in the event that on-street parking from the centre were to become a significant issue – could be a means of seeking to address this in the event of future problems arising. However, in view of the levels of parking proposed within the site, and as they are a charitable organisation, the applicants have expressed reservations about the need to provide further funding in this respect. On the basis that there is considered to be sufficient parking within the site for the uses and floorspace proposed, the proposals are considered to be acceptable as submitted, and it is not considered that the absence of such a contribution is sufficient to justify refusal of the application. This matter has therefore not been pursued further.
- 10.13 Queries have been raised as to whether a Travel Plan is to be produced for the proposed centre. Whilst reference was made to such a document in the original design and access statement, the proposals fall below the threshold at which a Travel Plan is required, and references to this have subsequently been deleted. No further details have therefore been sought in this respect.

Residential amenity

- 10.14 Concerns raised by local residents regarding the impacts of the proposed centre on the amenities of nearby residents in terms of increased noise and disturbance, with particular reference to the proposed opening hours, are noted. Concerns have also been raised about the potential for odour from the cooking of food on the premises, litter and disturbance from lighting on the building.
- 10.15 The nearest residential property to the site is 82 Lingfield Drive to the east of the site, whose side elevation faces the site and whose private rear garden adjoins the site's car parking area. The distance between the application building and the boundary with this neighbouring property is around 19m, with a further 2.5m to the side elevation of the neighbouring dwelling itself. The dwelling immediately to the north of the site on Lingfield Hill is separated from the boundary with the car park by a narrow footpath leading to the area of greenspace to the east. The distance between the application building and this neighbouring property's garden boundary is 26m, with a further 12m to the side elevation of this neighbouring property itself. The flats and houses facing the site on the opposite side of Lingfield Hill to the west, and those on the opposite side of Lingfield Drive to the south, are around 40m away from the application building.

- 10.16 Whilst acknowledging that certain aspects of the proposed use have the potential to generate noise and disturbance, the Environmental Health Officer (EHO) has advised that they have no objections to the proposals in principle, and that they are satisfied that the concerns raised could be addressed through the imposition of various conditions. These include opening and delivery hours restrictions, restrictions to minimise the use of outdoor areas, screen fencing adjacent to neighbouring properties, details of any lighting and extraction/air conditioning equipment, and the provision of litter bins within the site.
- 10.17 One of the principal concerns raised by neighbouring residents relates to the proposed late night opening of the premises until 11pm, with the possibility of later opening until midnight at certain times, for late night prayers during the month of Ramadan for example. On the basis of the details submitted, the EHO has advised that they have no objections to the proposed use of the building until 11pm, particularly in the light of the building's lawful use as a public house with no opening hours restrictions.
- 10.18 It is noted that the surrounding area is predominantly residential in character, and that background noise levels are therefore likely to be lower beyond 11pm, when the take-away in the parade opposite closes, traffic reduces and buses stop running. However, it is noted that the existing building has a lawful use as a pub, with no restrictions on its opening hours at present were it to be brought back into use as such, and although unused for some time, some regard nonetheless must be had to this lawful fallback position in considering the merits of the current proposals.
- 10.19 At those times during Ramadan when the building is proposed to open for an additional hour until midnight, the applicants have confirmed that activities within the building would be confined solely to the prayer room area and that visitor numbers would be limited to no more than 65 at these times. The use of the building at these times is likely to be limited to congregational prayer, which in view of its enclosure within the building – over 25m from the nearest neighbouring property, is not likely to have significant implications for neighbouring residents. The main impacts from this later use of the building are therefore likely to arise from people leaving the premises, either from people congregating and talking outside the building, or from vehicle engines in the parking area.
- 10.20 Circular 11/95 advises that refusal of an application should only be considered where any negative impacts could not be satisfactorily addressed through the use of conditions. In view of the relatively small number of days each year when the extended opening hours would apply, and the reduced visitor numbers at these times, it is considered that it would be difficult to justify refusal of the application on the grounds that this would create a significant and persistent level of noise and disturbance for neighbouring residents. Having reviewed this aspect of the proposals with the Environmental Health Officer, it is considered that it would be more appropriate on balance for the use of the building at these times to be subject to a noise management plan, including measures by centre staff/volunteers to encourage visitors to leave the premises quickly and quietly once prayers have ended, and preventing people from congregating in external areas. It is therefore recommended that permission is granted, subject to a condition requiring such a plan to be submitted and approved, and the hours of late night opening to be managed in accordance with this plan.
- 10.21 Concerns regarding the potential for odour from cooking on the premises are noted. Whilst the proposed centre includes a kitchen, the applicants have confirmed that its use would remain ancillary, and that it is not proposed to operate a commercial café

as part of the use of the site. The kitchen is proposed to be located in an internal room within the building, and in view of its relative size and proposed ancillary use, it is not considered that it would have significant implications in this respect.

Conditions are recommended requiring details of any necessary extraction/ventilation equipment to ensure that these are appropriate and treated with appropriate sound and odour mitigation measures to prevent harm to the amenities of neighbouring residents.

- 10.22 The Environmental Health Officer has raised no objections on the basis of the lighting details submitted for the building. Conditions in this respect are recommended to ensure that these are positioned (and screened as necessary) to prevent light spillage and glare into neighbouring properties, and preventing the installation of any further lighting on the site unless details are first submitted to and approved by the local planning authority.

Visual amenity and landscaping

- 10.23 No external alterations are proposed to the building itself, although some works are proposed to the external areas, including the provision of a new access ramp to the main entrance, and works to upgrade the steps between the entrance and the parking areas to the north, external paving etc. These changes are all relatively minor, and subject to conditions regarding the design of the access ramp, handrails etc, it is not considered that the proposals would detract from the visual character of the area. As many of those writing in support of the application have noted, the proposals would bring a building which has been vacant for a considerable period of time back into use, also making a positive contribution to the visual appearance and character of the site.
- 10.24 The majority of the unauthorised palisade fencing has now been removed from the site frontages along Lingfield Drive and Lingfield Hill, and works to replace this with a new/extended wall and railings – as approved in January 2012 – have now commenced. As part of the current application, it is proposed to replace the existing palisade fencing along the northern and eastern boundaries of the site, between the parking areas and adjacent properties and gardens, with close-boarded timber fencing. It is considered that as well as providing a more appropriate solid screen to the parking areas, this replacement boundary treatment would take the opportunity to improve the character of the site by replacing those remaining sections of fence which, although permitted development and therefore immune from enforcement action, are nonetheless incongruous and uncharacteristic of this residential area at present. This aspect of the proposals is therefore supported, and a condition requiring the palisade fence to be replaced with this close-boarded fencing prior to the building being brought into use is recommended.
- 10.25 At around the time of the erection of the unauthorised fencing, a number of mature trees were removed from the north eastern corner of the site. As part of the application to bring the building back into use, the applicants have been encouraged to provide new planting between the parking areas and the northern and eastern boundaries, and revised plans to incorporate this have been received. The planting of new trees and shrubs in these areas would be of benefit both in providing additional screening and softening of the parking areas from neighbouring residential properties, and in taking the opportunity to improve the character and quality of the site by providing compensatory planting to offset the harm to this character which was caused by the loss of these former trees. Conditions are recommended as part of any permission requiring detailed planting plans, implementation timetables and management details for these new areas of planting for a period of 5 years, to ensure that these become successfully established and

retained within an appropriate timescale. Subject to these and the conditions referred to above, the proposals are considered to be appropriate in terms of visual amenity.

Community use of the building

- 10.26 Concerns have been raised by many local residents that the building may not be made available for the use of the wider community and in particular those residents living in the immediate surroundings of the site, and that the development may lead to tensions within the community, and crime and vandalism being directed at the building as a result.
- 10.27 One of the strategic aims (SA8) of the UDP seeks to ensure that safe and easy access to social, community and leisure facilities is made available to all sections of the community. Whilst material to the consideration of planning proposals, this aim is an aspiration which the Council's planning policies seek to deliver, and something which is to be encouraged as part of planning proposals, but does not carry the same weight as those policies themselves in the decision making process.
- 10.28 As noted by many of those writing in support of the application, the proposed centre has the potential to be a considerable asset to the local community, providing facilities for young people, meeting spaces for community groups, gym facilities for local residents etc. Whilst noting that the proposed centre would be a private facility, not operated in conjunction with the local authority, it is nonetheless considered important, in the light of strategic aim SA8, to encourage the availability of these potential benefits for the use of the local community as far as possible.
- 10.29 In view of this, further details have been sought from the applicants as to how the centre would be publicised and managed to encourage its use by the local community in the surrounding area. They have confirmed that facilities within the centre would be available to all local residents, with amenities such as the IT suite, job search facilities and the gym available on a drop-in basis, and the opportunity for local groups to hire the community rooms on a one-off or regular basis, with discounts for groups based in the LS17 postcode area. Whilst, as many residents have noted, the proposed gym would have only one changing area, this is not marked specifically as a male changing area on the plans, and on the basis of the submitted details, which advise that this would be operated to have separate men's and women's days (with opening depending on staff/volunteer availability), it is presumed that this could be used by whoever was using the gym on a given day. A website for the centre is proposed, together with a notice board publicising the services available (subject to a separate advertisement consent application as necessary).
- 10.30 On the basis of these commitments, and in the light of the aims of the development plan policy in this respect, a condition requiring the centre to be operated in accordance with the details and principles set out in the design and access statement is recommended, in order to maximise the opportunities provided by the centre as an asset for the local community.

Equality

- 10.31 The proposals have been made by a particular religious group, and include prayer facilities for that group. A number of comments have been received making reference to this and to aspects of the ethnic and religious background of the applicants. The application has been determined on the basis of planning policies and guidance which have been subject to relevant equality assessments and involvement processes, and, as noted above, in the light of strategic aims within the

adopted development plan which seek to ensure the provision of and access to community facilities for all sections of the population. Comments or objections relating to the perceptions or opinions held by individual residents relating to a particular religion or its adherents are not material planning issues and have not been given any weight in the determination of the application, which has been assessed solely on its planning merits and in the light of this policy and guidance.

Other issues

- 10.32 Many residents have raised concerns that no public consultation was carried out by the applicants prior to the submission of the application. Following concerns in this respect, the applicants were encouraged to hold a public meeting following the submission of the application, and two such meetings were subsequently held, the latter of which was attended by the Ward Members and the case officer. Presentations were provided by the developer, followed by question and answer sessions at which various concerns and suggestions were discussed. The details of these are included in section 6 above.
- 10.33 Health and safety concerns regarding the capacity of the building and the quality of construction works are noted. In the event that permission is granted for the proposed use, this would not absolve the applicants from compliance with other relevant legislation in these respects, including Health and Safety and Building Regulations, and an informative note to this effect is recommended as part of the decision.
- 10.34 Concerns have been raised regarding previous unauthorised developments at the site, and that if permission is granted, any conditions may not be complied with. The unauthorised fencing has previously been the subject of enforcement action, and the majority of this has subsequently been removed. In considering whether conditions are appropriate as part of any permission for the use now proposed, regard has been had to the tests set out in Circular 11/95, including the requirement that any conditions are enforceable. The conditions suggested above are considered to meet these tests, and any breach of these would be referred to the Council's compliance section to take any action considered to be expedient and proportionate to the scale and nature of the breach.
- 10.35 The impact of a development or proposed use on property values is not a material planning consideration and can be given no weight in the consideration and determination of the application.

11.0 CONCLUSION

- 11.1 In the light of the above, and having regard to the benefits of the proposals in terms of bringing a vacant building back into use, balancing these against the potential implications of the proposals, it is considered that the proposed development is acceptable, and that any concerns raised could be satisfactorily addressed through the use of conditions relating to various aspects of the development and the management of the proposed centre. In the light of advice from consultees, and subject to the conditions suggested above therefore, it is considered that the proposed use would be acceptable in terms of visual and residential amenity and highway safety, and it is recommended that the application is approved.

Background Papers:

Application file and history files 11/03719/FU and 11/00308/FU.
Certificate of Ownership: Signed on behalf of applicant.

LEEDS CITY COUNCIL
25 JAN 2018
REVISED

SCANNED

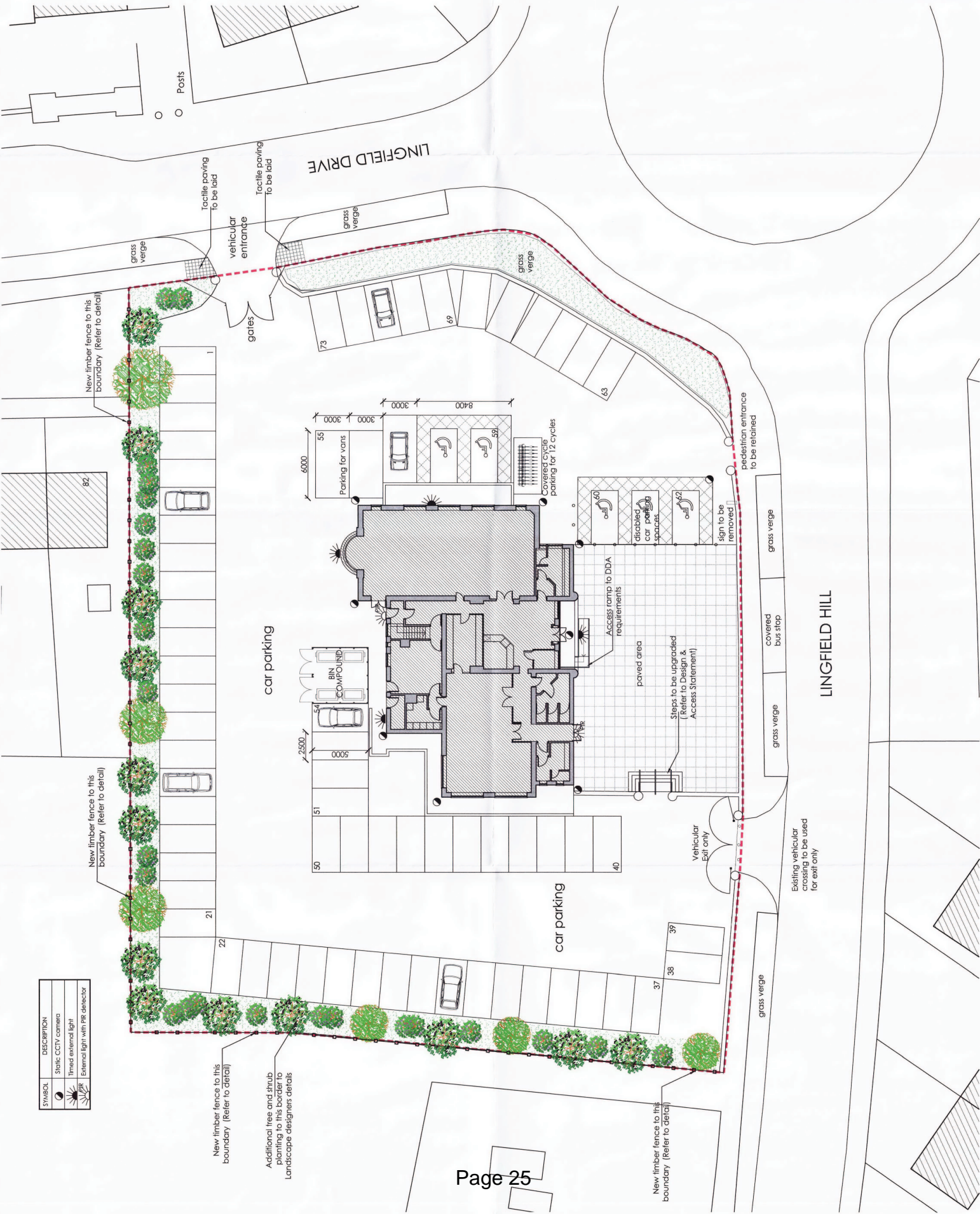
PLANNING PERMISSION USE

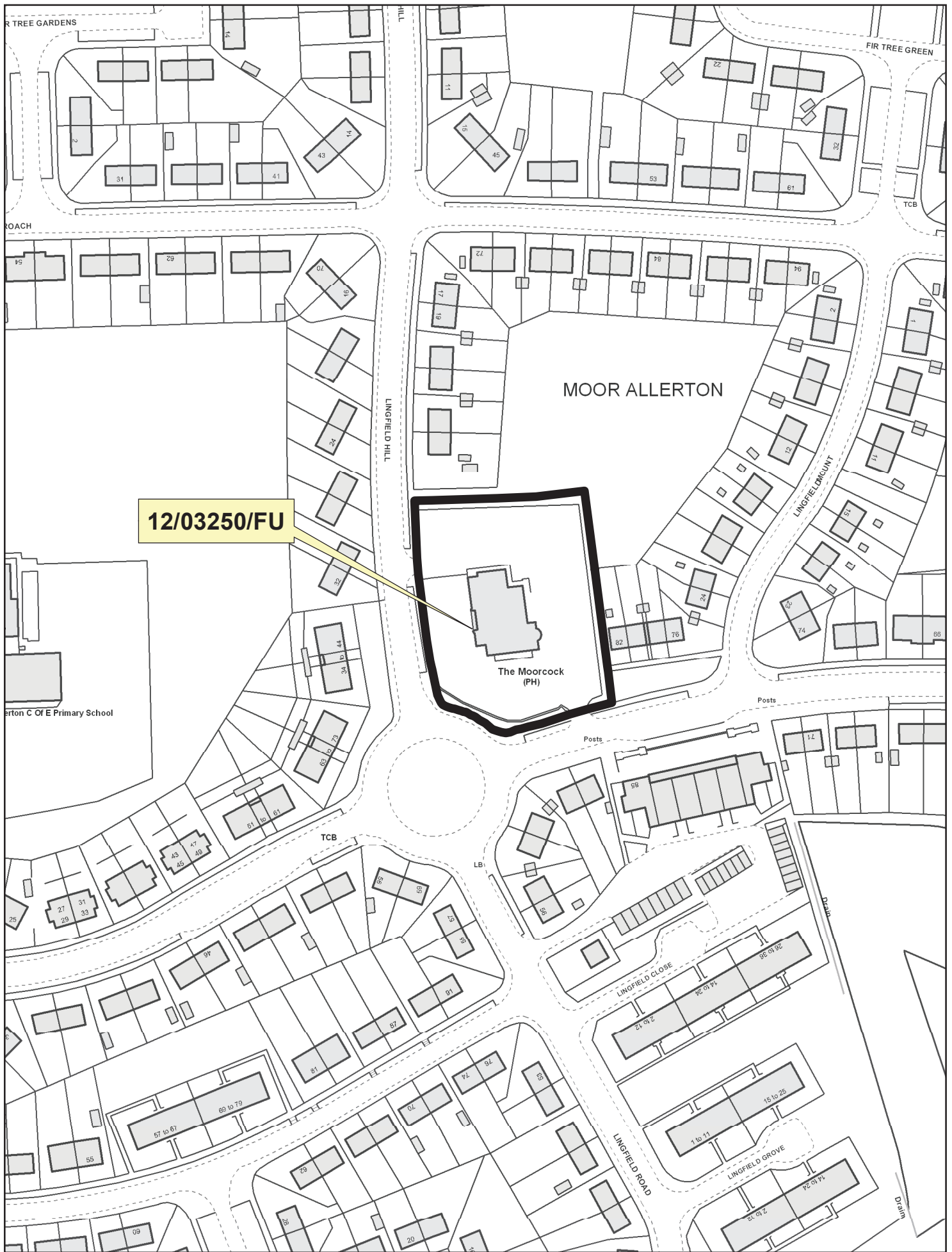
SKAINO DESIGN SERVICES
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PROPOSED CHANGE OF USE TO
COMMUNITY FACILITIES
THE FORMER LINGFIELD PUB
LINGFIELD DRIVE
LEEDS
LS17 7EL
SITE PLAN AS PROPOSED

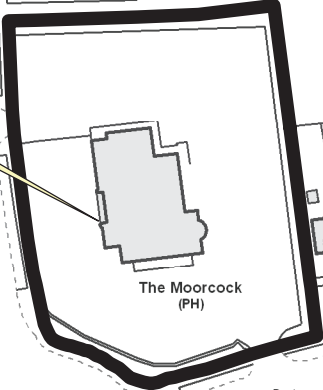
DATE: July 2012
DRAWN BY: P.P.
SCALE: 1:150
REV: 11-119/P/03
REV: C

SYMBOL	DESCRIPTION
	Static CCTV camera
	Timed external light
	External light with the detector





12/03250/FU



The Moorcock
(PH)

NORTH AND EAST PLANS PANEL





Originator: Chris Marlow

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 21st February 2013

Subject: APPLICATIONS: 12/03915/FU & 12/03916/LI - Change of use involving alterations and single storey side extension of vacant public house to form 7 flats and erection of detached retail unit with flat above at the site of the Royal Oak, Cross Hills, Kippax.

APPLICANT

Mr Colin McCarthy

DATE VALID

17 October 2012

TARGET DATE

16 January 2013 (LI)

12 December 2012 (FU)

Electoral Wards Affected:

Kippax and Methley

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 conditions to cover the following:

12/03915/FU:

1. Standard time limit.
2. Development to accord with approved plans.
3. Window/door materials/alterations to be agreed.
4. Details and sample stone wall, mortar, rendering etc.
5. Landscaping scheme (hard and soft) to be agreed.
6. Implementation of landscaping.
7. Landscape maintenance.
8. Surfacing materials to be agreed.
9. Closing off of redundant access to be carried out.
10. Provision of visibility splays.
11. Parking/vehicle areas to be laid out.
12. Drainage details to be agreed.
13. Cycle parking facilities to be agreed.

14. Boundary details to be agreed.
15. Construction management plan to be agreed (to also include working hours: 08.00 to 18.00 weekdays, 09.00 to 13.00 on Saturdays. None on Sundays/Bank Holidays. And, no deliveries between 08:30 to 09:00 and 15:30 to 16:00 Monday to Friday).
16. Bin storage details to be agreed.
17. Obscure glazing required to specific windows.
18. Archaeological recording.
19. Restricted opening hours to the retail unit.
20. Contaminations conditions.

12/03916/LI

1. Standard time limit.
2. Development in accordance with approved plans.
3. Window/door materials/alterations to be agreed.
4. Details and sample stone wall, mortar, rendering etc.
5. Method statement and details for internal works to be agreed (including replacement staircase).

Full wording of conditions (including any amendments as considered necessary) to be delegated to the Chief Planning Officer.

Reasons for approval: These applications are considered to comply with policies GP5, BD5, N12 to N17, N23, N25 & N26, LS1, S2, A1, T2 and T24 of the Leeds UDP Review, as well as guidance contained within the National Planning Policy Framework and local supplementary planning documents. Having regard to these policies and guidance, as well as the comments made by statutory consultees and also those from third parties, including Ward Members and the Parish Council, the change of use of the listed building to flats including the alterations proposed (both internal and external) are considered to be acceptable and would not harm the vitality or viability of Kippax town centre, the special architectural and historic interest of the listed building or raise any highway safety/residential amenity concerns. In addition, the introduction of a retail unit with flat above within the town centre boundary can also be accepted following design alterations which ensure its visual impact is appropriate to its context. Both applications can therefore be supported.

1.0 INTRODUCTION

- 1.1 These applications are brought to the Plans Panel for consideration at the request of Councillor Keith Wakefield who is concerned about the potential harm to the vitality and viability of the Kippax Local Centre as a result of the loss of the building's existing use, the design of the large extension and also due to highway safety reasons.

2.0 PROPOSAL

- 2.1 This application has been revised and now seeks to convert the Grade II listed former Royal Oak Public House into 7 flats and construct a freestanding 2 storey detached retail unit with flat above. The large extension as originally proposed to the side and rear of the Royal Oak which would have contained a further 6 flats has been deleted.
- 2.2 The works to the Royal Oak include a single storey side extension to the east elevation. The side extension would replace later additions to the building. The existing single storey extension on the western elevation of the building would be removed. Internally, the basic room layout would remain largely intact although the existing staircase is to be removed with its replacement re-positioned in the original space designed for the staircase.

- 2.3 In terms of the retail unit, the design has been simplified and now proposes a red brick building with a double fronted shop window to respond to its positioning at the front corner of the site.
- 2.4 The development includes laying out of parking to the retail unit and further parking for residents giving a total of 13 parking spaces. A garden area would be provided to the front of the building with a more private garden to the side and rear.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to the site of the Royal Oak Public House, a Grade II listed Building. The listed building was originally a house, is two storey's high, constructed from magnesian limestone with a slate roof and has a simple but elegant design. A number of internal features such as ceiling roses, cornices, fire places, windows and associating shutting still survive. The pub use ceased in 2011 and accordingly the building's windows and doors have been boarded up and the site secured via fencing for some time.
- 3.2 There is a car park to the rear of the building which includes the remnants of an ancillary children's play area and a detached pre-cast concrete garage to the south east corner of the site. This area has been subject to recent clearance works including the removal of some on-site trees.
- 3.3 The site is within Kippax town centre with commercial elements to the north and east of the site. There is a youth centre to the east of the site and a public seating area to the west of the site facing Cross Hills Sheltered Home complex. There are residential areas to the south of the site although set at a considerably lower level due to the topography of the area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are numerous historical planning applications relating to the previous use of the site but none that are relevant to the consideration of the current proposals.

5.0 THE HISTORY OF NEGOTIATIONS

- 5.1 Contact was made with the Council's Conservation team prior to submission of these applications. Notwithstanding this, further detailed discussions have taken place during the consideration of the applications which has resulted in the scheme being reduced through the removal of the new extension which would have contained 6 new flats.
- 5.2 It is understood the applicant may want to revisit a more intensive scheme in the future but is keen to make progress on-site and accordingly has amended the current application by deleting the elements which were a concern to officers, statutory consultees and many third parties.

6.0 PUBLIC CONSULTATION AND RESPONSES

- 6.1 Six site notices (including reference of works to a listed building) were posted adjacent to the site on Cross Hills, Tatefield Grove and Hall Park Orchards dated 26 October, 2012 advising that any representations should be made by the 16 November, 2012. The revised proposals were also publicised in the same manner dated 21 December, 2012 with representations required by 11 January, 2013. In addition, the notices were published in the Yorkshire Evening Post edition of 15 November, 2012.
- 6.2 Ward Councillors Keith Wakefield and James Lewis objected to the original proposal on grounds of the adverse impact on the vitality and viability of the Kippax Local

Centre; the loss of a visitor attraction to the village i.e. the pub use; the design of the new build extension; and concerns relating to highway safety. Ward Members have not added to their initial comments following revisions to the scheme although Councillor Wakefield confirmed separately that his original concerns remained (with the exception of those relating to the impact of the large extension as it has been deleted) and also requested the scheme be determined by the Plans Panel.

- 6.3 In response to the public notification process 5 letters of objection were received from local residents for the full application and 3 to the listed building application. A further 4 letters of objection in total were received from local residents in response to the revised proposals. The grounds of objection referred to the following:

- Loss of a community facility
- Highway safety, access, and increase in traffic
- Layout and density, over intensive
- Visual detriment
- Contrary to national and local planning policies
- Contrary to local regeneration initiatives
- Loss of trees
- Extending use of site to 24 hours
- Loss of communal parking facility
- Asbestos removal
- Impact on neighbouring housing
- Character of the listed building
- Single retail unit inadequate mitigation for the loss of the PH
- Density of development to be limited to the revised proposal
- Better proposals from other buyers

- 6.4 Kippax Parish Council was notified about the applications on the 17 October 2012 and 20 December 2012 respectively. The Parish Council initially recommend the proposal be rejected for a number of reasons including: Point of access prejudicial to highway safety; delivery vehicles , Parking standards and security, loss of trees, the modern extension is out of keeping, overdevelopment of the site, inadequate retail mitigation, boundary treatments unacceptable.

- 6.5 Following consideration of the revised application, the Parish Council now supports the scheme, subject to certain matters being considered in detail by officers (e.g. boundary treatments, parking provision, works to the listed building). It also states that no further development should be allowed on the site and that a Plans Panel decision is appropriate.

7.0 **CONSULTATIONS RESPONSES:** **Statutory:**

7.1 English Heritage:

English Heritage welcomes the intention to bring a redundant public house back into use as residential accommodation and considers the approach externally to be sensitive to the significance of the listed building. Greater care however, should be given to retaining more of the building fabric at first floor level.

7.2 Ancient Monuments Society:

Commented on the lack of information regarding details of the treatment of the listed building with potential for damage to a valuable heritage asset. The Society

considers that the new build extension is not in keeping with the setting or character of the site and surroundings.

7.3 The Society for the Protection of Ancient Buildings:

Objection on grounds of over intensive development including large areas given over to parking. The information does not provide sufficient details regarding works to the sash windows and the interior of the listed building.

(**Note:** English Heritage were the only statutory consultee to provide additional comments in response to the revised plans)

None Statutory:

7.4 Highways:

No objection in principle. In revised form the proposed development meets the Council's relevant standards for off-street parking facilities and cycle parking. In addition, appropriate visibility splays are provided at the site access and satisfactory space is allocated for refuse vehicles to turn within the site. The widening of the foot way next to Cross Hills is welcomed.

7.5 Contaminated Land:

No objections have been raised by the Contaminated Land Team subject to conditions.

7.6 Public Rights of Way:

There are no definitive or claimed rights of way that cross or abut the site.

7.7 Flood Risk Management:

No objections have been raised by the Flood Risk Management subject to conditions.

7.8 Neighbourhoods and Housing:

No objection subject to conditions relating to sound insulation between the proposed new shop and the flat at first floor; hours of construction, delivery, loading and unloading.

7.9 Yorkshire Water:

No comment required from Yorkshire Water

7.10 Metro:

Request for the developer to contribute towards the metrocard scheme through a S.106 Agreement

7.11 West Yorkshire Archaeology Advisory Service:

Concern over the loss of a chimney. A condition is recommended to ensure a program of recording of potential archaeological remains and the interior fabric of the listed building

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS), the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and Supplementary documents. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. The RSS is scheduled to be revoked on 22nd February 2013 and

therefore should be afforded little weight. The emerging local plan will eventually replace the Leeds UDP (2006) but at the moment this is still undergoing production.

Draft Core Strategy - The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

The application site is within a designated local centre in the Leeds UDP (2006) but has no further more specific allocation.

- 8.2 The below UDP policies, supplementary development documents and national guidance are considered to be relevant to this application.

Local

Policy GP5 – refers to development proposals should seek to avoid loss of amenity.

Policy A1 – access to community facilities.

Policy BD5 – refers to new buildings be designed with consideration to both own amenity and surroundings.

Policy N12 – refers to urban design

Policy N13 – refers to design of new buildings

Policy N14 – presumption in favour of preservation of listed buildings

Policy N15 – changes of use should not diminish the historic value of a listed building.

Policy N16 – extensions should be sensitive and subservient to a listed building.

Policy N17 – preservation of detailing of listed buildings.

Policy N23 – refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25 – refers to boundaries around sites

Policy N26 / LD1 – refer to the requirement to provide landscaping details.

Policy S2 – identification of local centres in the Leeds district.

Policy T24 – refers to parking

Policy T2 – refers to highway safety

Supplementary Planning Guidance

Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003).

Street Design Guide (2009)

Kippax Village Design Statment

- 8.3 National Planning Policy Framework (2012):
- Ensuring the vitality of Town Centres.
 - Secure high quality design.

- Conserving and enhancing the historic environment.

9.0 MAIN ISSUES

- Principle of development
- Character of the listed building
- Effect on visual amenity
- Effect on residential amenity
- Highways
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 Under the Leeds UDP Review (2006) the site is located within the designated town centre for Kippax where policies are in place to retain and enhance the continuing vitality and viability of the centre in order to provide a varied range of retail shopping outlets together with social, cultural, leisure and entertainment facilities for the benefit of all. Notwithstanding, both the Leeds UDP and the NPPF recognise that residential development can play a part in ensuring the vitality of centres.
- 10.2 In its revised form the proposed development comprises two main elements, firstly the conversion of a former public house to 7 self contained flats, and secondly a detached 2 storey unit with a ground floor shop with a single self-contained flat above. The proposal also includes ancillary parking facilities and amenity space for future occupiers of the flats.
- 10.3 The ground floor of the Royal Oak is classed as a retail use (Class A4 of the Town and Country Planning (Use Classes) Order 2010), with the first floor providing ancillary living accommodation for the landlord/tenant. In more general terms public houses are often noted to contribute towards to the social, cultural and entertainment facilities of an area, particularly in villages and smaller towns where services are more limited. The UDP includes policies which support the retention of retail and communal facilities within town centre locations and Kippax itself also has designated shopping frontages where changes to non-retail uses are more constrained to avoid prejudicing its main retailing function. Similarly, UDP Policy A1 identifies where sections of the population have poor access to community uses existing facilities should be retained and enhanced where possible.
- 10.4 In considering the above, the construction of a new retail unit (with flat above) clearly accords with the relevant local and national policies and is therefore acceptable in principle since it will serve to reinforce Kippax's existing retail offer.
- 10.5 In contrast, the change of use of the Royal Oak building from a public house to a wholly residential use requires more careful consideration, in that the role it performed within the local community was more than just as a drinking establishment since it also operated as a place of entertainment and as a meeting place. In addition, it is also reported by Ward Members and some residents in their objection letters that it acted as an attraction to people from outside the Kippax area thereby contributing to the viability of the local centre as a whole.
- 10.6 In responding to the above concerns, the applicant has provided supporting information indicating that many pubs are struggling to survive and the problem is industry wide and well documented. The former owners of the Royal Oak were not

immune to this decline and became unable to sustain the use as a viable business. Consequently the Royal Oak closed its doors in 2011. The site was therefore put up for sale and placed on the open market. The current applicant purchased the site and is now pursuing a residential use for the listed building. To support this approach, reference is made to the presence of other public houses within Kippax which still perform this use to the local community.

- 10.7 Officers note and are sympathetic to the concerns expressed by Ward Members, the Parish Council and local residents regarding the loss of the former use of the site as a public house, however it is considered that the combination of the use having already ceased some time ago, the presence of other public houses in the area combined with the residential use of the building which will secure the future of an important listed building in the long term, it would be difficult to justify and sustain a refusal to the proposed development on the grounds of the principle being unacceptable.

Impact on the character of the listed building

- 10.8 The former Royal Oak is a Grade II listed building. Originally constructed as a dwelling circa 1700 in magnesian limestone blocks with raised rusticated quoins, roof of composition pantiles. The formal listing expands on the heritage of the exterior of the building and concludes with the identifying the interior having had partition walls removed, although moulded plaster cornices and ceiling decorations in Rococo style have survived, principally in rooms to the rear of the building. The applicant has worked with Conservation Officers to seek to retain as many of the features of the listed building, in particular, internal walls and the decorative ceilings and window boxes. In this respect the scheme has been revised although it is notable only English Heritage have commented on the revisions and are now generally supportive of the scheme, particularly now the large modern extension has been deleted.

- 10.9 With respect to the exterior, the revised scheme helps return the building to its original appearance and this is welcomed. One of the original chimneys will be retained and if the building is found to be structurally sound to support the second chimney which has been missing for some time, this will be restored to the roof, or alternatively a lighter replacement will be used. Subject to the suggested conditions Officers support the works to the listed building and consider they will now preserve and enhance its architectural and historic interest.

Effect on visual amenity

- 10.10 The use of the existing building as a public house did not benefit the external appearance of the listed building. Historically extensions have been added that failed to preserve or enhance its character and natural stone features have been painted over with in more recent years advertisements resulting in visual detriment to the listed building, the site and the wider street scene. In contrast, the proposed conversion will result in the removal of the majority of the more modern unsympathetic additions. The extension to the east side elevation of the former public house will be retained with a new roof designed to reflect the character of the host building. In addition, the natural stone features are to be exposed, cleaned and the general external fabric of the building restored to a standard that warrants its listed status. At Officers request the applicant has made alterations to the design of the detached retail unit that are more in keeping with the local vernacular. As such, and in conjunction with measures to retain the remaining trees it is considered that the proposed development will make a positive contribution to the visual amenity of the site and the street scene in general. The introduction of garden areas to the front and rear/side of the listed building is also positive in terms of improving the building's existing setting.

Effect on residential amenity

- 10.11 The original inclusion of the modern two storey extension (6 flats) in context with its siting in proximity to the southern boundary raised amenity concerns for the occupants of houses on Tatefield Grove. Now excluded from the revised scheme, the remaining development is suitably remote from neighbouring residential areas so as not give rise to issues of loss of privacy through overlooking, overshadowing or development that could be considered as overbearing or over dominant. In addition and in revised form, it is considered that the proposed development will provide the future occupants of the flats with an acceptable standard of living accommodation, outdoor shared amenity space to the rear and side of the listed building and adequate parking provision for all occupiers. In light of the above, the proposed development would not prejudice the interests of residential amenity of existing residents or its future occupants.

Highways

- 10.12 It is considered that the proposed development is in a sustainable location, well served by public transport and would be less intensive than the former use of the site as a public house, and as a parking facility informally supporting the local centre. Highway Officers accept that the level of off street parking and cycle parking facilities accord with the Councils relevant parking standards and that the applicant has demonstrated that appropriate visibility can be achieved to ensure safe access to and from the site. In addition, it is welcomed that the development includes the opportunity to widen the existing narrow footway abutting the western boundary of the site, thereby improving access for pedestrians using the eastern side of the highway (Cross Hills). As such it is considered that the development would not result harm to the interests of highway safety.

Representations

- 10.13 Several of the representations referred to the proposed modern two storey extension as being of incongruous design and over development of the site. Its removal from the current scheme will no doubt be welcomed by those opposed to this feature of the proposal.
- 10.14 It has been put forward by objectors, local traders and the Parish Council in its initial response that third parties have expressed an interest in developing the site, and in such a manner that retains the commercial element of the ground floor of the former Royal Oak e.g. as a restaurant. Notwithstanding this, the decision maker has to consider the acceptability of the current proposal on its own merits and cannot determine or reject it on the premise of an alternative scheme that has not been submitted.
- 10.15 Should the existing detached pre-fabricated garage contain asbestos legislation is in place for the applicant to ensure that it is removed safely. It has been confirmed by the applicant the red line boundary of the site is in his ownership. The trees on the eastern boundary of the site subjected to pruning during 2012 are being considered for protection via a Tree Preservation Order.

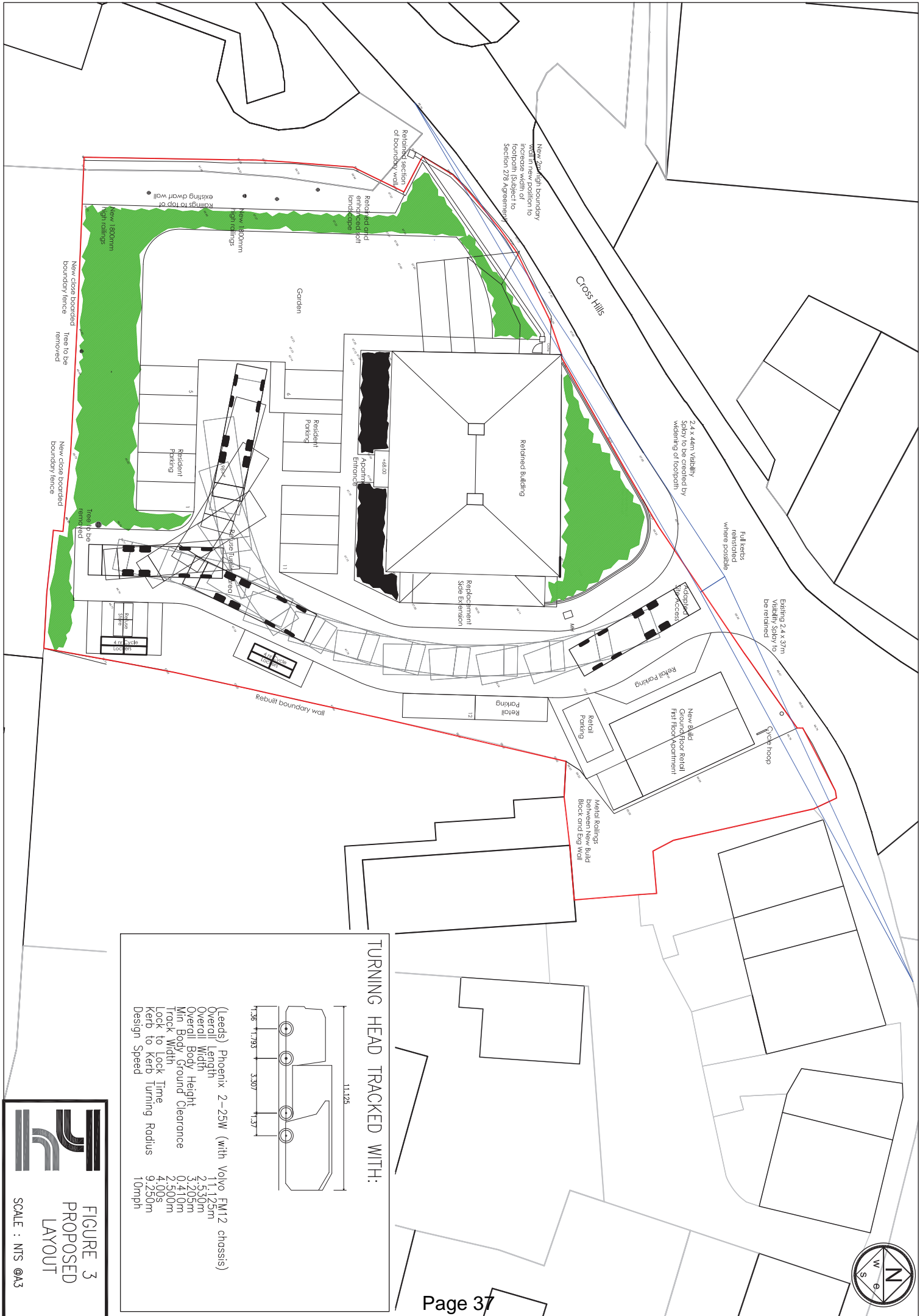
11.0 CONCLUSION

- 11.1 The proposal is considered to be sound in principle, of benefit to the character of listed building, its long term future and visual amenity in general, without prejudicing the interests of residential amenity or highway safety. These matters have been afforded significant weight in the balancing of the merits of the scheme and consequently the planning and associated listed building applications are recommended for approval.

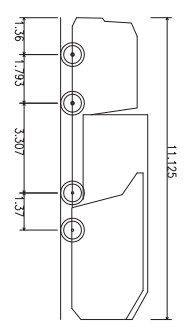
Background Papers:

Files: 12/03915/FU and 12/03916/LI

Certificate of Ownership (Cert A) signed by the agent for the applicant 12 September 2012.



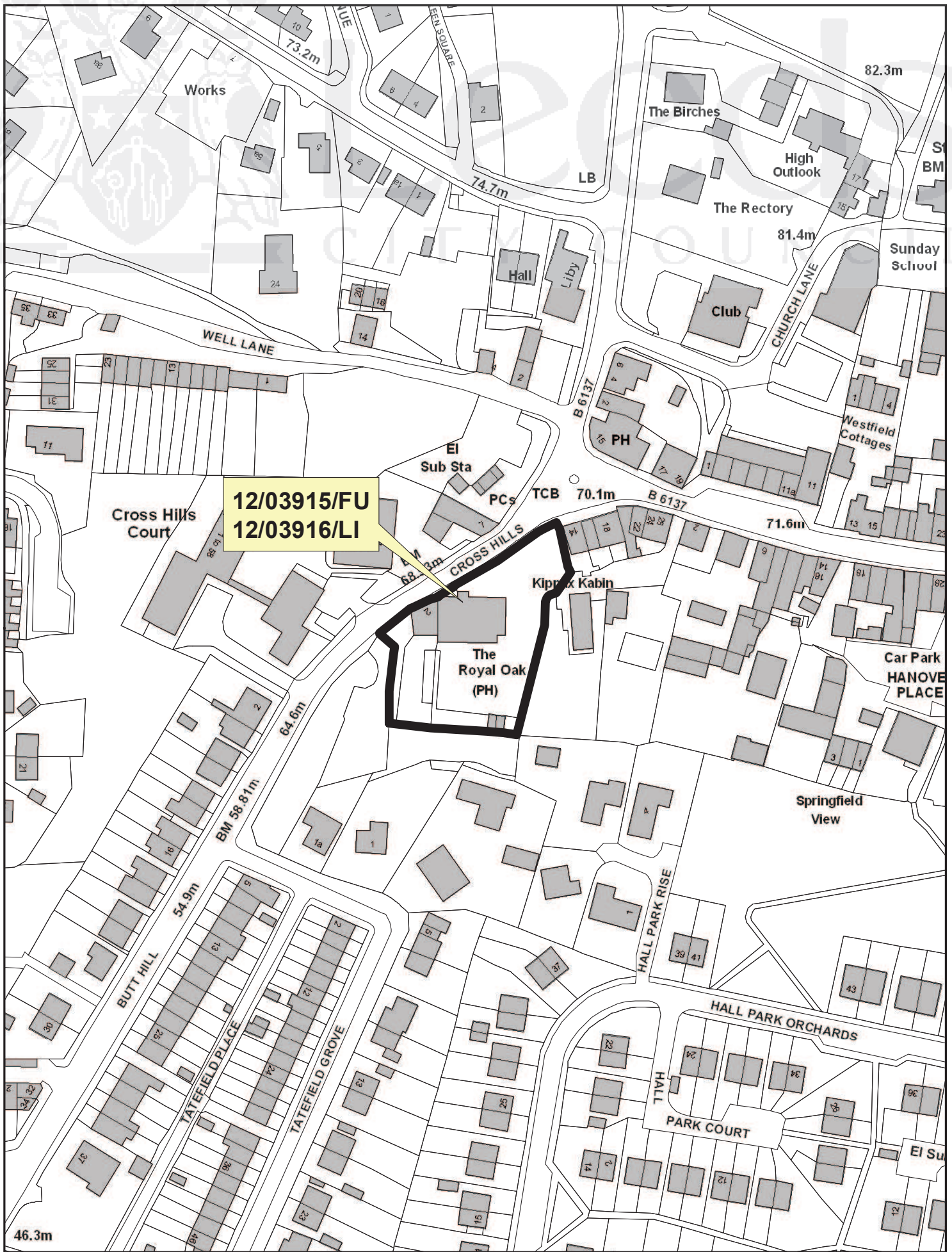
TURNING HEAD TRACKED WITH:



(Leads) Phoenix 2-25W (with Volvo FM12 chassis)

Overall Length	11.125m
Overall Width	2.530m
Overall Height	3.205m
Min Body Ground Clearance	0.410m
Track Width	2.500m
Lock to Lock Time	4.005
Kerb to Kerb Turning Radius	9.230m
Design Speed	10mph

FIGURE 3
PROPOSED
LAYOUT
SCALE : NTS @A3



NORTH AND EAST PLANS PANEL



Originator: S Woodham

Tel: 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st February 2013

Subject: APPLICATION 12/04634/FU – Single storey detached outbuilding forming ancillary living accommodation to rear at 30 Upland Road, Leeds, LS8 2TQ

APPLICANT

Mr S Chopra

DATE VALID

20th November 2012

TARGET DATE

15th January 2013

Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Time limit;
2. Plans to be approved;
3. The proposal shall be constructed of the same materials detailed on the application form;
4. A 2.0m close boarded fence shall be present to the boundaries of the rear garden with otherwise agreed in writing by the Local Planning Authority;
5. The annexe hereby granted shall be used incidentally to the main dwelling and as such shall not be sold or let separately;
6. The proposed internal layout of the annexe shall remain as approved and not be altered unless otherwise agreed in writing by the Local Planning Authority;
7. As outlined with the statement provided by the application the outbuilding must only be occupied by family members of the occupants of the dwelling and no cooking facilities be provided;
8. The rear garden of the application dwelling shall not be in any way partitioned or subdivided and must function as shared amenity space for both the main dwelling and the annexe;

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any outbuildings are erected, other than those expressly authorised by this permission.

Reasons for approval: The application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide. The size, scale and design of the outbuilding is appropriate to its context and its reduced massing and siting will not result in harm to the amenity of neighbours. As such, having regard to all other material considerations, it is considered that the proposal is acceptable.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councilor Hussain due to the concerns regarding the additional noise and overlooking which could be created by the annexe and the possibility of a self-contained unit being created.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for the erection of a single storey detached outbuilding forming ancillary living accommodation to rear. The outbuilding will include three bedrooms, a living room, a bathroom and a store.
- 2.2 The height to the ridge of the outbuilding is approx 3.2m and the height to the eaves is approx 1.9m. The width is approximately 6.8m and the length is approximately 7m. The building will be constructed from brick and render with a concrete tiled roof.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a two storey, semi-detached dwelling constructed of brick with render to its upper portion. It is set within a residential area and the surrounding dwellings are of a similar size and scale and there is a regular appearance to the streetscene. The dwelling has been extended to the rear and has a small single storey extension; there is also a detached garage to the head of the drive. Neighbouring dwellings have also been extended and both immediately adjacent properties have large, detached outbuildings within their rear gardens.
- 3.2 The main amenity space is set to the rear where a long domestic garden extends to the south. This garden area appears to have been extended to include land which was previously related to two dwellings to the rear, and although it is not known when this extension took place the available evidence suggests this was a number of years previously. The garden is bounded by a mix of close boarded fencing and bamboo fencing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 32 Upland Road 10/00678/FU Part single storey, part two storey rear extension and detached garage

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application the outbuilding has been moved further within the site and its size, scale and massing has been reduced.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Neighbour notification letters have been sent and four letters of objection have been received from dwellings to the rear of the site.
- 6.2 Concerns have been raised regarding design and character, overlooking, overdominance and the creation of a self-contained unit. Other issues raised include matters concerning precedent and land ownership.

7.0 CONSULTATIONS RESPONSES:

Statutory & Non-Statutory Consultations:

None

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application, furthermore the RSS is due to be revoked shortly and its policies should be afforded little weight.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.
- 8.4 UDP Policies:
- GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.
- BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- 8.5 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

9.0 MAIN ISSUES

- i) Design and Character
- ii) Ancillary Accommodation
- iii) Neighbour Amenity
- iv) Representations

10.0 APPRAISAL

Design and Character

10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 and BD6 referring to general guidance in respect of design is given in policies of the UDP and also the Householder Design Guide.

10.2 As noted above the existing dwelling is a semi-detached property set within a residential area. Houses within the vicinity have been extended and there are large outbuildings set within the gardens of both immediate neighbouring dwellings as well as within the gardens of other properties within the area. The character of the area is therefore one in which outbuildings within the gardens are relatively commonplace. In its amended form the proposed outbuilding now lies immediately adjacent to the outbuildings within the neighbouring gardens and is also of a similar size and scale. It has a basic rectilinear shape and its simple appearance and reduced scale means that it does not unduly impose itself upon its surroundings. It is therefore considered

that the building will sit appropriately within its wider context and is reflective of the character of the area.

- 10.3 However, it is not just the physical appearance of buildings which can affect the character of an area, the use of buildings is also at issue. Neighbours have raised concerns regarding the outbuilding and note that large, detached structures with living accommodation are not characteristic of the area. Whilst this may well be true, albeit the window detailing of the garage at number 28 suggests it may well include accommodation, planning permission cannot be refused simply because an application seeks to change or alter the status quo, permission can only be refused where there would be demonstrable harm. The issues relating to the provision of ancillary accommodation within a garden are discussed below.

Ancillary Accommodation

- 10.4 As noted above the applicant seeks consent for the creation of a detached annexe within the rear garden. An annexe is an area of accommodation which is associated with, but not used as part of the main house. In order for an addition to be considered an annexe the accommodation must be associated with the main house, be of a scale to reflect this subsidiary function and must not be a commercial venture. Semi-private guest areas or accommodation for dependent relatives can be considered as annexes provided the above conditions are met. Neighbours have raised concerns regarding the creation of a detached living space which is not connected to the dwelling, and officers would share these concerns and do not consider this a suitable location for an additional residential planning unit. As such the decision maker must be satisfied that the size of the outbuilding and the accommodation it seeks to provide are of a scale which requires it to remain dependent upon the main house. In reaching a decision on this Members should have regard to conditions that can be imposed on any planning permission granted that seek to control the use and occupation of the proposed unit.
- 10.5 As initially proposed the scale and siting of the annexe raised some concerns, with officers being of the opinion that it did not have meet the above conditions. The combination of three large double bedrooms, a living room, generous bathroom and a store area resulted in a building which could easily function as a separate planning unit. Although the accommodation proposed still includes all these areas, the size and scale of the rooms has been significantly reduced and the annexe has been sited so that it is a little closer to the main dwelling. Although the size and scale of the annexe remains large it is now considered to be of a reasonable size relative to the scale of other outbuildings within the area. A written statement has also been provided by the agent in which the application has confirmed that the outbuilding will only be used by family members and the occasional guest. It is also noted that other large, wholly separate annexe buildings have been previously approved within the Leeds area and, given the reduced scale of the accommodation, the proposal is, on balance, acceptable.
- 10.6 Concern has been raised by neighbours and Councillor Hussain regarding the formation of a separate dwelling unit, with attention being drawn to the store area which could house cooking facilities. The creation of a separate dwelling unit would also be of concern to officers as this is not considered an appropriate location for such a function. Although there is undoubtedly some element of fact and degree judgement when assessing the ancillary nature of a structure in this instance the inclusion of cooking facilities within the structure would be of concern. A separate kitchen would significantly decrease its dependence on the main dwelling and would also reduce its ancillary status, allowing it to easily function independently. Although the creation of a separate dwelling unit would require planning permission, and the

authority would be able to take action if such a change of use were to occur, conditions can also be imposed which restrict the scale of accommodation and the use of the structure. As outlined above conditions which restrict its occupation to family members and prevent the inclusion of cooking facilities, prevent any alterations to its internal layout and also prevent the creation of a separate unit are proposed. A condition to prevent the subdivision of the site and the creation of further outbuildings within planning consent are also be included. It is considered that with these conditions the authority can ensure the outbuilding retains its ancillary status as an annexe to the main dwelling and that the residential amenity of neighbours is protected.

Neighbour Amenity

- 10.7 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”. Concerns have been raised by neighbours in relation to both overdominance and overlooking and these will be dealt with in turn. In respect of overdominance
- 10.8 The outbuilding raises no significant concerns in respect of overdominance. In its revised form the outbuilding has been moved away from the common boundaries with the neighbours to the rear and thus also further away from the main garden areas and main windows of these properties. The outbuilding is now a low slung structure which does not exceed 3.4m in height, and which lies immediately adjacent to other large outbuildings within the gardens of the neighbours to each side. These outbuildings effectively mitigate its impact upon the garden areas of the immediate neighbours and thus it is not considered harmful to these dwellings. The structure is now also sited over 41m from the dwellings to the rear and this distance is considered sufficient to prevent an unreasonable impact upon these properties, either through overdominance or increased activity levels.
- 10.9 The proposal is also considered acceptable in respect of overlooking. Whilst windows and a door are included to the rear, which do face toward the rear gardens of the properties to the rear, the impact of these openings is not considered to be significantly harmful. The windows are at single storey level and thus can be screened by an appropriate form of boundary treatment and this matter secured by condition. It is also noted that in its revised form the windows are set approximately 10.0m from the boundary, and as these serve secondary living areas (bedrooms) a minimum distance of 7.5m is required, which the application now exceeds. Therefore although the windows may well increase the perception of overlooking, given the distances now retained and the ability to impose screening no demonstrable harm is considered likely. As such the proposal is acceptable in this regard.

Representations

- 10.10 All material planning concerns which have been raised by neighbours have been discussed above. Concern has also been raised regarding land ownership and precedent. Land ownership matters are a civil concern which must be addressed outside the planning process. It is also noted that the revised location of the outbuilding removes the structure from the contested piece of land. In respect of precedent it is noted that each application is assessed on its own merits and that granting this permission would not suggest that the LPA considers separate dwellings with gardens to be acceptable.

11.0 CONCLUSION

11.1 In conclusion, the application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide. The size, scale and design of the outbuilding is appropriate to its context and its reduced massing and siting will not result in harm to the amenity of neighbours. As such, having regard to all other material considerations, it is considered that the proposal is acceptable.

Background Papers:

Application files: 12/04634/FU

Ownership Certificate:

Certificate A signed by applicant

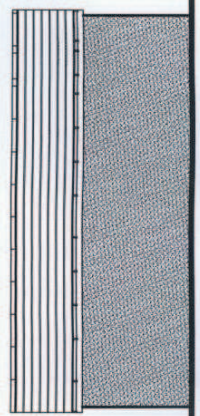
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 2. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE DRAWING.
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 4. THIS DRAWING IS FOR PLANNING AND BUILDING REGULATION PURPOSES ONLY.

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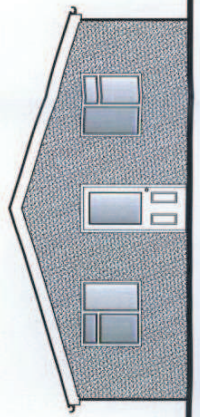
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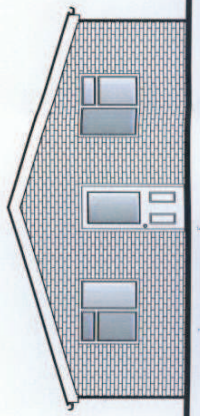
REVISED



SIDE ELEVATION

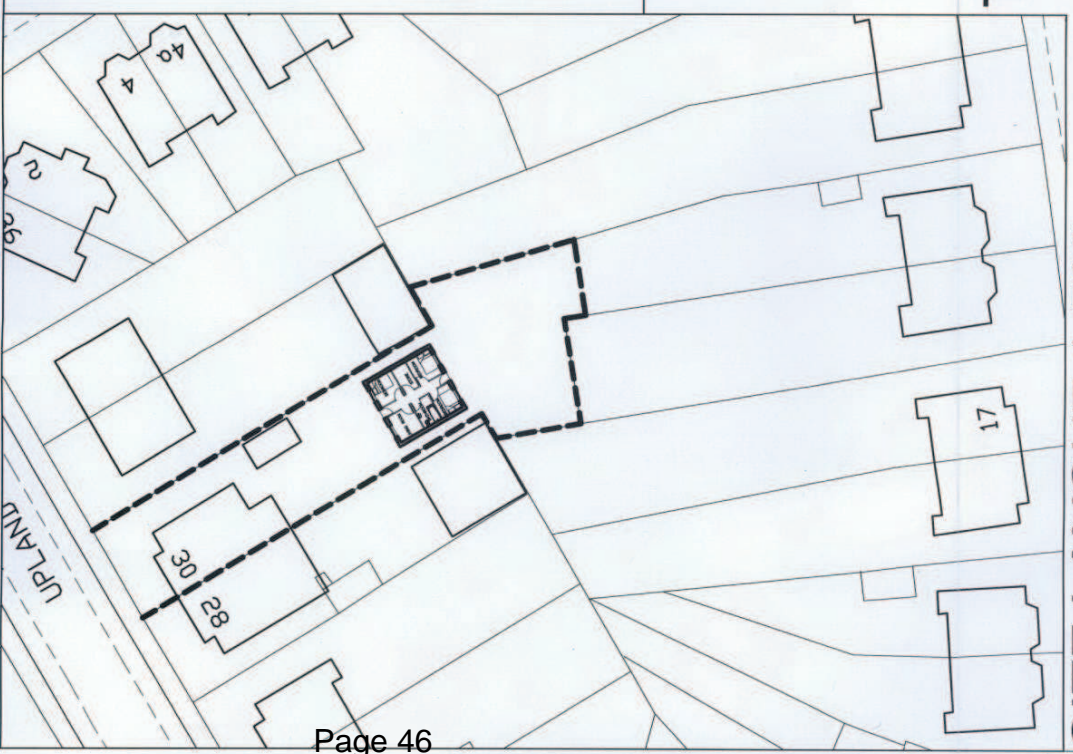


REAR ELEVATION

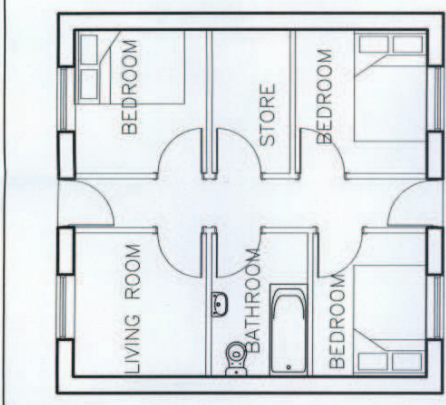


FRONT ELEVATION

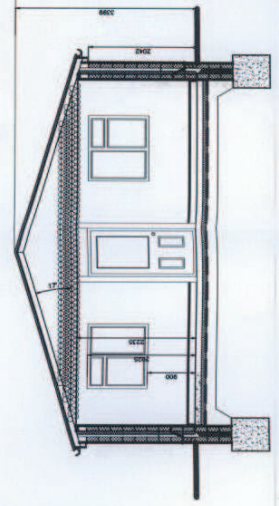
PLAN & ELEVATIONS 1:100



SITE LAYOUT 1:500



LOCATION PLAN 1:1250



TYPICAL SECTION 1:100

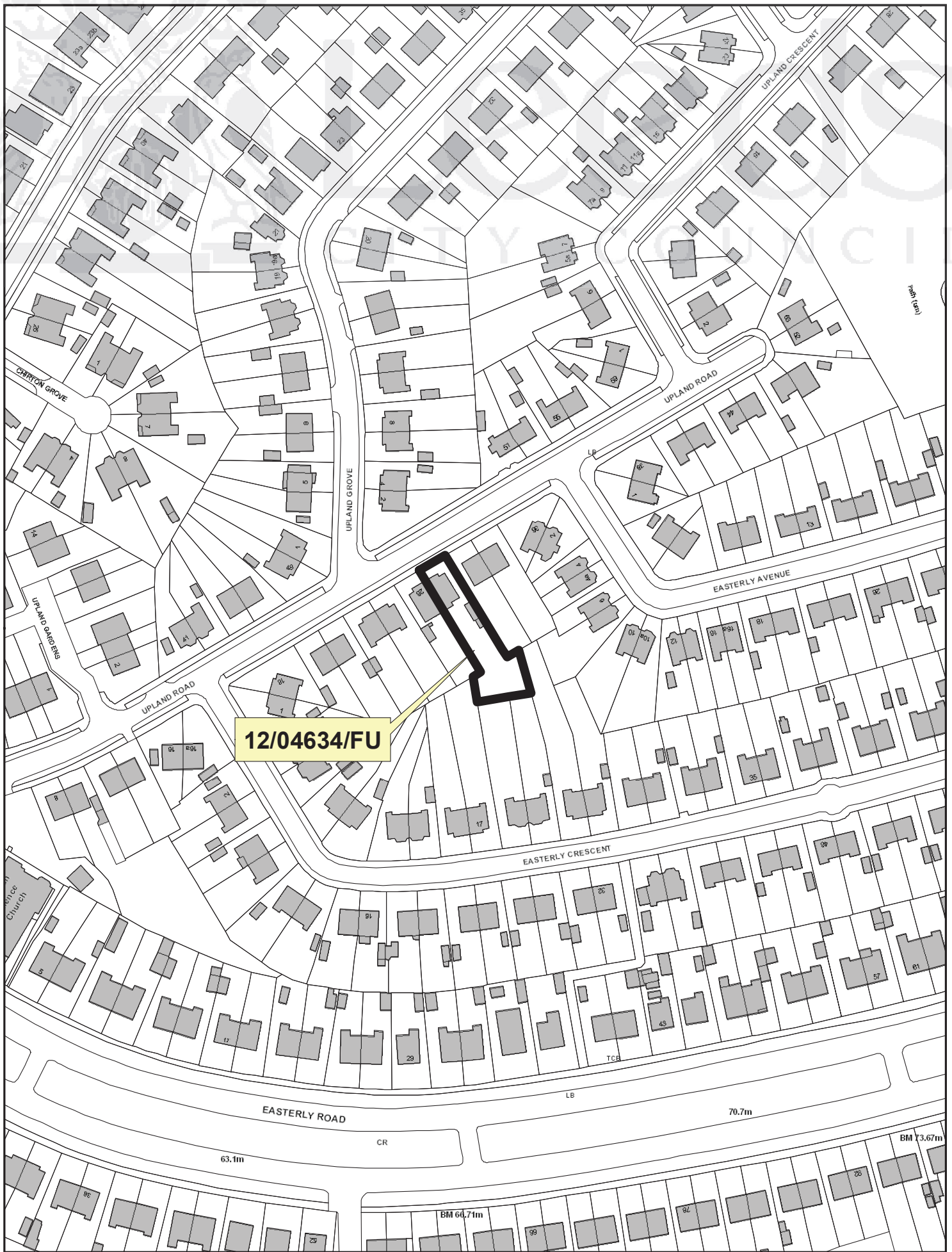
B 02.01.13 DRAWING AMENDED IN ACCORDANCE WITH L.A. RECOMMENDATIONS
 A 17.12.12 DRAWING AMENDED IN ACCORDANCE WITH L.A. RECOMMENDATIONS

D & J A RUTLEDGE
BUILDING SURVEYORS AND DESIGN CONSULTANTS
75 BATLEY ROAD WEST ARMSLEY WAKEFIELD WF3 1RE
0113 2525781 07956 460858

PROPOSED ANCILLARY LIVING ACCOMMODATION TO
 THE 30 UPLAND ROAD LEEDS LS8 2TG

PROPOSED PLANS ELEVATIONS AND SECTIONS

DATE: 07/01/13
 DRAWN BY: JAC
 CHECKED BY: JAC
 DATE: 07/01/13
 SCALE: AS SHOWN @ A3
 DATE: JUNE 2012



NORTH AND EAST PLANS PANEL

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Originator: S Woodham

Tel: 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st February 2013

Subject: APPLICATION 12/05169/FU – Part single storey and part two storey side extension with Juliet balcony to rear at 10 Montagu View Leeds LS8 3RH

APPLICANT

Mr S Hussain

DATE VALID

11th December 2012

TARGET DATE

5th February 2013

Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Time limit;
2. Plans to be approved;
3. The external walling and roofing materials shall match those existing;
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no new windows or openings may be inserted into the side elevation of the proposed side extension;
5. High level side windows to be obscure glazed and non-opening;
6. Hedge/fence to be retained to the rear garden;
7. A plan showing three car parking spaces should be provided to the LPA prior to the commencement of development.

Reasons for approval: The application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide, not cause harm to the character or appearance of the original house, street scene, nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

1.0 INTRODUCTION:

1.1 This application is brought to Panel at the request of Councillor Urry who raises concerns regarding the intensification of use at the dwelling, issues concerning highway safety, loss of garden space, and design and character. Councillor Urry also requests that a Members site visit be undertaken.

2.0 PROPOSAL:

2.1 The applicant seeks planning permission for the erection of a part two storey, part single storey side extension which includes a Juliet balcony to rear.

2.2 The development is largely two storey and runs the full depth of the dwelling and will be 4.0m in width. The extension incorporates a 1.0m set back from the front wall at first floor. The roof will be hipped to match the dwelling and will align at eaves level with the ridge set down approximately 300mm from that of the main house.

2.3 Members should also be aware that there is a pending permitted development enquiry which seeks to create a side gable and rear dormer within the roofspace.

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a two storey, semi-detached dwelling which is constructed of brick with a hipped, tiled roof and which is augmented by a two storey bay to the front. The property is located toward the head of a small residential cul-de-sac which is characterised by dwellings of a similar size, scale and design. The surrounding area is residential with the majority of properties being semi-detached although some detached dwellings are in evidence. Houses within the area have been extended and altered, a side dormer is present within the roof of the attached dwelling and number 12 has recently constructed a two storey rear extension.

3.2 The property is set back from the highway edge behind a short front garden and its driveway runs along the common boundary with number 12. This driveway provides space for two cars and a detached garage is also in evidence. The main amenity space is set to the rear where a domestic garden is bounded with close boarded fencing. The area to the side of the dwelling also contributes to the garden of the dwelling.

3.3 Neighbouring properties surrounding the property to all sides. Those within the cul-de-sac are two storey dwellings whilst to the rear the two affected dwellings are bungalows.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As initially submitted the applicant sought to construct rooms within the roof space, and a rear dormer and a side gable were included in the scheme. During the course of the application these have been removed and the application is now solely for a part two storey, part single storey side extension.
- 5.2 Some changes have also been made to the detail of the application. As initially proposed the extension included large side facing windows within the new gable wall. In their revised form the plans show that these have been amended to high level windows.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letter. Reconsultation has taken place when revised plans were received and a letters have been received from six properties. One letter includes signatures from three other neighbours. The details of the objections are as follows.

6.2 Of the letters which have been received from the four immediate neighbours:

- The occupants of 8 Montagu View raise concerns regarding design and character, loss of garden space, overshadowing, overdominance, intensification of use, highway safety, overlooking, noise and disturbance and overdevelopment;
- The occupants of 12 Montagu View raise concerns regarding design and character, highway safety, overshadowing, overlooking, overdevelopment, loss of garden space, loss of views, and noise and disturbance;
- The occupants of 22 Montagu Drive raise concerns regarding overlooking, overdominance and the potential conversion to an HMO;
- The occupants of 19 Montagu Drive raise concerns regarding overlooking, overdevelopment, loss of garden space, design and character, intensification of use, highway safety and the potential conversion to an HMO.

Of the letters which have been received from within the wider cul-de-sac:

- The occupants of 6 Montagu View raise concerns regarding design and character, highway safety, overlooking, and noise and disturbance;
- The occupants of 7-9 Montagu View (and numbers 1, 3 and 5) raise concerns regarding design and character, loss of garden space, highway safety, drainage, noise and disturbance and the potential conversion to an HMO.

7.0 CONSULTATIONS RESPONSES:

Statutory & Non-Statutory Consultations:

None

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment

of this application, furthermore the RSS is due to be revoked shortly and its policies should be afforded little weight.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 UDP Policies:

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

8.5 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

9.0 MAIN ISSUES

- i) Design and Character
- ii) Neighbour Amenity
- iii) Highway Safety
- iv) Private Garden Space
- v) Representations

10.0 APPRAISAL

Design and Character

- 10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”. This advice is expanded and elucidated within the Draft Householder Design Guide.
- 10.2 The applicant seeks permission for a part two storey, part single storey side extension. As a general rule-of-thumb side extensions should be well proportioned, reflect the character of the existing dwelling and be of a subordinate scale. Where properties are part of a semi-detached pair they should also not unbalance the symmetry of the two dwellings. The extension is considered to achieve these aims; its first floor element is set back from the front wall of the dwelling and its ridge line is set beneath that of the main dwelling. This means that the extension is read as a secondary, subordinate element and the main dwelling remains the principle feature of the site. This set back also means that the symmetry of the pair is retained. As such the extension adequately respects the character of the existing dwelling and the semi-detached pair.
- 10.3 Extension to properties should also be appropriate within the wider streetscene context. Local residents have expressed concern regarding the design of the proposed extension and are concerned that the extension is an out-of-scale and visually dominant addition which will harm the character of the cul-de-sac. As has been outlined above the extension is considered to be adequately subordinate to the main dwelling and, although visible from the cul-de-sac, will not result a visually dominant addition which has an undue degree of prominence due, in part, to the angle of the dwelling relative to the highway which means the impact of the extension is partly screened by the existing property. It is also noted that the extension is similar to many approved recently within the area and within the wider Leeds district, and complies with the advice contained within the Householder Design Guide in respect of good design. As such the application raise no concerns regarding its impact upon the character of the wider area.

Neighbour Amenity

- 10.4 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”. Concerns have been expressed by neighbours regarding each of these issues and these will be explored, in turn, below.
- 10.5 Overshadowing has been raised as a concern by numbers 8 and 12 Montagu View, the two immediate neighbours within the cul-de-sac. The extension which is proposed is sited within the confines of the existing side gable and does not project forward of the front or rear walls of the dwelling; the extension lies to the west of 12 Montague view and to the north-east of number 8. This means that the application may lead to some increased overshadowing of the garage and driveway of number 12 during the very early morning however this is unlikely to be significantly different to the shadow cast by the existing dwelling and will not affect the main windows and main amenity space of this dwelling. As such the impact upon amenity is not considered to be significantly harmful. The impact upon 8 Montagu View is also considered acceptable as the extension is located to the north-west of this property and thus the only conceivable impact would be during the very late evening, however the bulk of the additional overshadowing would be absorbed by the applicant’s own garden and would not have a significantly harmful impact upon the rear garden of number 8.
- 10.6 The neighbours which lie to the north of the site have a greater potential to be impacted by the extension, as the path of the sun means they could be affected for much of the day. However the distances involved are sufficient to mitigate harm, with the nearest area of main private amenity space being approximately 20m away. It is also noted that the additional shadow which will be created over and above that already cast by the existing dwelling is minimal. As such the proposal is considered acceptable in this regard.
- 10.7 The extension is also considered acceptable in respect of overdominance. The impact of the extension upon the dwellings within the cul-de-sac in respect of this matter will be minimal as the extension is not sited in close proximity to the main windows nor main garden areas of the neighbours and thus does not represent an unreasonable imposition. It is noted that the extension is sited in close proximity to the garage and side driveway of 12 Montagu View, however this is not considered to be a significantly sensitive area of the neighbouring site and the impact of the proposal will not be significantly harmful to residential amenity.
- 10.8 As noted above (site and surroundings) the two dwellings to the north of the site are bungalows and therefore a two storey extension which projects closer to both properties could have a negative impact, with number 22 Montagu Drive the most affected. However, this said, the extension which is proposed is sited to the side of number 22 with approximately 16m retained between the closest points of the two buildings. The main windows and the main garden area of this dwelling will not be significantly affected and thus the impact is not considered to be unreasonable. This is also considered to be the case with 19 Montagu Drive where significantly greater distances are involved, with the nearest points of the two buildings being approximately 25m apart, a distance which is considered sufficient to mitigate against unreasonable harm.
- 10.9 The extension is also considered acceptable in respect of overlooking. This matter has been raised as a concern by the neighbours to the side and rear of the development with the main concern being the new first floor glazing. The new first

floor windows which are proposed include one to the front which overlooks the applicant's own frontage and the highway beyond, two high level windows to the side which are set 1.7m above the finished floor level and a full-height window with a Juliet balcony to the rear which faces out onto the applicant's rear garden.

- 10.10 The window to the front does not raise concern as this does not face toward neighbouring private amenity space and retains adequate distance to the dwellings opposite to prevent harmful conflict. The windows to the side are also acceptable as these are high level windows and will not allow significant views of neighbouring sites, a condition will also be imposed which ensures these are fixed-shut and obscure glazed. The rear window is also considered to be acceptable as this retains an adequate distance to the common boundary with 19 Montagu Drive, being 10m at its closest point with the minimum required distance being 7.5m. It is noted that this window does increase the number of rear facing windows and will allow oblique overlooking of the neighbouring garden at 8 Montagu View, however the views which will be afforded are similar to those afforded by the existing rear facing windows and are not unexpected, nor unreasonable within residential contexts. It is also noted that 8 Montagu View has constructed a dormer within its rear roofscape which has increased surveillance of the applicant's rear garden. As such the application is considered acceptable in this regard.

Highway Safety

- 10.11 In order to be considered acceptable in respect of highway safety development proposals must not impeded the safe and free flow of traffic on the highway and must retain adequate parking spaces on site. Significant concern has been raised by neighbours in relation to this issue with the increased number of bedrooms being of particular issue. Although it is acknowledged that the number of bedrooms is to be increased at the dwelling there is no direct link between the number of bedrooms within a property and the number of cars which will be parked at the site. It is normal practice to ask that two car parking spaces be provided for family dwellings which the site can easily accommodate within the existing driveway. In this instance, given the narrow nature of the cul-de-sac and the increased number of bedrooms it is considered prudent to request that a third space be provided in order to ensure that on-street parking does not occur and the applicant is amenable to this suggestion. In order that the front garden of the dwelling is not lost it is proposed that the existing garage be demolished thus freeing up another space. A condition will be imposed to ensure this occurs, with details being provided prior to the commencement of works. As such the proposal is acceptable in this regard.

Private Garden Space

- 10.12 Concern has been expressed about the loss of the side garden and the balance of the remaining garden relative to the side of the dwelling. It is usual practice when existing dwellings are extended for the authority to ask that half the existing private amenity space is retained. The application achieves this aim and the remaining garden is considered a sufficient size to provide a reasonable level of amenity to the occupants. As such the application is acceptable in this regard.

Representations

- 10.13 Several other issues have also been raised by objectors which are not considered to be material planning considerations, these include loss of views, increased noise and disturbance and drainage. Although views across neighbouring sites may be long enjoyed their loss in this instance is not considered to be a material

consideration. Although the dwelling is to be enlarged and its use intensified it nonetheless remains a single residential dwelling within a residential area. It is hoped that houses will be occupied in a manner which has due regard to the amenity of neighbours, however if problems with respect to noise occur these must be addressed outside the planning process. Concerns regarding drainage are a matter for building control and not, in this instance, a material consideration. Concern has also been raised regarding the potential future conversion to an HMO. Planning application must be assessed on their own merits having regard to the material circumstances of the site; they cannot be refused due to concerns about potential changes at a later, unspecified date.

11.0 CONCLUSION

- 11.1 In conclusion, the application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide, not cause harm to the character or appearance of the original house, street scene, nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

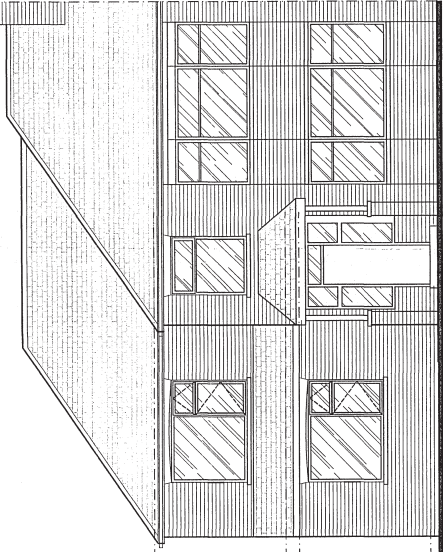
Background Papers:

Application files: 12/05169/FU

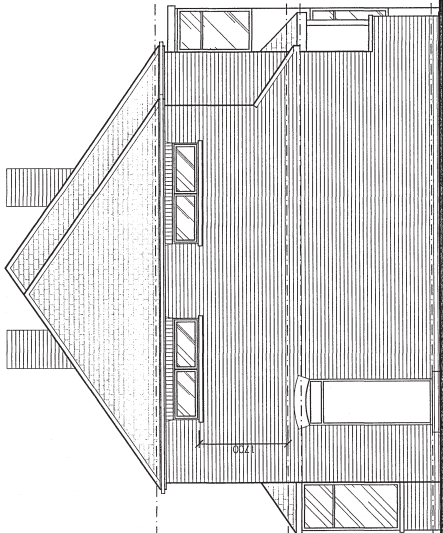
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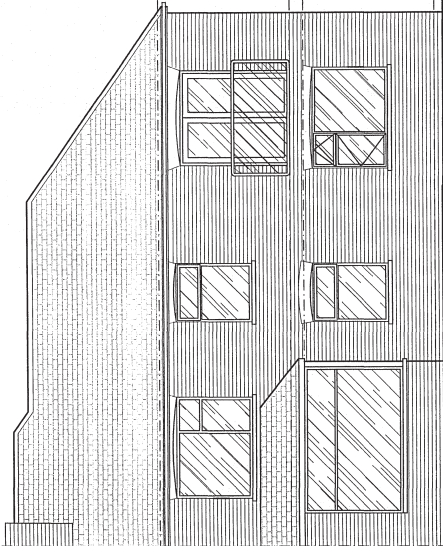
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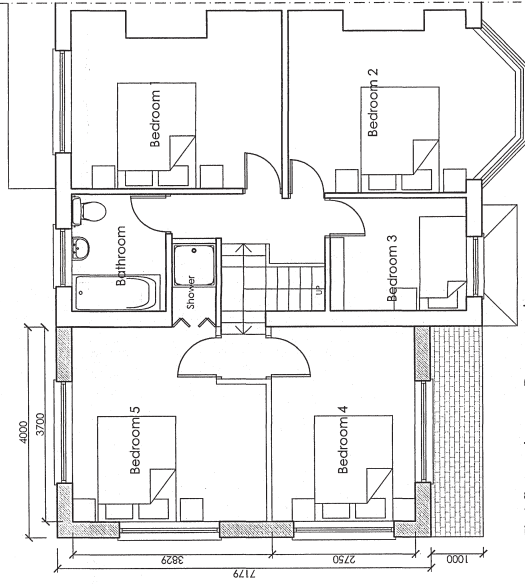
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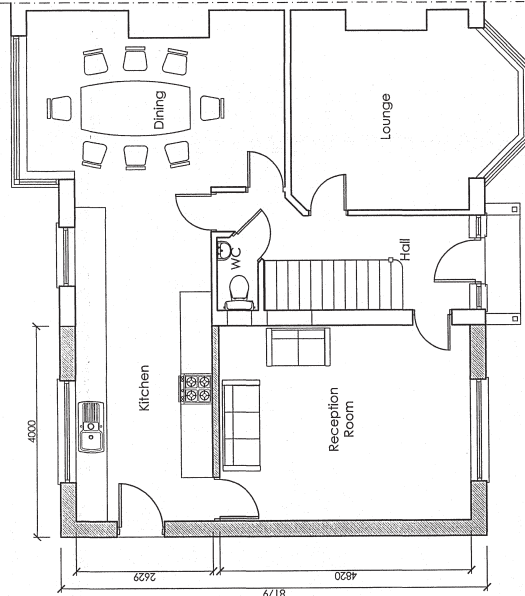
Side elevation as Proposed



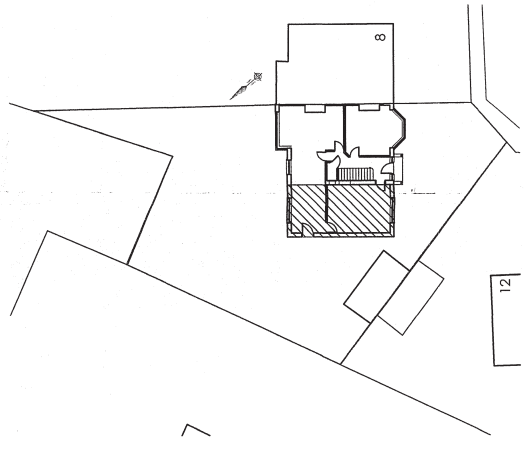
Rear elevation as Proposed



First floor plan as Proposed



Ground floor plan as Proposed



12
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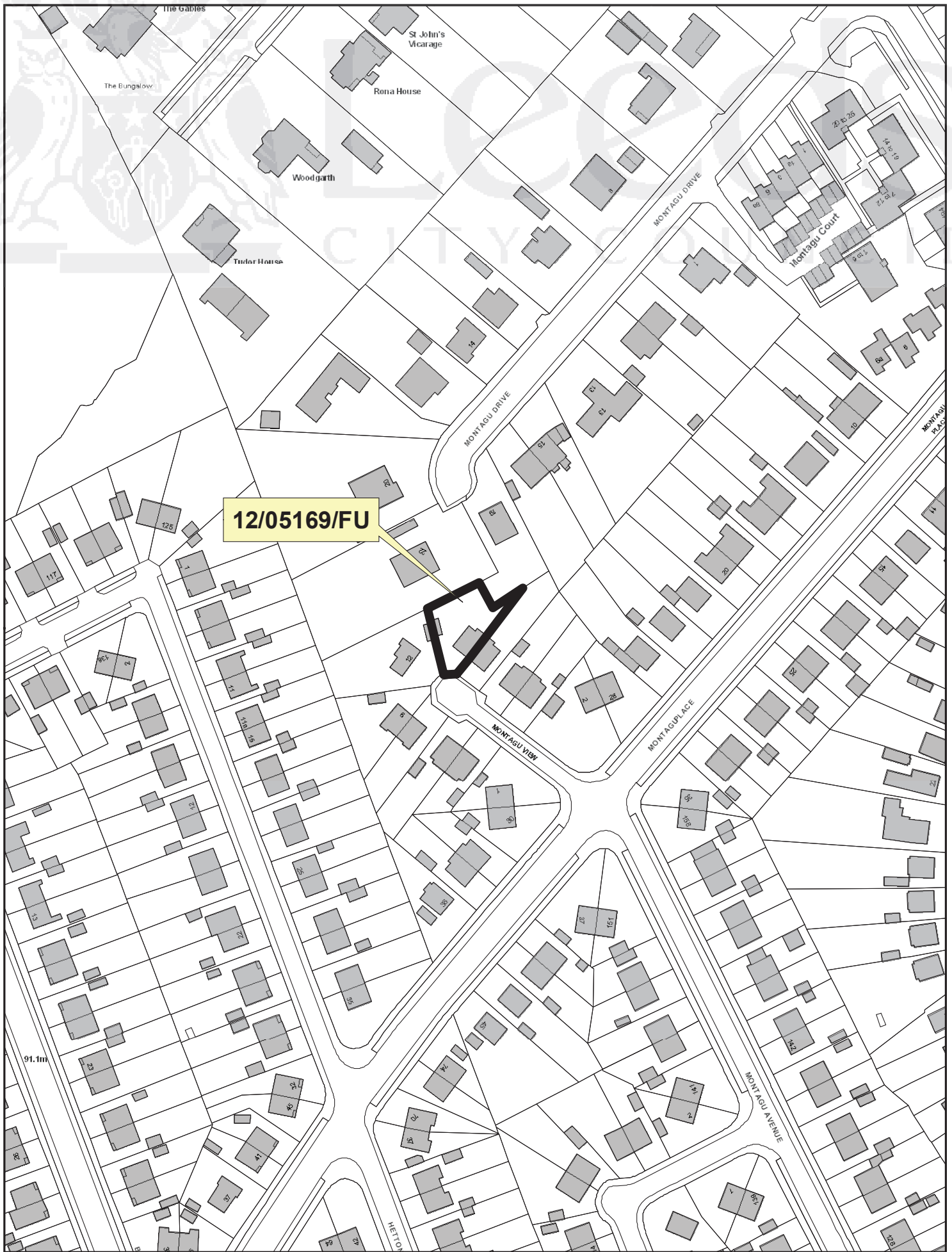
C. PD work removed.
A. Amended to planners requirements.

PERMISSION USE

SKANO
DESIGN SERVICES

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PROPOSED HOUSE EXTENSION 10 MONTAGU VIEW ROUNDHAY LEEDS LS8 2RH			
DATE:	DRAWN BY:	CHECKED BY:	REV:
October 2012	P.P.		
SCALE:	DRAWING NO:	PROJECT NO:	
1:50 / 1:200	12-099/02	C	



NORTH AND EAST PLANS PANEL