



## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 13th June, 2013  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

D Congreve  
(Chair)  
R Grahame  
M Harland  
C Macniven  
A McKenna  
J Harper  
M Lyons

C Campbell

J Procter  
G Wilkinson

Whip's nominee

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**Agenda compiled by:**  
**Angela Bloor**  
**Governance Services**  
**Civic Hall**  
**Tel: 0113 24 74754**

# AGENDA

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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>	
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the North and East Plans Panel meeting held on 16 <sup>th</sup> May 2013  (minutes attached)	3 - 6
7	Temple Newsam		<b>APPLICATION 13/00011/FU - 28 PENLANDS CRESCENT LS15</b>  Further to minute 64 of the North and East Plans Panel held on 18 <sup>th</sup> April 2013, where Panel agreed to withdraw a report relating to an application for a two storey side extension, to consider a further report of the Chief Planning Officer  (report attached)	7 - 16
8	Alwoodley		<b>APPLICATION 13/00775/FU - 147 THE AVENUE ALWOODLEY LS17</b>  To consider a report of the Chief Planning Officer on an application for a change of use from A1 (shop) to A5 (hot food take away)  (report attached)	17 - 28

Item No	Ward	Item Not Open		Page No
9	Moortown		<p><b>APPLICATION 13/00565/FU - 41A STAINBURN CRESCENT LS17</b></p> <p>Further to minute 78 of the North and East Plans Panel meeting held on 16<sup>th</sup> May 2013, where Panel deferred determination of an application for two storey, single storey side/rear extension and re-siting of steps with railings above, for additional information, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	29 - 36
10	Chapel Allerton		<p><b>APPLICATION 13/00694/FU - SITE OF ALLERTON HOUSE HARROGATE ROAD CHAPEL ALLERTON</b></p> <p>Further to minute 68 of the North and East Plans Panel meeting held on 18<sup>th</sup> April 2013, where Panel considered a position statement on proposals for demolition of existing building and erection of a foodstore to the front of the site with associated access, car parking, servicing and landscaping, to consider a report of the Chief Planning Officer seeking determination of the application</p> <p>(report attached)</p>	37 - 58
11	Chapel Allerton		<p><b>APPLICATION 12/05296/FU - SITE OF ALLERTON HOUSE HARROGATE ROAD CHAPEL ALLERTON</b></p> <p>Further to minute 68 of the North and East Plans Panel held on 18<sup>th</sup> April 2013, where Panel considered a position statement on proposals for demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping, to consider a further report of the Chief Planning Officer seeking determination of the application</p> <p>(report attached)</p>	59 - 76

Item No	Ward	Item Not Open		Page No
12			<p><b>PREAPP/11/00641 - LAND AT FLORENCE STREET HAREHILLS LS9 - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for a new primary school and to receive a presentation on the proposed scheme</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	77 - 84
13			<p><b>DATE AND TIME OF NEXT MEETINGS</b></p> <p>Thursday 11<sup>th</sup> July 2013 at 1.30pm  Thursday 8<sup>th</sup> August 2013 at 1.30pm</p>	

To all Members of North and East  
Plans Panel

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Angela M Bloor  
Tel: 0113 247 4754  
Fax: 0113 395 1599  
angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: n&e pp site visits  
Date 4<sup>th</sup> June 2013

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – 13<sup>TH</sup> JUNE 2013**

Prior to the meeting of the North and East Plans Panel on Thursday 13<sup>th</sup> June 2013 the following site visits will take place:

10.45am		Depart Civic Hall
11.00am	Harehills	Proposed Primary School at Florence Street Harehills – Preapp/11/00641
11.30am	Temple Newsam	Two storey side extension at 28 Penlands Crescent LS15 – 13/00011/FU
12.00 noon	Alwoodley	Change of use from A1 (shop) to A5 (hot food take away) at 147 The Avenue Alwoodley LS17 – 13/00775/FU
12.30pm approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.45am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.40am**.

Yours sincerely

Angela M Bloor  
Governance Officer

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## NORTH AND EAST PLANS PANEL

THURSDAY, 16TH MAY, 2013

**PRESENT:** Councillor D Congreve in the Chair

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

### 72 Chair's opening remarks

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

### 73 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 74 Apologies for Absence

Apologies for absence were received from Councillor A McKenna who was substituted at the meeting by Councillor J McKenna

### 75 Minutes

**RESOLVED** - To approve the minutes of the North and East Plans Panel meeting held on 18<sup>th</sup> April 2013

### 76 Application 12/05140/RM - 10 houses with landscaping - Grange Farm Great North Road Micklefield LS25

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

Officers presented the report which sought reserved matters approval for a small residential scheme at Grange Farm, Great North Road Micklefield LS25

Members were informed that the site formed part of a wider Phase 3 housing site and that the site was now cleared of the buildings referred to in the submitted report. The route of the public right of way (PROW) which ran through the site was highlighted for Members' consideration

The proposed house types were primarily two storey and of simple design. In terms of materials, these did not form part of the reserved matters

Draft minutes to be approved at the meeting  
to be held on Thursday, 13th June, 2013

application but that render and brick had been indicated at the time of application. Officers had noted Micklefield Parish Council's concerns about the materials being proposed and the Parish Council's preference for magnesium limestone. Members were informed that Officers were now considering two types of red brick as the main material, with the render elements no longer being proposed. As Officers considered that the immediate context did not rely on the use of magnesium limestone, the use of red brick was felt to be appropriate.

Members were informed that an application for the discharge of conditions imposed on the approved outline application had recently been received and was being considered

Some concerns had been received in respect of the distances of the new dwellings to the existing properties nearby and the relationship between the two, with Members were informed that Officers were satisfied that good separation distances were being achieved for this development

The Panel then heard representations from an objector who was representing Micklefield Parish Council

Members commented on the following matters:

- the land levels of plot 6
- the PROW and whether any improvements would be made to it, with Members being informed that as part of the outline permission, there was a condition which related to surfacing of the PROW and that Highways would seek to adopt the whole area, with improvements to the current situation being achieved
- the proposed materials; that there were different shades and tones of red brick and whether its predominant use was appropriate in this location

Members considered how to proceed

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and additional conditions relating to the submission and approval of garden levels of plot 6, and the submission and approval of brick samples, in consultation with Ward Members and following the expiry of the revised publicity period and subject to no new representations being received which raise new significant material planning considerations

**77 Application 13/00068/FU - Demolition of workshop and erection of detached house with integral garage - Land to the rear of 44 Main Street Methley LS26**

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

Officers presented the report which related to an application for the demolition of an existing workshop, which was in poor condition, and the erection of a detached house with integral garage at the rear of 44 Main Street Methley

The view of Officers was that there were issues about the design of the proposed dwelling and the impact of the proposals on residential amenity and for these reasons refusal of the application was being recommended to Panel

Members heard representations on behalf of the applicant who stated that minor amendments to the application could be made which might alleviate some of the concerns raised by Officers

**RESOLVED** - That the application be refused for the following reasons:

1 The proposed development would by reason of its siting, scale and design, represent development that lacks architectural continuity and is contrived in appearance thereby resulting in an incongruous feature when viewed in context with the site and its surroundings. As such the proposed development represents harm to the interests of visual amenity thereby conflicting with the Policies GP5, N12 and N13 of the Leeds Unitary Development Plan Review (2006) and the design advice contained in the National Planning Policy Framework (NPPF)

2 The proposed development would by reason of its siting, scale, design and overall height result in overlooking, overshadowing and represent development that is intrusive and over dominant to the occupants of the properties at Nos 40, 42, 44 and 46 Main Street. The future occupants of the proposed dwelling would also suffer from being unduly overlooked. As such the development would be prejudicial to the living conditions of the occupants of existing dwellings and future occupants of the proposed development. As a consequence, the proposed development is contrary to Policies GP5 and BD5 of the Leeds Unitary Development Plan Review (2006) and the guidance contained in the City Council's Residential Design Guide – Neighbourhoods for Living

**78 Application 13/00565/FU - Two storey, single storey side/rear extension and re-siting of steps with railings above to rear of 41A Stainburn Crescent LS17**

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

The Panel's Lead Officer presented a report for extensions and alterations to 41A Stainburn Crescent LS17 and outlined the recent planning history on the site

Previous applications for extensions in 2010 and 2011 had been refused by Panel, although permission for a smaller scheme was granted under delegated powers in 2012. Plans showing the previous refused proposals and the 2012 permitted scheme were shown for context

The receipt of three further letters of objection was reported

Members heard representations on behalf of an objector and the applicant who attended the meeting

Members commented on the following matters:

- that the submitted plans did not accurately represent the situation on site as the dormer which had been constructed under Permitted Development Rights was not shown and the

drawings were not sufficiently clear to enable Members to form a view on what was being proposed

- the means of internal access to the rear extension as it appeared on plan that this could only be accessed from the outside

In view of the concerns expressed by Members about the lack of detail on the submitted plans, it was proposed to defer determination of the application

**RESOLVED** - That determination of the application be deferred to enable detailed and accurate plans of the site to be submitted together with details on how the summer lounge would be used and accessed

**79 Application 12/00450/FU - Decision to refuse planning permission for a detached garage with first floor offices - The Coach House Carr Lane Thorner LS14 - Appeal summary**

Members considered a report of the Chief Planning Officer setting out an appeal decision relating to application 12/00450/FU – detached garage with first floor offices at The Coach House Carr Lane Thorner LS14 (minutes 203 of the former Plans Panel East meeting held on 19<sup>th</sup> April 2012 and minute 211 of the former Plans Panel East meeting held on 17<sup>th</sup> May 2012 refer)

The Inspector's decision to dismiss the appeal was noted and welcomed by Members of the Panel. Panel also noted that the cost claim made against the Council had been dismissed by the Inspector

The Chair outlined the background to the decision for Members' information

**RESOLVED** - To note the Inspector's decisions on the appeal and the claim for costs against the Council

**80 Date and Time of Next Meeting**

Thursday 13<sup>th</sup> June 2013, at 1.30pm in the Civic Hall, Leeds



Originator: J Thomas

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 13<sup>th</sup> June 2013

Subject: 13/00011/FU – Two storey side extension at 28 Penlands Crescent, LS15 9DQ

#### APPLICANT

Mr James Marshall

#### DATE VALID

2<sup>nd</sup> January 2013

#### TARGET DATE

27<sup>th</sup> February 2013

#### Electoral Wards Affected:

Temple Newsam

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION: REFUSE PERMISSION for the following reason:

The Local Planning Authority considers that the proposed extension would, by reason of its close proximity to existing trees, adversely affect the future health of these trees and prevent the trees growing to maturity. It is considered that these trees which are subject to a Tree Preservation Order are of a significant amenity value, enhancing the character and visual amenity of the area. As such their loss or diminution would have a harmful impact on the visual amenity of the area and the proposal is therefore contrary to Policies GP5 and LD1 of the Leeds Unitary Development Plan as well as advice contained within 'Guideline Distances from Development to Trees' and the National Planning Policy Framework.

## 1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Councillor Judith Cummins for the impact on the trees to be assessed. The application was originally reported to the North and East Plans Panel of 18<sup>th</sup> April 2013 where consideration was deferred to allow for further negotiations to take place. These discussions have now happened but no agreement has been reached between the parties. Accordingly the planning application is presented to Members for determination with a recommendation that planning permission be refused.

## 2.0 PROPOSAL

- 2.1 The applicant seeks permission to create a two storey side extension with a pitched roof. This will measure approximately 3.3m in width, 5.5m in depth and its gabled roof will align with the house eaves and be set down a little from the ridge. An additional entrance door is proposed to the front with a window above. Patio doors are proposed to the rear giving access into the rear garden, also with a window above.

## 2.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached, two storey brick built dwelling set toward the head of a residential cul-de-sac. The property has a gabled, concrete tiled roof. The surrounding area is residential and there are a mix of detached, semi-detached and terraced properties of a similar size and scale. The property is set back from the street behind an open front garden.
- 3.2 There is a blanket TPO which covers the estate and there are four large oak trees which lie offsite within the garden of 7 Burr Tree Garth. These are remnants of the old field boundaries before the estate was constructed and have significant amenity value within the wider locality.

## 4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/01949/FU Two storey front extension, new first floor window to side  
**Withdrawn**
- H32/35/91/ Alterations and extension to form bedroom and toilet, to side of detached bungalow  
**Approved**
- H32/284/83 Laying out of 778 houses  
**Approved**
- Permitted development rights for extensions were removed by condition
- 4.2 Area TPO 6/84. This TPO was made at the time of the development approved under H32/284/83. This TPO includes the oak trees which are affected by the current proposal.

## 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have been held with the applicant and a site meeting was attended by Mr George Mudie (MP), the council's Landscape Officer and the Principal Planner for the Householder Team. However, as officers considered that the works will have a significantly harmful impact upon the offsite trees and the applicant considers that there will be no impact upon the trees, a satisfactory conclusion could not be reached.

## 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by neighbour notification letter.

6.2 An objection has been received from 26 Penlands Crescent who raise concerns regarding disruption during the construction process and potential damage to property.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Landscape officers raise significant concerns regarding the impact of the extension upon the protected trees, noting that the application fails to comply with the recommended distances that an extension should be located from an oak tree. Concern is therefore raised about the potential impact during construction and the later pressure to prune, lop or fell the trees.

## **8.0 PLANNING POLICIES:**

8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006).

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.

LD1 Any landscape scheme should normally:

i. Reflect the scale and form of adjacent development and the character of the area;

ii. Complement and avoid detracting from views, skylines and landmarks;

iii. Provide suitable access for people with disabilities;

- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
- vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

#### Householder Design Guide SPD:

- 8.5 Leeds City Council Householder Design Guide was adopted on 1<sup>st</sup> 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.

#### Guideline Distances from Development to Trees: Securing Space for Existing and New Trees

- 8.6 This guide was revised in March 2011 and complements the British Standard document BS5837: 2005 Trees in Relation to Construction. The document seeks to ensure that sufficient space is retained around new buildings to protect the long term health of vegetation.

#### National Planning Policy Framework

- 8.7 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**



- 1) Protected Trees
- 2) Design and Character
- 3) Neighbour Amenity
- 4) Representations

## **10.0 APPRAISAL**

- 10.1 The applicant is looking to extend their home to accommodate a growing family that includes 3 young children. The family is well established in the local area with one of the children at a local school and relatives living nearby. The design and scale of the extension are considered to be acceptable. In addition it is not considered that the proposal will harm the amenities of nearby local residents. Accordingly the key aspect in this case is the impact that the development will have on protected trees that are to the side of the house. The report will deal with each of the key planning considerations in turn.

### Protected Trees

- 10.2 Policy LD1 notes that “sufficient space [should] be allowed around buildings to enable existing trees to be retained in a healthy condition” and more detailed guidance is then included within the ‘Guideline Distances from Development to Trees’. As noted above there are protected offsite trees which lie beyond the side boundary of the application dwelling. These trees have a significant amenity value and are important to the character of the wider area. The extension which is proposed will bring the house significantly closer to these trees. There are therefore two main issues which need to be considered, the impact of the construction process upon the root systems of the trees and also the subsequent pressure to prune, lop or fell the trees due to the increased proximity of the enlarged dwelling. As will be discussed below it is this pressure for future pruning which causes the most concern.
- 10.3 The landscape officer has raised significant concerns regarding the impact of the extension upon the health and longevity of the protected trees. Concern is raised regarding the construction process and the impact of foundations, however it is acknowledged that with an appropriate foundation and careful site management it may be possible to prevent long term damage. The main issue is the impact caused by bringing the house closer to these trees. As is outlined within the ‘Guideline Distances from Development to Trees’ document, a minimum distance of 12.0m should be retained between the side wall of an extension and an Oak tree. This is to allow the tree sufficient space to grow to maturity without branches overhanging garden areas, gutters and preventing sufficient light being received by windows. The extension which is proposed would retain approximately 1.6m which is significantly beneath this recommended distance. The extension would be brought beneath the canopy of two of the trees and its front and rear windows would look out onto the canopies of the other two trees. This would lead to significant pressure to prune, lop or fell the trees to allow a reasonable amount of light to these rooms as well as outlook from them. Constructing the extension beneath the canopy of the trees will also lead to a significant amount of leaf fall onto the roof and gutters which will impose a significant maintenance burden and also lead to pressure to lop, prune or fell the trees. It should also be noted that the applicant considers there is an existing conflict between his house and these trees as permission was sought in 2012 to carry out pruning works. Permission was sought for these works on the grounds that the trees were encroaching onto the guttering and roof slates and that shading was limiting grass growth. The extended house would sit closer to these trees and thus

this degree of conflict would be increased and would lead to further pressure to prune, lop or fell the trees. As noted above the trees are a pleasant part of the streetscene and make a positive contribution to the character of the area. Their loss would be exceptionally harmful.

10.4 The applicant has pointed out that the documents and policies of the council are guidance and that it is possible to reduce the minimum distances to trees in certain circumstances. Attention is also drawn to the fact that the existing relationship is substandard, that a side extension was approved in 1991 and that there are situations where development has been allowed close to trees. Whilst it is acknowledged that the existing relationship of the house to the trees is not ideal (and indeed it is this proximity which has led to the existing pressure to prune) this is not a strong reason for worsening the relationship and further increasing this pressure to prune. The presence of other substandard developments across Leeds is also not a justification for allowing a substantially poor relationship in this instance, and whilst the previous approval is a material consideration, the significant changes to policy which have occurred in the intervening 22 years mean that this can be given very limited weight. The application must be assessed against the current policies and guidance of the council. Whilst the guidance is a flexible document, and does allow the recommended distances to be reduced, or indeed increased, where situations allow, this application is not a marginal case where a rigid application of the guide would be unreasonable. A distance of 12m is required, the extension will allow 1.6m. This is a substantially substandard relationship and will have a detrimental impact upon the long term health and vitality of the trees through increased pressure to prune, lop or fell.

10.5 As such the extension is not acceptable in this regard.

#### Design and Character

10.6 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 elucidated and expanded within the Householder Design Guide.

10.7 The extension which is proposed raises no significant concerns in respect of design. Its size, scale and proportions are appropriate and it will not overdominate nor overwhelm the existing house. The extension has also been set back from the front elevation and its dropped ridge means it appears as a subordinate, secondary addition. As such it complies with the advice of the Householder Design Guide and is considered to be an in-keeping addition.

#### Neighbour Amenity

10.8 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 overdominance, overshadowing or overlooking will be strongly resisted”.

- 10.9 The extension which is proposed does not raise significant concerns regarding overlooking. Although the two new first floor windows are sited closer to the common boundaries with 7 Burr Tree Garth and 3 Colton Croft the views which will be afforded of this site are similar to the existing views. Furthermore in the case of 7 Burr Tree Garth these will be oblique views from a secondary window, and such views are common within residential areas and are unlikely to lead to significant harm. The retention of the existing boundary treatment would prevent harmful views from the ground floor rear window. As such the extension raises no significant concern in this regard.
- 10.10 The proposal is also considered acceptable in respect of overshadowing as the extension is set to the north of the most affected neighbour and thus direct overshadowing is significantly unlikely. The bulk of the additional overshadowing will affect the applicant's own front and rear gardens and will not harm the amenity of neighbours. The application also retains a sufficient distance from the main amenity space and main windows of the neighbours to prevent unreasonable overdominance.
- 10.11 As such the proposal is considered acceptable in this regard.

#### Neighbour Representations

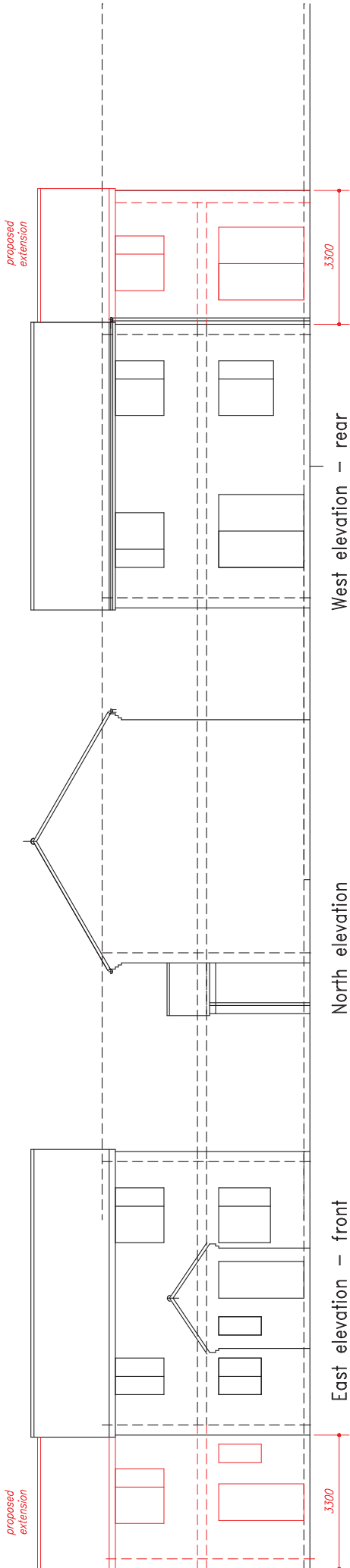
- 10.12 All material considerations which have been raised through representations have been discussed above. The concerns of local residents regarding potential damage to property and disruption during the construction process are noted. Whilst it is always hoped that extensions will be constructed sensitively and with due regard for neighbours, because the process is temporary it is not reasonable to impose conditions. Any damage to property, should it occur, is a civil matter which must be resolved by the relevant parties outside the planning process.

### **11.0 CONCLUSION**

- 11.1 The application is therefore not considered to be acceptable. Whilst the extension is well designed and will not harm the amenity of neighbours, the impact upon the protected offsite trees is not acceptable and the application is therefore recommended for refusal for the reason outlined at the head of the report.

#### **Background Papers:**

Application files      13/00011/FU  
Certificate of ownership: Certificate A signed by agent

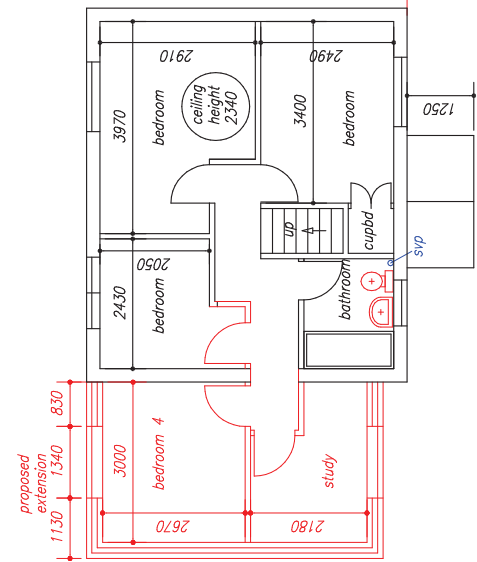


dpc/floor

West elevation - rear

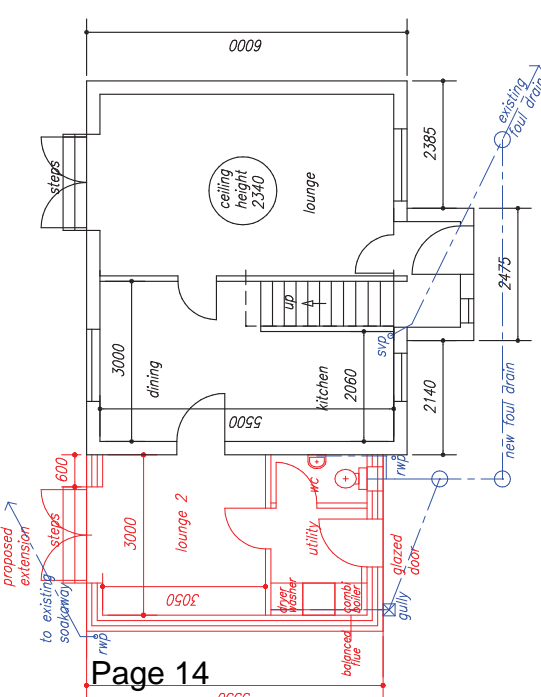
North elevation

East elevation - front

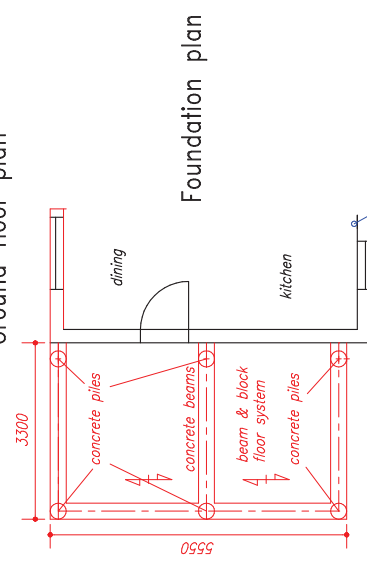


First floor plan

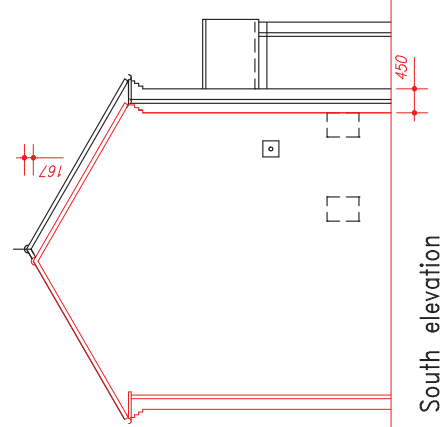
EXISTING 1st FLOOR AREA  
internal floor area 35.75sq m



Ground floor plan



Foundation plan



South elevation



# NORTH AND EAST PLANS PANEL



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Originator: Jillian Rann

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### *PLANS PANEL NORTH AND EAST*

Date: 13<sup>th</sup> June 2013

Subject: Application 13/00775/FU – Change of use from A1 (shop) to A5 (hot food take away) at 147 The Avenue, Alwoodley, LS17 7PA

#### **APPLICANT**

Mrs S Sangha

#### **DATE VALID**

15<sup>th</sup> March 2013

#### **TARGET DATE**

10<sup>th</sup> May 2013

#### **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. Commencement of development – 3 years
2. Compliance with approved plans
3. Opening hours limited to 11.30am to 8.00pm Monday to Saturday, with no opening on Sundays.
4. Delivery hours limited to 8.00am to 8.00pm Monday to Saturday, with no deliveries on Sundays.
5. Details of colour of extraction flue.
6. Sound insulation scheme to protect amenities of first floor flats.
7. Scheme for bin storage and provision and emptying of litter bins at the site.
8. Details of extraction equipment, including and noise mitigation and details of measures to prevent odour.
9. No external seating to be provided.
10. No external lighting to be installed unless details are first submitted to and approved by local planning authority.
11. Restriction on use to prevent change of use to A3 (restaurant/café) use without planning permission.

**Reasons for approval:** It is considered that the proposals would not have a significantly greater impact on highway safety or visual amenity than the existing lawful use of the property, and it is considered that the implications of the scheme in relation to the amenities of nearby residents can be satisfactorily addressed through the use of appropriate conditions. The proposals are considered to be in accordance with policies GP5, SF15, BD6 and T2 of the Leeds Unitary Development Plan Review 2006 and the guidance in the National Planning Policy Framework, and having regard to all relevant material planning considerations, including representations from local residents, are considered acceptable.

## **1.0 INTRODUCTION:**

- 1.1 This application is reported to Plans Panel at the joint request of the three Ward Members, Councillors Buckley, Cohen and Harrand, on the grounds of the proposed development's impacts in terms of noise, odour, litter and highway safety. The Ward Members have requested a site visit.
- 1.2 The application relates to an existing retail unit within an existing local shopping parade in Alwoodley into a hot food take away. The unit was formerly occupied by a clothes shop, but has been vacant for some time.

## **2.0 PROPOSAL:**

- 2.1 Permission is sought to change the vacant unit from its lawful A1 retail use into a hot food take away (A5 use). The only external alteration proposed is the installation of an extraction fan and a 30cm diameter flue to the northern elevation, which would be positioned at first floor level and would project around 1.6m above the eaves level of the building, according to the submitted plans: 0.75m below the top of the existing chimney. Bin storage for the premises is proposed in a fenced-off area to the north of the building.
- 2.2 A site plan submitted as part of the application indicates 5 parking spaces within the private forecourt area to the front and side of the unit. Whilst it is understood that some vehicles park informally in this area at present, as is the case with other units within the parade, this is not formally marked out, and its use for parking is compromised by the position of the bus shelter to the east of the site, its slope, the lack of dropped kerbs for access and its proximity to the junction. The existing informal use of this area has been taken into account, however in considering the proposals and making a recommendation, regard has also been had to the considerable constraints associated with formalising the use of this area for parking as part of the proposals.
- 2.3 The proposed opening hours for the premises are 11.30am to 8pm Monday to Saturday, with no opening on Sundays.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to the northernmost ground floor unit within a parade of commercial properties on The Avenue in Alwoodley, which was formerly a clothes shop, but has been vacant for some time. The other ground floor commercial units within the parade are occupied by clothing shops, a hair and beauty salon, a cafe and a newsagent, and are housed within a 2/3 storey brick building with flats above. The unit has a timber shop front, in common with a number of its neighbours, and a metal roller shutter. There is a small fenced off area of open land between the northern part of the building and The Drive to the north, which is overgrown with



small trees and shrubs at present. Parking currently takes place on the pavement/forecourt area to the front of the shops, and in a small lay-by on The Avenue.

- 3.2 With the exception of the existing commercial properties within the parade, the site is within a residential area just to the south of Alwoodley Lane, and surrounded by mid-20<sup>th</sup> century semi-detached houses on The Avenue to the east, north east and south, and by a mix of detached properties and flats on The Drive to the north west. As well as the flats which appear to exist above the application property and a number of other units within the parade, and the other nearest neighbouring residential properties to the site are the flats at 97 The Drive, around 30m away to the north, 102 The Drive, around 24m to the west, and houses on the junction of The Avenue and The Fairway, around 35-40m away to the east.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 An application to change the building into a hot food take away with a flat over was refused in November 1990 (application H30/406/90/) on the following grounds:

- Impact on residential amenity on the grounds of late night noise and disturbance which would arise from the use and the late night opening hours proposed at that time.
- Would result in an unacceptably high proportion of non-retail units within a neighbourhood shopping parade.

- 4.2 Application H30/88/88/ granted permission for the change of the unit from a shop with living accommodation above to a shop with a hairdressing salon above, although it is not clear whether this was ever implemented.

- 4.3 Permission was granted in December 2011 for the change of use of another unit within the parade, number 139, from an A1 unit into an A3 café use (application 11/04279/FU). The permitted opening hours for the café are 9am-8pm Monday to Friday, 8.30am to 5.30pm on Saturdays and 8.30am to 1.30pm on Sundays.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Additional information regarding the position and design of the extraction flue to the northern elevation of the building has been provided during the course of the application. The applicant has also confirmed her agreement to the opening hours proposed, and to the proposed take-away unit closing at 8pm as the nearby café is permitted to do at present, and to no opening on Sundays.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

##### Ward Members

- 6.1 A letter of objection has been received from the three Alwoodley Ward Members, Councillors Cohen, Harrand and Buckley, raising the following concerns and requesting that the application be referred to Plans Panel for a decision, with a site visit:

- Increases in noise late into the evening, the area is relatively quiet after around 5.30pm.
- Odour and potential impact in this respect on clothes shop within parade.
- Increase in litter.

- Traffic – Traffic management are currently involved in a scheme seeking to improve road safety and parking issues in this area. Proposals would worsen this.

#### Alwoodley Parish Council

6.2 Object for the following reasons:

- Unacceptable increase in traffic. Existing problems with parking at the parade, mainly because of the position of the bus stop.
- The arrival and departure of motor vehicles at this location will cause a noise nuisance to local residents.
- Increase in litter.
- Plans don't appear to make provision for an extraction fan – concerns regarding odour and nuisance for local residents as a result.

#### Other public response

6.3 The application was originally publicised by site notice, posted 29<sup>th</sup> March 2013, however at the time of the case officer's site visit a few days later this was no longer in position. A replacement site notice was therefore posted on 12<sup>th</sup> April 2013, giving an extended period for comments.

6.4 47 letters of objection have been received from local residents, raising the following concerns:

- Parking problems and obstructions to neighbours' driveways. Existing parking and traffic problems in the locality and around the bus stop to the front of the parade, dangerous vehicle manoeuvres etc in an area close to junctions, speeding and vehicles parking on verges – likely to worsen as a result of proposals. Concerns regarding safety of children as school buses also stop nearby.
- Noise and nuisance from people congregating outside the building, from car horns, engines and radios – concerns regarding late night opening. Inappropriate within a residential area. Conditions on recent permission for a café on the parade prevent late night opening.
- Impact on residents of first floor flats – lack of insulation.
- Odour and fumes.
- Litter.
- Previous application for take away was refused.
- Problems in the past with antisocial activity around the parade – concern that proposed use could encourage this to re-start.
- Lack of need for a further take away in the area – various take-aways exist on King Lane at the bottom of The Avenue and a fish and chip van visits the parade once a week. Concern that proposed use could compete with existing café within the parade.
- Neighbours not been notified/seen site notice. No consultation carried out by applicant before submitting application.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

7.1 None.

## **Non-statutory**

### Highways

- 7.2 There is an existing shared lay-by which is available for all the existing commercial uses on this parade. From a highways viewpoint it would be difficult to demonstrate that the proposal would generate a material increase in parking above that associated with uses which could operate from the premises as part of its existing lawful A1 use. It is noted that informal parking takes place on the property's forecourt, but this is not something that we would seek to formalise as part of this proposal in isolation, as there are constraints relating to its use.
- 7.3 The Council's Traffic team have observed that some parking occurs opposite the parade but this was whilst some parking was still available within the lay-by. They looked at a scheme to put yellow lines down however it is not a priority within the current budget. It is confirmed that there have been no personal injury accidents recorded with the vicinity of this proposal within the last 5 years. Perhaps a scheme to provide additional parking for all of the parade could be looked into by the owners of the units and our traffic team, but this is not something we could insist on with this change of use application on the basis of this application in isolation as the parking requirements relating to the proposed use would not differ materially from those associated with the lawful A1 use, as noted above.
- 7.4 It is anticipated that the peak time for the use would be in the early evening, most likely after 1730 when the rest of the parade would be quieter, and that visits would be of a relatively short-stay nature. In the light of this, and the existing lawful A1 use, it is not considered that a refusal of the application on highway safety grounds could be justified. A condition preventing an (otherwise lawful) change of use to A3 is recommended to allow the parking implications of such a use to be fully assessed on their merits should such a change be proposed.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

#### Leeds Unitary Development Plan (Review) 2006

- 8.1 The development plan for Leeds is the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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.

SF15 – Hot food take aways.

BD6 – Extensions and alterations.

T2 – Highway safety.

#### Core Strategy

- 8.2 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 8.3 As the Council has submitted the Publication Draft Core Strategy for 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**

- 8.4 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> 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.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Residential amenity
3. Highways
4. Visual amenity
5. Other issues

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Whilst not within a designated centre, the application site is an existing commercial unit within a small neighbourhood shopping parade. Although concerns have been raised regarding specific aspects of the proposed use, the proposed use of the building for commercial purposes is already established, and in this context there would be no objection to its ongoing commercial use in principle, subject to a detailed consideration of its implications in terms of the amenities of nearby residents, highway safety and other concerns raised by local residents.
- 10.2 Whilst a number of local residents have raised concerns regarding the lack of need for such a facility in the area and the potential implications for other businesses within the parade, matters relating to need in such circumstances, and competition between individual commercial enterprises are not material planning considerations which can be given any weight in the determination of the application.

### Residential amenity

- 10.3 A number of local residents have raised concerns regarding the impacts of the proposed development on the amenities of neighbouring residents as a result of noise from late night opening, customers congregating, vehicle engines etc, and from litter and odour associated with the proposed use.
- 10.4 Whilst noting the residential character of the surrounding area, the unit is within an existing commercial parade, where many of the units – including the A1 unit occupying the application site – have no restrictions on their opening or delivery hours. Whilst residents' concerns regarding the potential for late night opening are noted, the proposed opening hours for the take away use only extend until 8pm, which is the same as is permitted for the recently opened café nearby. At the times when the unit is proposed to be open, even if other shops in the parade are closed, it is considered that there are still likely to be moderate levels of activity in the area, and it is not considered that the proposed take away use and vehicle and pedestrian movements associated with it would extend so late into the evening as to cause a significant increase in the levels of noise and disturbance experienced by neighbouring residents.

- 10.5 The concerns of the residents of flats above the application premises regarding the lack of insulation between the ground floor unit and their properties are noted. In view of the size of the unit and the scale of the use, and the opening hours proposed, it is considered that such concerns could be satisfactorily addressed through the installation of appropriate sound insulation measures within the property, and a condition to this effect is recommended in the event that the application were to be approved.
- 10.6 In the light of the above, and in view of the opening hours proposed and the distance between the proposed unit and other surrounding properties, it is not considered that refusal of the application on the grounds of noise and disturbance could be justified, subject to conditions restricting opening and delivery hours, and requiring a scheme for sound insulation between the premises and adjoining flats. A condition preventing any external seating in the areas around the building is also recommended in the interests of minimising the potential for customers to congregate around the premises and the possible implications in terms of noise for nearby residents as a result.
- 10.7 Whilst take away uses have the potential to create noise and odour issues relating to their extraction equipment, in this instance the proposed extraction flue for the unit would be sited on the northern elevation of the building. Its position would be set away from the first floor windows of the flats above and 1m above the eaves level of the building, therefore minimising the potential for fumes to enter these properties. There are no residential properties immediately adjacent to this northern elevation, which faces onto a small overgrown area on the junction of The Drive, and the nearest properties surrounding the site are over 25m from the site of the proposed flue. In the light of this, and subject to conditions requiring details of the proposed flue prior to its installation to ensure that it incorporates appropriate odour and noise mitigation measures, it is not considered that refusal of the application on this basis could be justified.
- 10.8 Concerns regarding litter are noted, and whilst not considered sufficient grounds to justify refusal of the application, it is noted that such uses can generate litter and that the level of litter bin provision in the area is relatively low, and it is therefore recommended that a condition requiring the provision of litter bins – positioned within the forecourt of the unit and to be emptied by its occupiers – is part of any permission.
- Highways
- 10.9 A number of local residents have raised concerns regarding highway safety, and the Council's Traffic section have been consulted as part of the application, together with Highways. Whilst noting that there are existing parking and traffic problems around the site, the application site is an existing commercial unit within the parade, it is not within the scope of a planning application for the change of use of a single unit within the parade to seek to resolve existing highways issues relating to the parade as a whole. The principal test in assessing the current proposals is therefore whether the proposed use would have a materially greater impact in terms of parking requirements and vehicle movements than the existing lawful A1 use of the unit, taking account of uses which could operate from the premises under this existing lawful use, such as a newsagent or take-away cold food/sandwich shop.
- 10.10 On the basis of the scale of the unit and the nature of the use proposed, the highways officer has advised that the proposed use would not have significantly greater implications in terms of vehicle movements and parking requirements than the existing lawful A1 use of the premises. It is also noted that, whilst it is proposed

to open the take away during the day, one of the peak periods of its use is likely to be in the early evening, when other shops in the parade have closed and parking associated with these would be lighter, resulting in greater parking availability for the proposed use.

- 10.11 Whilst noting residents' comments regarding existing parking and access problems in the area, it is not considered, on the basis of the proposals and in the light of the advice received from the highways officer, that the proposed use would significantly add to or exacerbate this situation or that refusal of the application on this basis could be justified.
- 10.12 As noted above, whilst the submitted details for the application show 5 parking spaces within the forecourt of the property, and whilst these may be used informally at present, there are various constraints to their layout and accessibility which mean that the local authority would not wish to formalise their use as part of the proposals. The application has been considered taking into account the nature of the existing lawful use and on the basis that the proposed use is not considered to raise significant additional implications in relation to parking requirements or vehicle movements, it is considered acceptable and no condition requiring the provision of these spaces is therefore recommended.
- 10.13 The highways officer has recommended a condition preventing the change of use of the premises from A5 use to A3 use. This is on the grounds that parking related to A5 uses tends to be of a more short-stay nature and therefore has less of a long term impact than that associated with cafes and restaurants, where customers tend to stay for longer. The removal of permitted development rights for this otherwise lawful change of use is therefore recommended in order that the highways and parking implications of such a change could be considered by the local planning authority before such a change could be carried out.

#### Visual amenity

- 10.14 The only alteration proposed to the building is the addition of an extraction flue to the northern elevation. According to the details on the submitted plans, this would be relatively slim in profile, and it is considered that this, together with the positioning of this feature towards the rear part of the building and adjacent to the building's existing chimney, would serve to minimise its visual impact and its presence within the streetscene to an acceptable degree. The submitted details advise that the flue would be painted/coated a colour to match the existing brickwork, and it is recommended that a condition requiring details of the colour of this feature to be approved prior to its installation is recommended to ensure that this is appropriate and would minimise its impact. Subject to such a condition, it is not considered that the proposals would detract from the character and appearance of the area.

#### Other issues

- 10.15 A previous application for the use of the property as a take away was refused in 1990 on the grounds that late night opening would impact on local residents and that it would result in an excess of non-retail units within a local shopping parade. Whilst this previous refusal is a material consideration in the consideration of the current proposals, the current application must be considered on its own merits and in the light of up-to-date national and local planning policy and guidance.
- 10.16 It is not intended to open the take-away use now proposed beyond 8pm Monday to Saturday, or to open on Sundays and, as discussed above, the proposals are considered to be acceptable in terms of their implications for neighbouring residents, and it is considered that any implications for neighbouring residents can be

satisfactorily addressed through appropriately worded conditions. It is therefore considered that the circumstances of the current proposals in this respect are sufficient to justify this change in approach.

- 10.17 In terms of the principle of the use, development plan policies relating to shopping frontages have changed since the previous application, and there are no saved policies in the current UDP which restrict the change of use of existing retail units to other commercial uses in neighbourhood parades outside of designated centres. It is therefore not considered that refusal of the application on these grounds could be justified.
- 10.18 Concerns regarding the potential for antisocial behaviour relating to the proposed use are noted. The unit is situated in a relatively prominent location on a road junction and close to a bus stop, and has an open forecourt, with the private areas of the site fenced off. No alterations to the external areas are proposed, and no evidence has been provided to justify a conclusion that the proposed use would be more likely than existing uses to generate a significant increase in such activity or to warrant refusal of the application on these grounds.
- 10.19 Concerns have been raised that individual residents were not notified of the proposals or did not see the site notice. In accordance with the Council's Statement of Community Involvement (SCI), applications of this nature would be publicised solely by site notice, rather than by notifications to existing neighbours. Whilst the original site notice appears to have been removed, this was noted by the case officer at the time of their site visit and a replacement notice was posted, with an extended period provided for residents to submit comments.
- 10.20 The impact of a development on property values is not a material planning consideration and can be given no weight in the determination of the application.

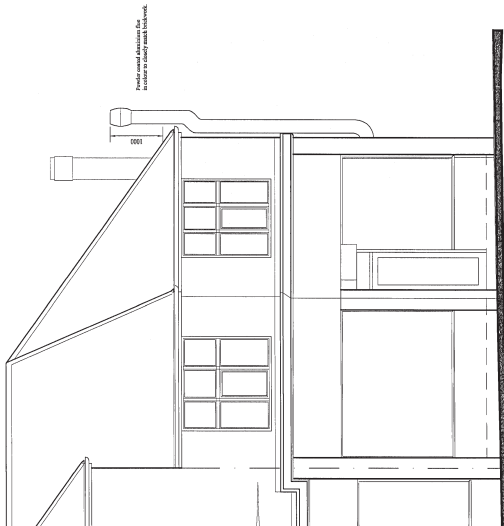
## **11.0 CONCLUSION**

- 11.1 In the light of the above, it is considered that the proposed change of use is acceptable and would not detract from the character of the area, the amenities of neighbouring residents or from highway safety. It is therefore recommended that the application is approved, subject to the conditions recommended above.

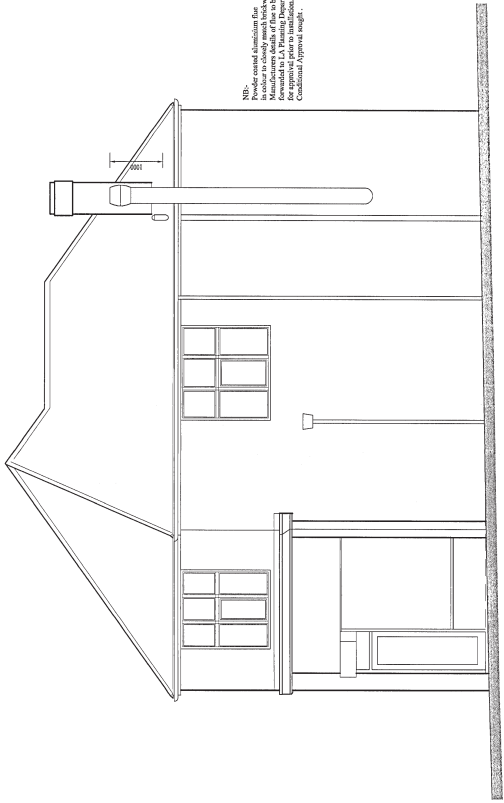
### **Background Papers:**

Application file.

Certificate of Ownership: Notice served on owners and Certificate B signed.



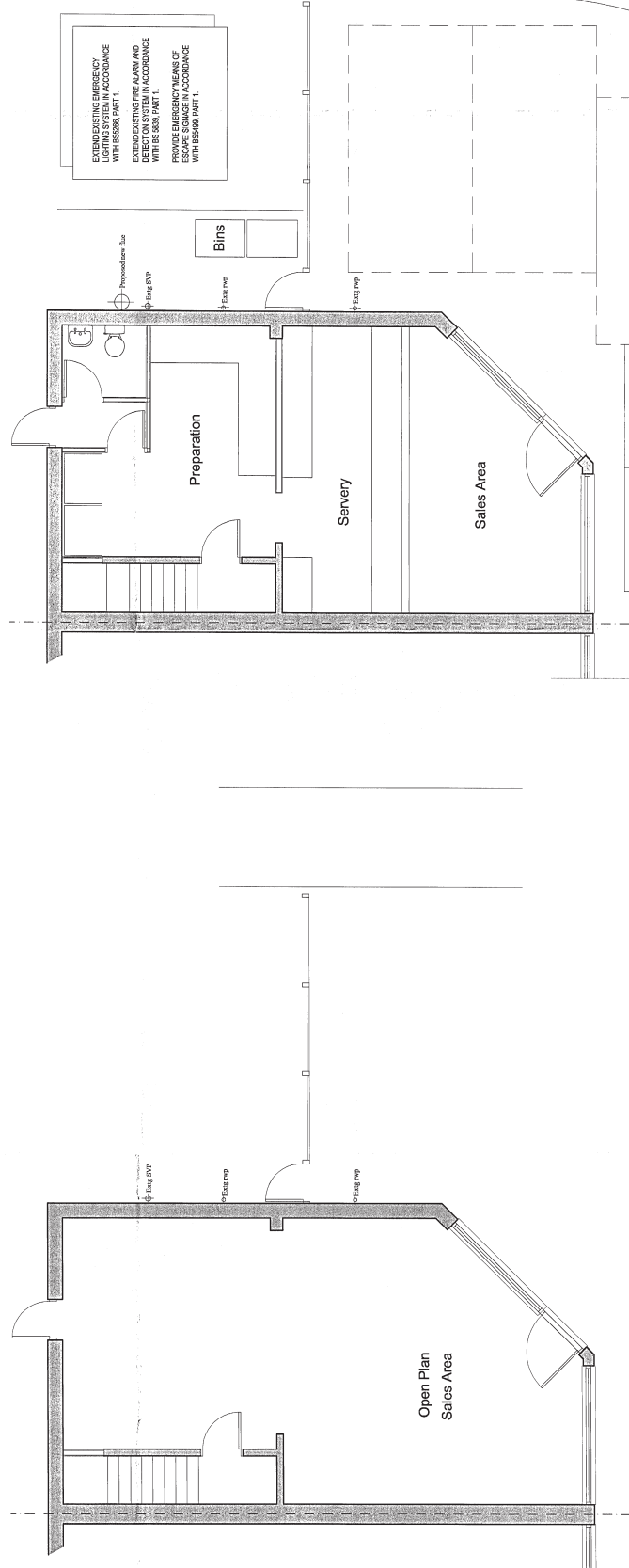
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



BLOCK PLAN 1/100



EXISTING GROUND FLOOR PLAN

PROPOSED GROUND FLOOR PLAN



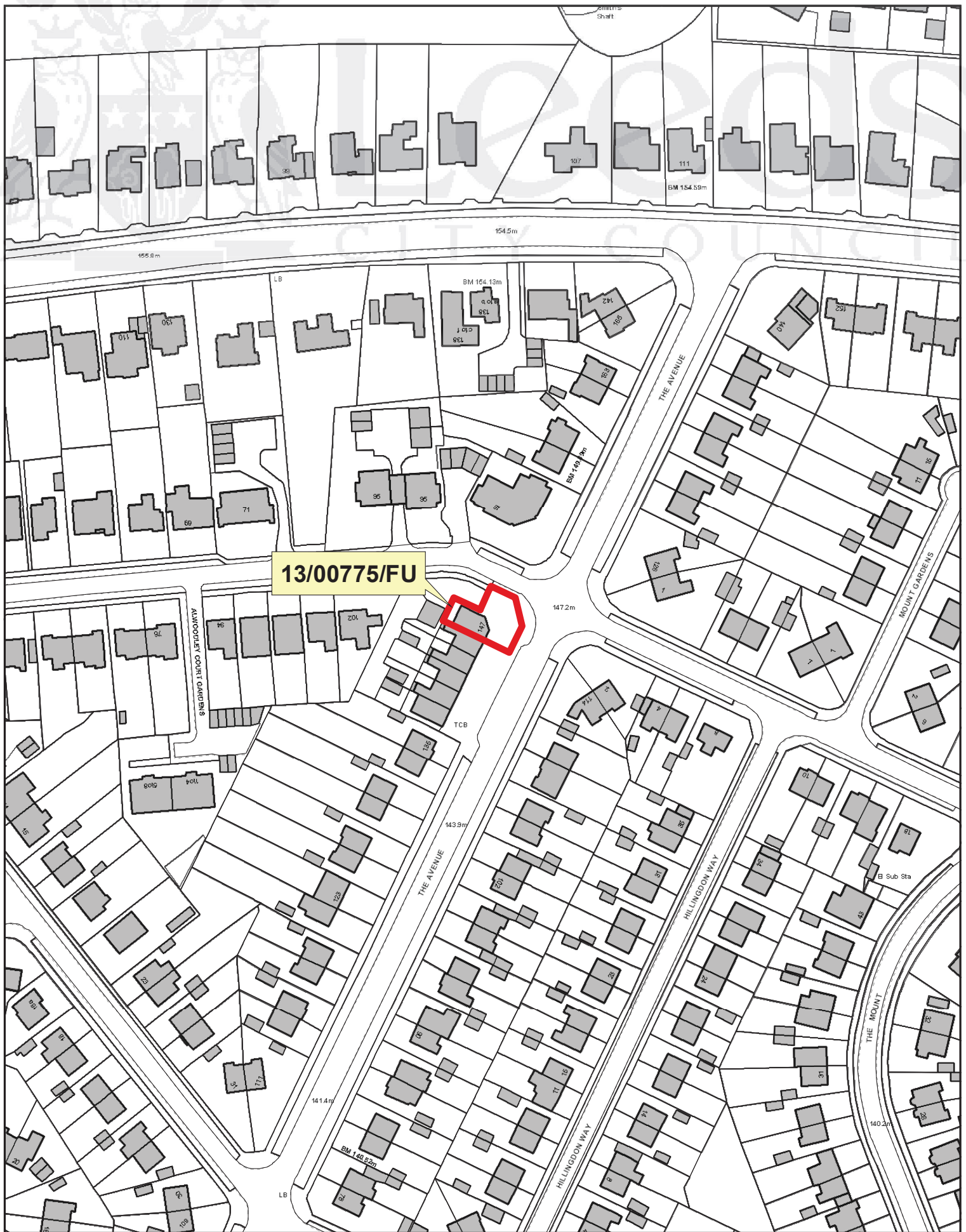
NOTES:  
DO NOT SCALE. USE FIGURED DIMENSIONS ONLY. ALL DIMS TO BE TAKEN FROM FINISHED FLOOR LEVEL UNLESS OTHERWISE STATED TO THE CONTRARY. THIS DRAWING IS FOR INFORMATION ONLY. ALL DIMENSIONS SHOWN ARE TO BE TAKEN FROM THE FINISHED FLOOR LEVEL UNLESS OTHERWISE STATED TO THE CONTRARY. THIS DRAWING IS FOR INFORMATION ONLY. ALL DIMENSIONS SHOWN ARE TO BE TAKEN FROM THE FINISHED FLOOR LEVEL UNLESS OTHERWISE STATED TO THE CONTRARY. THIS DRAWING IS FOR INFORMATION ONLY.

Rev	Date	By	For

**F.S.K. ARCHITECTURAL SERVICES**  
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Client: **MR & MRS SANGHA**  
 Project: **Proposed alterations to 147 THE AVJUNE Alwoodley Leeds**  
 Drawing Title: **WORKING DRAWING**  
 Scale: **1:50 & 1:100**  
 Date: **Mar 2013**  
 Drawn by: **KSF**  
 Drawing No: **13/F-S.K/04/01**





# NORTH AND EAST PLANS PANEL

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Originator: J Riley

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 13<sup>th</sup> June 2013

**Subject: 13/00565/FU – Two storey, single storey side/rear extension and re-siting of steps with railings above to rear at 41A Stainburn Crescent, LS17 6NE.**

#### APPLICANT

Mrs S Yousaf

#### DATE VALID

4 February 2013

#### TARGET DATE

1 April 2013

#### Electoral Wards Affected:

Moortown

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 on full permission
2. Approved plans
3. Matching materials
4. No side windows
5. High level windows to be obscure glazed
6. Railings painted black
7. Existing raised patio to be removed prior to the extension being brought into use.

**Reason for approval:** It is considered that the proposed extension is an acceptable form of development as it will not harm the character of the application dwelling, the wider streetscene nor harmfully impact upon the amenity of neighbours. As such the development is considered to comply with policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) and HDG1 and HDG2 of the Householder Design Guide SPD.

#### 1.0 INTRODUCTION

- 1.1 This application is brought to Panel by Councillor S Hamilton due to the concerns of local residents which include:

- impact on amenity;
- the use of the dwelling as a House in Multiple Occupation;
- impact on character of the host dwelling and wider streetscene and parking issues.

1.2 The application was discussed by Plans Panel at the meeting of 16<sup>th</sup> May. At this meeting Members raised concerns regarding inaccurate plans, with particular attention being drawn to the omission of a constructed rear dormer, and the use of and access to the lower ground floor rooms. Concerns were also raised regarding the fact that construction of unauthorised extensions was continuing on site.

1.3 Following this meeting revised plans have been received which show the rear dormer. The applicant's agent has also confirmed that the lower ground floor room/s will be used as a summer lounge/garden room and for garden/domestic storage. It has also been confirmed that access will be obtained to the lower ground floor from the rear garden. At this time it is not intended to provide internal access to this space. Enforcement officers have also visited the site to ensure that construction of the unauthorised elements has ceased.

## **2.0 PROPOSAL**

2.1 The applicant seeks planning permission to amend a permission from 2012 to include a single storey rear extension at the lower ground level and new access steps and resiting of railings to the rear.

2.2 This proposal includes a single storey side extension that runs along the full depth of the house. A rear extension is also proposed. The rear extension projects 3m. That part adjacent to the common boundary with the adjoining property (No.41) is single storey. A two storey element is set 3.5m away from the common boundary with No.41. The rear extension ties into the side extension so that the proposed extensions combine to wrap around the side and rear of the house. It should be noted that this is achieved as the ground levels to the rear are a storey height below that at the side and the front of the house. This enables the roof of the side extension to tie into the roof of the two storey rear extension.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site relates to a semi-detached property set on a street of similar houses in terms of size, style and design. Built using brick and concrete tiles the house has a simple form with few features. The site is set near the Gledhow valley and consequently it slopes sharply downwards towards the rear and the front of the property is higher than the rear elevation. When viewed in the garden a lower ground floor is visible and this leads to a raised patio area. To the side of this is a 1.8m high fence separated the property with the adjoining house. On the opposite side steps lead to a raised area set at the end of the driveway, a neighbouring garage adjoins this. The neighbouring house at no.43 is set at a lower level than the application site by approximately 0.5m.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 Two applications were refused at Plans Panel in 2010 and 2011 for larger extensions. (ref nos. 10/02814/FU and 11/01477/FU). Following these decisions a planning application for a reduced scheme was approved under delegated powers on 21<sup>st</sup> June 2012 (12/01887/FU). That proposal was for the construction a single storey side and rear extension, and re-siting of steps with railings above to the rear. The

single storey side extension will project approximately 2.5m in width from the existing side elevation of the dwelling and then drop back approximately 11.5m in depth before wrapping around to the rear. The side extension has a hipped roof which will measure approximately 2.8m to eaves and 3.8m to ridge. The two storey rear element (relating to lower ground floor and lower ground floor levels) will measure approximately 5.3m across the rear of the dwelling and project approximately 3m in depth with a hipped roof which measures approximately 4.1m to the eaves and 5.3 to the ridge from lower ground floor level.

- 4.2 A hip to gable extension and a dormer have been added under permitted development rights.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application advice was sought from officers prior to the submission of this application. Officers were of the view that a 3.0m extension to the lower ground floor area was compliant with council guidance and could receive officer support.

- 5.2 Following concerns raised by a neighbour regarding the accuracy of the plans submitted, a site visit was made by LCC Compliance Service to take some measurements, this resulted in a request for accurate plans being made before the application could be considered at plans panel. The revised plans now submitted are considered accurate and show the width of the extension at 2.15m which is correlates with the width of 2.2m measured by Compliance Services.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised by neighbour notification letter.
- 6.2 Following the receipt of accurate plans, neighbours and contributors were given a further 7 days to make any comments in relation to the revised plans.
- 6.3 Five letters of objection have been received from No.43, No.45, No.47, No.47A and No.49, Stainburn Crescent. The neighbours raise various concerns including depth, roof design, overdominance, massing and impact on residential amenity, loss of privacy, impact and dominance, maintenance/building works, access, loss of light and overshadowing, impact on the streetscene, cramped and over development of the site and size of the dwelling, inaccurate plans, the permitted development fall back position, the use of a dwelling as a House of Multiple Occupation (HMO). Other concerns surround sewerage, change in neighbouring land levels, emergency access, parking and traffic congestion.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 None

## **8.0 PLANNING POLICIES:**

- 8.1 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.2 As the Council has submitted the Publication Draft Core Strategy for 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.

8.3 DP 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.

8.4 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1<sup>st</sup> 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.

8.5 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**

- 1) Design and Character
- 2) Residential Amenity
- 2) 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 elucidated and expanded within the Householder Design Guide.

- 10.2 As has been outlined above the application seeks to add a lower ground floor extension with a 3m projection at the rear of the dwelling and remove an existing elevated patio area and replace it with a set of steps down into the rear garden. All the other major extension works to the dwelling.
- 10.3 The proposal is considered acceptable in terms of design and character. The lower ground floor summer room is of modest dimensions with a mono-pitched roof and matching materials. It is acknowledged that neighbouring dwellings do raise concerns regarding the design of the extension and the impact of the extension on the host dwelling and character of the streetscene. However the conversion of the lower ground floor to form a summer room is not considered detrimental to the character of the application site and cannot be seen from the wider streetscene. Concern has been expressed by local residents about overdevelopment of the site, however the plot is generous in size and the proposal is a small additional to a previously approved scheme. An objection for overdevelopment cannot be sustained.
- 10.4 The proposal also involves removing the existing concrete patio area and relocating the associated steps and railings to the rear of the single storey side extension which forms the kitchen. The alterations are considered to be an improvement on the previously approved scheme as the existing raised patio was not considered to be ideal. Furthermore the proposed access steps and associated railings will not be visible from the streetscene and a condition will be imposed on the railings to ensure they are painted a dark colour to lessen any impact on the application site. It is noted that the local residents do raise concerns regarding design and impact on the character of the dwelling and wider area, however it is acknowledged that these concerns largely relate to the previously planning history and approved application and as discussed above the amended scheme is appropriately scaled and is not considered detrimental to the character of the host.

#### Residential amenity

- 10.5 The proposal involves a 3m projection close to the boundary with the attached dwelling. It will have a maximum height of 2.6m with a sloping roof. There is presently a solid 1.8m-2m high fence along the boundary. The projection of 3m is deemed acceptable within the guidance contained in the Householder Design Guide and the impact of such an addition is not significant on the residential amenity of the attached neighbour through dominance or overshadowing. No windows are proposed and this will be conditioned.
- 10.6 Turning to the resiting of the steps, the ground level is already raised and a garage base is used as a raised patio. This was to be retained as part of the previously approved application. The scheme now before Members includes a narrow walkway from the kitchen door and a set of steps leading down into the rear garden. The opportunities for overlooking are much reduced from the situation now and the

previously approved scheme as there will be no elevated sitting out area. There will be no loss of residential amenity from this current proposal.

### Neighbour Representations

- 10.7 The majority of the planning considerations which have been raised through representations have been discussed above. The majority of the concerns relate to that part of the scheme which already has planning permission. If the house is converted to a House in Multiple Occupation, this would require its own planning permission and would be considered on its own merits. The difference in land levels between the application site and no.43 is acknowledged and has been taken into account during the consideration of this application. The submitted plans do not show the rear dormer that has already been constructed, but this is not part of this application and this does not effect the ability to judge the impact the proposal has on the application site or neighbouring dwellings. A neighbour disputes that there the application plans accurately shown the space between the side of the house and the common boundary with No.43. However, the council does not hold records of land ownership or the position of boundaries and consequently this is a private matter. The applicant has confirmed that they own all the land to which the application relates and has amended the submitted plans to accurately show the proposal. Finally, a point has been raised that development has already commenced on site. The applicant already has a planning permission in place for a similar but smaller form of development and their representative has confirmed that the applicant has started to implement that permission.

### **11.0 CONCLUSION**

- 11.1 This application is for a similar form of development to that approved in June 2012 with the addition of a single storey extension to the rear. This single storey element, in itself, complies with the council's Householder Design Guide. The application is therefore considered to be acceptable as there will be no adverse impact on the streetscene nor the residential amenity of nearby residents.

#### **Background Papers:**

Application files: 13/00565/FU

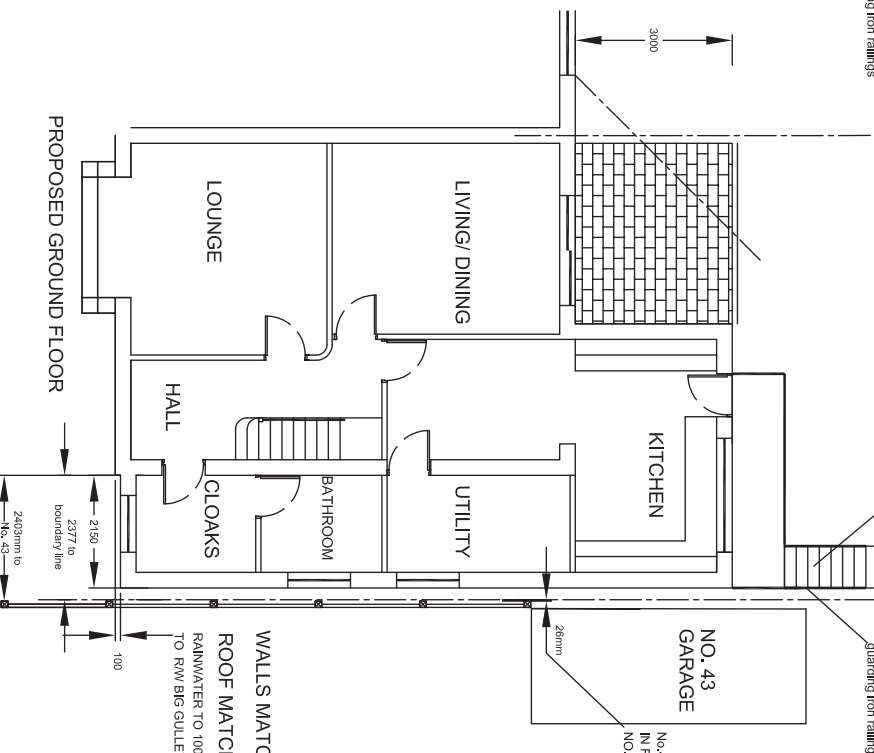
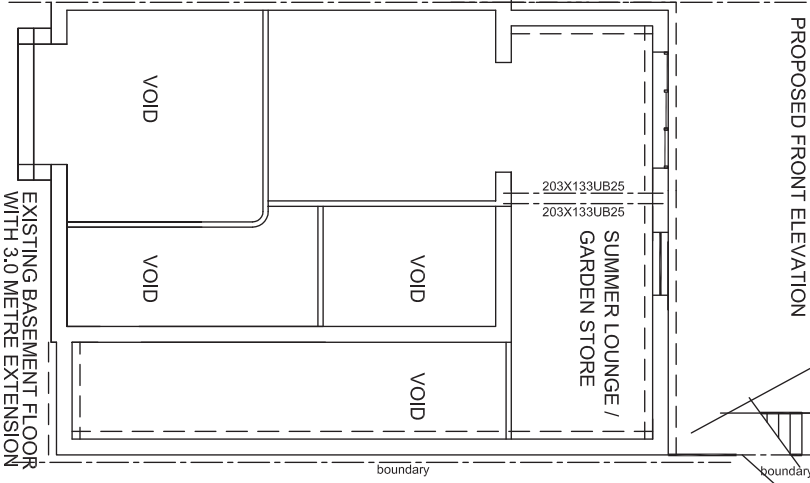
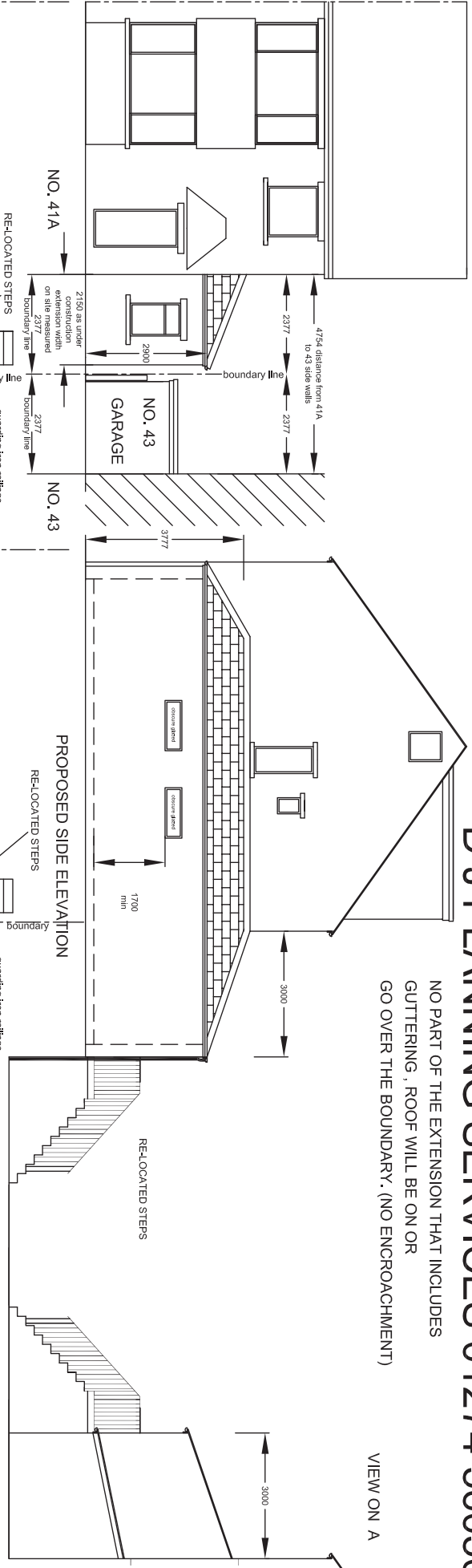
Certificate of ownership: Certificate A signed by agent



# D J PLANNING SERVICES 01274 560503

NO PART OF THE EXTENSION THAT INCLUDES GUTTERING, ROOF WILL BE ON OR GO OVER THE BOUNDARY. (NO ENCROACHMENT)

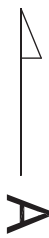
VIEW ON A



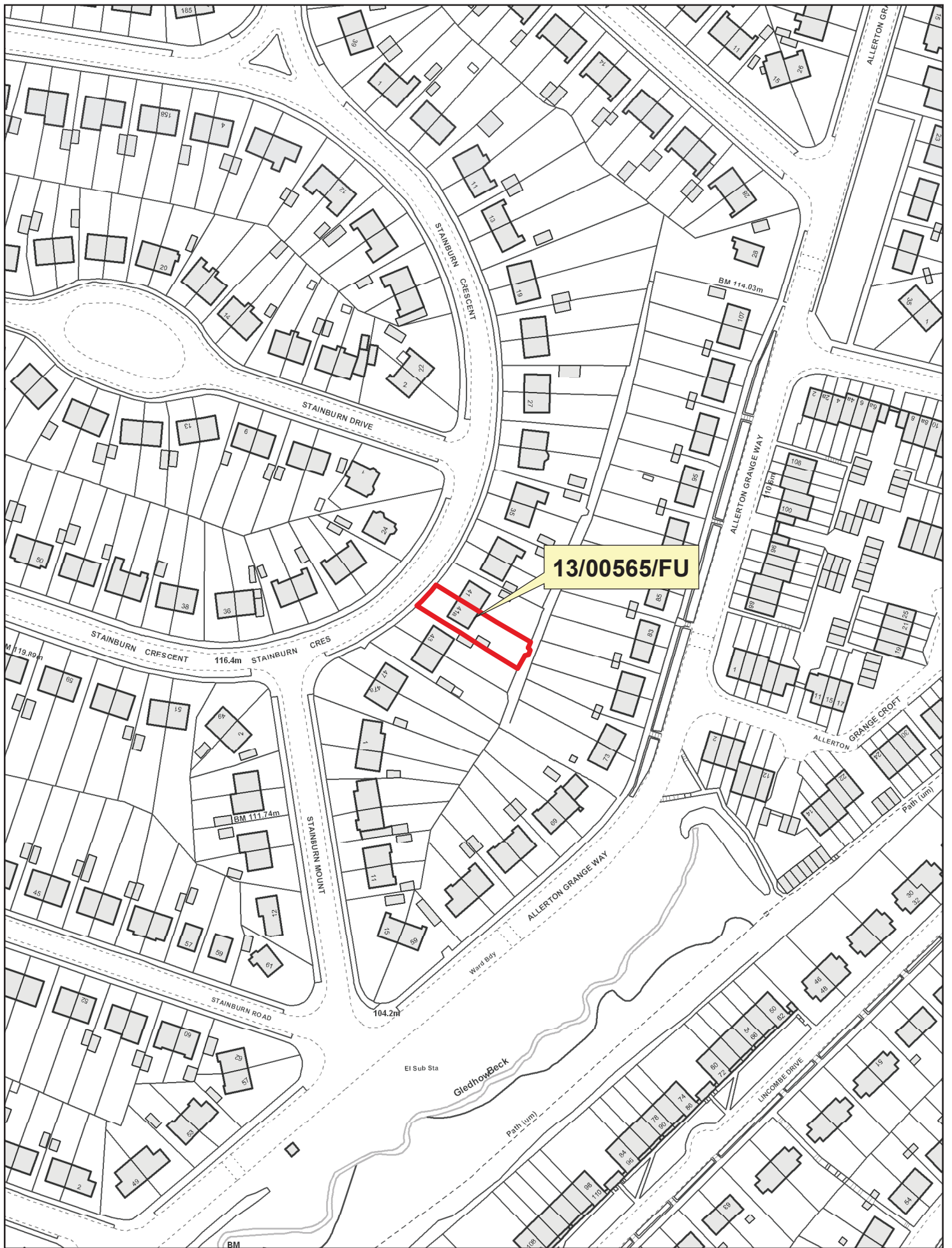
WALLS MATCHING BRICK  
ROOF MATCHING TILES  
RAINFALL TO 100PVC GUTTER & 75 DRIPPE TO RAW BIG GULLEY & ON SITE RAW DRAIN.



SCALE 1:100



**PROPOSED EXTENSION TO REAR AT BASEMENT LEVEL & RE-LOCATED ACCESS TO REAR GARDEN 41 A STAINBURN CRESCENT LEED LS17 6NE MRS S YOUSAF**



# NORTH AND EAST PLANS PANEL





Originator: Sarah Hellewell  
Tel: 0113 222 4409

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 13<sup>th</sup> June 2013

**Subject: 13/00694/FU Demolition of existing building and erection of a foodstore to the front of the site with associated access, car parking, servicing and landscaping at site of Allerton House, Harrogate Road, Chapel Allerton.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>PPA TARGET</b>
Optimisation Developments Ltd	21 <sup>st</sup> February 2013	15 <sup>th</sup> June 2013

#### **Electoral Wards Affected:**

**Chapel Allerton**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for APPROVAL subject to the specified conditions and the completion of a S106 Agreement within three months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to cover the following obligations:**

- 1. Public Transport Infrastructure contribution - £128, 026.**
- 2. Metro Contribution - £40,000**
- 3. Travel Plan and monitoring fee - £2,500**
- 4. Contribution to review of parking waiting restrictions - £15,000**
- 5. Local training and employment initiatives**

#### Conditions:

1. Time limit on permission (3 years).
2. Plans to be approved.
3. Full details of fences and walls to be provided.
4. Full details of acoustic enclosure/noise mitigation methods
5. Statement of construction practice.
6. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.

7. Details of extract ventilation systems/fixed plant systems
8. Maximum noise omissions
9. Submission of noise mitigation scheme.
10. Lighting scheme to be submitted
11. Operating hours Monday to Saturday 07:00 – 23:00 and Sundays 10:00 – 16:00.
12. Delivery hours Monday to Saturday 08:00 – 21:00 and Sundays 10:00 – 16:00 .
13. No occupation prior to completion of off-site highway works.
14. Laying out of areas to be used by vehicles.
15. Retention of parking spaces and 3 hour restriction
16. Car Management plan to be submitted (prior to commencement of development)
17. Servicing and delivery plan to be submitted (prior to commencement of development)
18. Travel Plans
19. Submission and implementation of landscaping details.
20. Landscape management plan.
21. Protection of retained trees and hedges.
22. Preservation of retained trees and hedges.
23. Provision for replacement trees.
24. Sustainable construction statement to be approved.
25. Submission of walling and roofing materials.
26. Submission of surfacing materials.
27. Surface water to be passed through an oil and petrol interceptor.
28. Surface water drainage works to be approved and implemented.
29. Surface water drainage scheme to be implemented in accordance with approved scheme.
30. Separate systems of foul and surface water drainage.
31. No development over specified sewers.
32. Submission of Phase 1 desk study.
33. Reporting of unexpected contamination.
34. Submission of verification reports.
35. Details of areas of building to be used for public art/community use (prior to occupation)

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

## **1.0 INTRODUCTION:**

- 1.1 This full planning application is presented to Plans Panel due to the prominent location of the site in Chapel Allerton, the sites planning history and the significant public interest in the site.
- 1.2 There are two applications submitted to this Plans Panel for a development on this site; this report is for the application for a foodstore to the front of the site and there is a further report on this agenda for a foodstore to the rear of the site, planning ref: 12/05296/FU. Each application shall be determined on its own merits.
- 1.3 The principle of a foodstore on this site within the designated town centre is deemed acceptable, in line with both national and local planning policy. The store to the front of the site provides a development which integrates into the designated S2 centre providing an active frontage to the site and Harrogate Road but it does raise issues of impact upon residential amenity as a result of servicing that would be carried out close to residential properties. The last application determined on the site was for a store to the rear of the site with car parking to the front and was refused under delegated powers on 15<sup>th</sup> June 2012. Accordingly officers are unlikely to support a store located to the rear of the site.

- 1.4 The two applications were presented as a joint position statement to 18<sup>th</sup> April 2013 North and East Plans Panel and a site visit was carried out. Members made the following comments on the applications:
- Concern regarding use of access and car park and delivery/servicing manoeuvres close together and knock effect for whole site and the store to the front would have less impact on these arrangements.
  - Further consultation to occur with Environmental Protection Team on proposed delivery hours and the acoustic mitigation measures for the front location regarding noise impact.
  - The need for the site to be developed but community unsure supermarket appropriate.
  - The likely levels of employment to be created.
  - Car parking levels - 84 parking spaces on the scheme to the front of the site and 71 spaces on the scheme to the rear.
- 1.5 Members comments of the specific questions set out in the position statement were:-
- There were no further comments on highways issues.
  - Both schemes had positive and negative elements. Concern raised regarding the layout of the store to the rear with car park to the front and its access arrangements to the car park and for deliveries as this would cause congestion and hold ups. Concerns about pedestrian access to the store to the rear and lower car parking amounts and impact of large car park at the front was not in keeping with the Conservation Area.
  - The store to front has less impact on the Conservation Area and the delivery arrangements were safer but would have an impact on nos 1 and 3 Grosvenor Park and mitigation measures would need to be looked at and good sound attenuation measures be required.
  - Both applications with regard to design have positive elements but the store to the front of the site benefited from better materials and design; more glazing was required to the streetscene and should provide an active frontage rather than being covered in stickers and posters.
  - hours of delivery were a concern with 7am – 9pm being considered to be more appropriate than the 6am –midnight being proposed
  - public realm - it was noted that the local community required an area of open space at the junction of Harrogate Road and Stainbeck Lane and that this should be explored further.
  - Applicant was expected to become involved with the local community and the provision of public open space was an opportunity for them to show their commitment.
  - Parking limits of a maximum of 3 hours was acceptable as it would discourage commuter parking and enable shoppers to visit other local shops and facilities
  - The need for the landscaping scheme to be considered in detail.
  - Applications should be determined by Panel rather than being delegated Officer.
- 1.6 Following the Plans Panel meeting, Officers have gone back to the applicant and discussed the issues raised. These issues are summarised below:-
- Additional planting areas have been provided on the Harrogate Road frontage, adjacent to the access ramp to the entrance.
  - An additional entrance to the store has been created to the rear elevation of the store for vehicular users of the supermarket to make it more easily accessible; this also breaks up the rear elevation by providing some additional glazing and a ramp. A small area of landscaping has been provided between the parent and toddler parking and the acoustic enclosure.

- Due to the creation of a rear entrance to the store, there is no need for an access ramp and it has been replaced by further planting along the side elevation.
- An indicative landscaping plan has been provided on the land to the bottom of the site, adjacent to the access; a detailed landscaping scheme would be required through a condition.
- A key aspect of the development of this site is for an active frontage which in principle a store to the front of the site creates. Following comments from Plans Panel discussions have occurred with the applicant about the glazing on the access to the main front entrance should be fully glazed with no acrylic stickers in it; this part of the scheme has not been amended since it was last submitted to Plans Panel and the response provided by the applicant was regarding the requirements for the layout of the store.

## **2.0 PROPOSAL:**

2.1 13/00694/FU - This is a full planning application proposing a new Wm Morrison Supermarket Plc store to the front of the site with parking and landscaping to the rear:-

1468m<sup>2</sup> gross internal floor area

1518m<sup>2</sup> gross area to external wall

925.7m<sup>2</sup> net sales area

Access to the southern part of the site

80 parking spaces (previously 84 when last presented to Plans Panel)

2.2 Opening hours: Monday to Saturday 07.00 to 23.00 and Sundays 10.00 – 16.00

2.3 Layout - The proposed store is situated adjacent to the eastern boundary of the site set to the back of pavement along Harrogate Road. The building has a length of approximately 57m along Harrogate Road and Allerton Hill. The building is 32 metres wide along the south facing elevation. The car park to the rear of the site is approximately 63.5m long and extends the almost the entire width of the site from north to south. The store's front entrance is located south – east corner of the building with a stair and ramp/walkway along Harrogate Road in the most visually prominent area of the site and an additional entrance has been created on the South-West boundary to the rear of the building with additional planting provided the southern elevation following the removal of the redundant ramp/walkway. The delivery bay is located to the rear of the building to the northern point of the site away from the car park entrance.

2.3 The new access road enters the site perpendicular from Harrogate Road to the south of the proposed building. This is the only vehicular access in and out of the site. The bank of trees to the south of the site is being protected and persevered to maintain the character of the area.

2.4 Scale - The building is approximately 8.1 metres tall to the highest point from the proposed finish floor level of the store. The store is predominantly single storey but has a small area of plant at 1<sup>st</sup> floor level in the warehouse. The proposed ground floor level is 0.43m above that of application 2 (rear of site option) due to the topographical constraints of the site.

2.5 Along the south – east corner of the proposed development is the building entrance. On this corner of the site the building is approximately 2.4 metres above street level. This takes the building to over 10m tall on this corner of the site. The flat roof design ensures the building height is kept to a minimum and is in keeping in scale to the

surrounding area. A canopy and low level roof has been placed above the entrance and ramped walkways to lower the perceived height of the building at this point.

- 2.6 The mass of the building is reduced vastly from that of Allerton House which currently occupies the site. The existing building is 4 storeys high, including a high ground floor, finishing with a flat roof at roughly 18-19 metres above ground level and with plant etc rising higher. There is a further short 2-storey section to the east and then a single-storey extension with loading bays. The proposed building would finish visually at a parapet 8-10.5 metres above ground level, concealing a lower flat roof. It would therefore be some 8-9 metres lower than the existing building (3 floors) finishing around 2 – 2.5 metres above the lowest extension of the existing building.
- 2.7 The existing building takes the form of a roughly square main building with lower extensions stepping down to the east,. Allerton House occupies slightly more than 50% of the length of the site and is situated away from Harrogate Road. The proposed building is roughly square with a triangular section to the north. The proposed store would occupy approximately 35% of the length of the site and will be set to the very front of the site adjacent to Harrogate Road.
- 2.8 Parking and Cycle storage - The proposal will accommodate 80 parking spaces (of which 2 spaces which will be occupied by trolley shelters). Of the 80 spaces 4 will be accessible bays for use by disabled blue badge holders and 4 will be dedicated parent and toddler bays. 80 parking bays equates to a ratio in excess of 1 space per 17.5 m.sq, which in consideration to the central location of the store and the abundance of public transport provisions is proposed as a reasonable level of provision. Both the Accessible bays and Parent and Toddler bays are located adjacent to the store with easy access to the entrance. The scheme incorporates 3 short stay cycle stands (stores 6 bicycles) and 3 cycle lockers for long stay use.
- 2.9 The Building Design - The functional aspect of the design lends itself to a flat roof solution which also aides in reducing the overall height of the building. The design opts for a flat roof with a parapet detail mirroring the existing Allerton House, neighbouring Pelham Place flats and the Yorkshire bank building. It was noted that the sites constraints allowed only partial and obscured views from the north with the key views of the proposal being from the south along Harrogate Road. Therefore it would seem appropriate that the focus of the building and the entrance take its place on the south-east corner.
- 2.10 The view looking north up Harrogate Road towards the site is noted as a key view within Chapel Allerton is note in the adopted CANPlan Chapel Allerton Neighbourhood Plan. What appears to be a key driver in the noted importance of this view is the setting of the Yorkshire Bank building. It was therefore felt that the design of the building should attempt to maintain or enhance the setting of this building which is noted as a positive structure within the Chapel Allerton designated Conservation Area.
- 2.11 With the proposed application site being elevated from the Yorkshire Bank and the topography of the site meaning the building would be raised 2.4 metres above pavement level on the adjacent corner, it was feared that the proposed height of the development would overshadow the existing Yorkshire Bank. The design therefore attempts to sit smaller in its setting by incorporating a 'low level' canopy over the entrance and ramped walkways. This breaks the verticality of the elevations and allows the building to site visually smaller on the site.

- 2.12 The main area of glazed fenestration on the building is located on the south elevation. This allows views in and out of the store onto the checkouts. Glazing is also present on the Harrogate Road elevation however due to the internal arrangement of shelving and produce in the store the only the high level glazing is transparent with the low level glazing being opaque.
- 2.13 To the rear of the store there is a newly introduced entrance with ramp and walkway and dummy windows on this elevation, which provides an additional entrance for the car park users and breaks up the rear elevation.
- 2.14 The proposed building is to be constructed using a mixture of natural and reconstituted stone with the majority of the natural stone being used on the Harrogate Road elevations. Stone was chosen as a suitable building material as it can be found throughout the Chapel Allerton Conservation Area.
- 2.15 Natural stone cladding has been proposed to give a more contemporary feel to the building with simplistic planes providing features and depth to the elevations. The smooth sandstone cladding along with the smooth faced coursed stone will set the building apart from its older sandstone neighbours therefore identifying the building as new intervention within the historic core. The reconstituted stone is to be split faced (rough) and will provide contrast and relief to the elevations against the smooth natural stone.
- 2.16 The rear car park is edged by large retaining walls to the north and west elevations. These walls are to be faced in course reconstituted sandstone to match the materials of the proposed building. The height of the retaining walls in the car park will be extensive, particularly to the northern boundary. Unfortunately this is unavoidable as achieving the maximum number of parking bays means there is little to no opportunity the grade out the level different and further to this any increase in the height of the car park (to reduce the height of the retaining walls) would be seen in the proposed floor level of the building and the overall height of the structure.
- 2.17 The delivery bay is to the rear of the proposed building, in the north-west corner away from the commercial frontage of Harrogate Road. This lies adjacent, but below due to the changes in levels of nos 1 and 3 Grosvenor Park residential properties. An acoustic enclosure to accommodate all deliveries and acoustic walls are proposed for mitigation measures.
- 2.18 The northern elevation will remain largely unseen due to the building being set into the landscape and being set so close to the existing boundary fence of 1 Grosvenor Park. The external wall will be constructed from reconstituted sandstone.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is 0.56 hectares and lies off Harrogate Road in the centre of Chapel Allerton and is bounded by Pelham Place 2 – 18 Stainbeck Lane to the South, The Mustard Pot/ Chapel Allerton Tennis Club to the west, residential properties of 1 – 9 Grosvenor Park to the North and Allerton Hill to the north east of the site.
- 3.2 Land levels rise across the site and there is a significant difference in levels between Grosvenor Park and the site.
- 3.3 The site has formerly had two office buildings on it. One building, closest to Allerton Hill, has been demolished and Allerton House remains vacant on the site.



- 3.4 Existing access to the site is taken from Harrogate Road at the corner with Stainbeck Lane adjacent to the Yorkshire Bank. Another vehicular access exists onto Allerton Hill, adjacent to 1 Grosvenor Park.
- 3.5 The site lies centrally within the S2 Chapel Allerton Centre and is a prominent site. The Chapel Allerton Conservation Area was extended and now includes this site within it.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 12/00822/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping – refused under delegated powers on 15<sup>th</sup> June 2012 for the following reasons:-
- 1) *The LPA considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of the building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, management of change in levels and associated retaining walls and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP Review policies GP5, N12, N13 and LD1, the guidance contained within Supplementary Planning Documents Chapel Allerton Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF.*
  - 2) *The Applicant has failed to demonstrate that the local highway infrastructure is capable of accommodating the proposed development in view of the increase in trips which will be brought about by the proposed development. The Applicant has also failed to submit an acceptable access arrangement/configuration and failed to demonstrate that the car parking provision is adequate. The proposal is therefore considered to be contrary to policies GP5, T2, T5, T24 of the UDP (Review 2006) together with guidance contained within the Street Design Guide SPD.*
- 4.2 12/00823/CA - Conservation Area application to demolish vacant former bank premises – refused on 13<sup>th</sup> July 2012 for the following reason:-
- 1) *The Local Planning Authority considers that in the absence of an approved scheme for the redevelopment of the site, or site remediation, the demolition of the existing building would result in unsightly site which would be harmful to the character and appearance of the Chapel Allerton Conservation Area. The proposal would therefore be contrary to Policy N18B of the Unitary Development Plan (Review 2006) and the guidance contained within National Planning Policy Framework and the Chapel Allerton Conservation Area Appraisal and Management Plan.*
- 4.3 08/05355/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy, 14 flats and multi level car park and landscaping - Refused 25<sup>th</sup> November 2008 on highways grounds, decision dismissed at appeal dated 1<sup>st</sup> September 2008.
- 4.4 07/07912/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy,

2 residential blocks comprising 70 flats and multi level car park and landscaping -  
Withdrawn 15.04.08

- 4.5 07/04963/ADV - 4 non illuminated advertisement hoardings - Refused 19.10.07 for reasons of visual amenity and impact to conservation area.
- 4.6 07/04965/FU - Temporary car park to vacant site - Refused 17.10.07 for reasons of highway safety, visual amenity, impact to conservation area, and residential amenity.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Post the refusal of the application in June 2012, meetings have been held between officers and the developer and with Ward Members.
- 5.2 The applicants design team attended a meeting on the 4<sup>th</sup> July 2012 with Cllr Dowson and Cllr Taylor and officers to discuss the refused application(s) (12/0822/FU & 12/00823/CA).
- 5.3 The applicants design team attended a meeting on 8<sup>th</sup> November 2012 with officers to discuss the further work done on the proposals for a revised scheme for a store to the rear of the site and store to the front.
- 5.4 The applicants design team attended a meeting on 20<sup>th</sup> February 2013 with officers to discuss the scheme for a store to the front of the site with resulted in amended plans being submitted.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been publicised as a major application and as affecting the character of a conservation area by means of site notices posted on 22<sup>nd</sup> February and 1<sup>st</sup> March 2013 and the applications have also been advertised in a local newspaper, published 31<sup>st</sup> January and 1<sup>st</sup> March 2013. The formal consultation period expired on the 22<sup>nd</sup> March, however this was extended to the 3<sup>rd</sup> May 2013 to take into account the public meeting that was held on 16<sup>th</sup> April 2013. The outcome of this public meeting was provided verbally at 18<sup>th</sup> April Plans Panel.
- 6.2 Public Consultation was carried out by the developer on the two schemes; a public consultation was held on the 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> of January 2013 to present schemes for a revised scheme for a store to the rear and a store to the front of the site.
- 6.3 **WARD MEMBERS** – A letter of objection signed by all three Ward Members has been received regarding both applications and the following points are raised:-
- Object in the strongest terms to both applications
  - Members are aware of local feeling from contact with local residents and public meetings.
  - Concern raised and local opinion that insufficient attention has not been paid to the increased traffic and congestion problems that will be caused as a result of these proposals and the deterioration of air quality and impact upon residents with respiratory conditions.
  - The proposed location of the crossing to be provided is not considered suitable as it would be too close to the junction of Stainbeck Lane and the entrance to the proposed development as well as near Allerton Hill Road and Regent Street.

- Queuing traffic will occur along Stainbeck Lane onto Harrogate Road. There has been a desire to close up the top exit of Stainbeck Lane into Harrogate Road and this needs to be taken into account.
- Proposal will have an adverse impact upon local businesses; Chapel Allerton is a vibrant community of small shops and local residents want to keep it this way. There are already several supermarkets of a similar size close by.
- Both development designs are inappropriate for the Conservation Area.
- From the public meeting it was clear the majority of residents do not want another supermarket. Other outcome of the heated debates at public meeting that if the development was to go ahead then the development would be at the back of the site. We whole heartedly agree with the local residents on this very important point.
- The original rejection stressed the need to enhance the Conservation Area and neither of the submitted applications comply with this requirement.

6.4 At the time of writing this report, the following letters of representations had been received for each application were:-

101 letters have been received in total, 71 letters of objection raising the following issues:

- Detrimental impact on local traders;
- Badly designed building;
- Bland dated box at the heart of the town;
- Increase in noise, litter and pollution;
- Increase in traffic and congestion;
- Detrimental impact on character of Chapel Allerton;
- Site should be used as a green space and a community building;
- Impact on light pollution;
- Noise impact from deliveries;
- Car park will result in anti-social behaviour;
- Lack of demand for a supermarket in Chapel Allerton;
- Proposal would make it congested at Stainbeck Lane junction;
- Dangerous for pedestrians;
- Design is out of keeping with character of the area;
- Detrimental impact on sustainable community;
- Proposals would result in empty shops and loss of vibrancy to Chapel Allerton;
- Reduction in on-street parking spaces along Harrogate Road;
- Proposals do not meet CANPlan objectives;
- A small hotel or doctors surgery would be a better alternative, while there is a shortage of residential and office accommodation;
- Concerns over the proposed landscaping scheme;
- Submission of 2 applications is misleading;
- Type and scale of proposal is inappropriate;
- Inadequacy of the submitted Transport Assessment;

25 letters of support raising the following issues:-

- The area needs another supermarket for choice for the consumers. There is very limited choice at the moment
- Store to the front preferable
- Glad new crossing proposed and it is in the right location
- Do shop at local butchers and will not change if new supermarket built on site
- Be an asset to the local community
- Remove ugly eyesore that has been there for years and is a blot on the landscape

- Continuation of active frontage befitting local centre
- No need for landscaping on frontage as will distract from continuity
- National and local policy support this use in a town centre – sustainable and will benefit from footfall in this location
- Will benefit from linked up trips to the centre
- Will bring more people to the area
- No evidence as to impact upon other local retailers who are mainly non-food retailers anyway
- Increase in traffic will be minimal given catchment area and customer base and traffic will already be on the network stopping off enroute
- Any development on this site (or indeed a resumption of the lawful use) would have an impact on traffic given the location and this is unavoidable
- The highways mitigation methods are acceptable
- The use of the car park by shopper free of charge for three hours is welcome and in accordance with community aspirations and is of benefit to local retailers to whom lack of parking is a primary concern.
- The design is more than satisfactory given the huge variety in styles which comprise the Conservation Area. There is no local vernacular in this area and as such a modern building of stone facade is entirely appropriate.
- Landscaping around northern, southern and western boundaries should be deciduous trees for all year screening.
- There is no consensus over the creation of public square in Chapel Allerton with opinion being wholly divided, landscaping and/or public space is unnecessary for this proposal and risks detracting from the active frontage. There is no shortage of greenery in the area in any event
- Convenient for local people to use
- It will create jobs
- People travel to supermarkets further a field at present
- Store to front be more accessible on foot
- Good quality materials and better design is sought
- Building at front better than a car park
- Greenery should be provided to front of site

5 letter of general raising the following issues:-

- It is a village not town
- Keen to see jobs created
- Is there a need for a supermarket
- Concern about crime
- Too many pedestrian crossings in the area
- Support new supermarket
- People will still support local businesses

## 7.0 CONSULTATION RESPONSES:

### 7.1 Statutory:

#### Highways: -

On balance, given the extent of the access improvements referred to above, in conjunction with the introduction of a new signalised pedestrian crossing on Harrogate Road, it is considered that a highways objection on the grounds of an increase in traffic at the site would be difficult to justify. However, additional information is required to demonstrate that the vehicle access is capable of satisfactorily accommodating large delivery vehicles. Furthermore, in view of the difficult parking conditions within the local area, it is considered that the applicant should provide a

financial contribution to enable the existing on-street parking restrictions within Chapel Allerton to be reviewed/ upgraded. In terms of parking, a time limit of three hours should be imposed on the usage of the car park, which should allow visitors to shop at the supermarket and also potentially visit other facilities/outlets within Chapel Allerton. This should be formalised and made a requirement of any subsequent planning approval.

## 7.2 **Non-statutory:**

### Policy

The principle of a new foodstore on this site was agreed in principle of the previous application that was refused. There have been no changes to the policy framework which would alter this position and so in principle the scheme for a foodstore of this scale is supported, due to its location within the town centre boundary which is therefore an appropriate location for all main town centre uses and is suitable in scale. (There is no requirement for the scheme to undergo a sequential or impact test.)

### Access

No comments received.

### Land Drainage

The surface water from the site is proposed to be discharged to the public sewer. Given the site topography and proposed layout, this is considered to be acceptable. Conditions are recommended.

### Environmental Health

The site layout for this proposal offers delivery vehicle movements some 10 meters away from the nearest noise sensitive premises. Those premises are houses on Grosvenor Park. The nearest house overlooks the proposed development due to the changes in the ground level. The closeness of the delivery bay to the housing may be expected to cause much more noise disturbance to those houses than that compared with the site plan offered in application 12/5296, especially considering delivery vehicle movements. However, approval is recommended, subject to conditions relating to noise on fixed plant, submission of details of plant and odour treatment measures, restrictions on construction and demolition hours, and lighting restrictions, no objection subject to conditions.

### Land contamination

Additional information is requested from the applicant, however it is considered that this can be addressed by conditions.

### Metro

No objections to the proposals provided that the existing bus shelter (no. 13617) on Harrogate Road which will need to be relocated is upgraded and a RTI display is installed. A second bus stop located on Stainbeck Lane (no. 11138) should also be upgraded to have a shelter with RTI display (total cost £40,000). DDA compliant raised kerbs and bus stop clearways need to be provided at both stops where needed.

### NGT/Public Transport Contributions

A contribution of £128,026 should be sought in accordance with the SPD.

### TravelWise

Further amendments are required to the submitted Travel Plan.

Yorkshire Water

No objections subject to the imposition of conditions.

Chapel Allerton Neighbourhood Plan Group (CANPLAN)

No comments received.

Leeds Civic Trust

This is the preferable scheme in that it allows the store to be far more accessible to the many users that will arrive on foot or by bicycle, Some concerns are raised over the design and its impact on the conservation area; building should be set back slightly to provide tree planting; more imagination to address level changes; noise abatement measures should be provided around the service bay; additional energy saving measures and the use SUDS in the car park should be used.

**8.0 PLANNING POLICIES:**

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Unitary Development Plan (Review 2006), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy.

8.2 Leeds Unitary Development Plan (Review 2006):

The site is located within the Chapel Allerton designated S2 Centre and in the Chapel Allerton Conservation Area.

Relevant policies include:

GP5: General planning considerations.

N12: Priorities for Urban Design.

N13: Design and new buildings.

N19: New buildings within conservation areas

T2: Transport and provision for development.

T2B: Need for transport assessments.

T2C: Travel Plans.

T2D: public transport contributions.

T5: Pedestrian and cycle provision.

T6: Provision for the disabled.

T24: Parking provision and new development.

S2: Vitality and viability of town centres.

S3: Enhancement and maintenance of town centres.

BD3: All new public buildings to provide suitable access for the disabled.

BD5: Amenity and new buildings.

LD1: Landscaping schemes.

8.3 Supplementary Planning Guidance / Documents:

Public transport improvements and developer contributions.

Chapel Allerton Community Plan and Design Statement

Street Design Guide

Chapel Allerton Conservation Area Appraisal and Management Plan

In the Chapel Allerton Community Plan and Design Statement (Neighbourhood Design Statement), states the following about the application site, '*The proposed*

*development of the Yorkshire Bank site has provoked more interest and passion in Chapel Allerton than any other issue.*

*8.7 In recent years there have been planning applications for the site, which is now within the Conservation Area and the historic core of Chapel Allerton. These applications have focused on intensive development, including multi level flats, offices, doctors' surgery, pharmacy, shops, restaurant, and car parking. The most recent application was submitted in September 2008, refused by the Council, and subsequently dismissed at appeal in September 2009. A further application is expected in 2011. A key community issue is to ensure development of the Yorkshire Bank site meets the aspirations identified in the community survey and at the Open Day in July 2009.*

*8.8 Of the Yorkshire bank site, the Chapel Allerton Conservation Area Plan states "...its redevelopment will have a major impact on the character of the core of the settlement and offers an opportunity to enhance the conservation area."*

*8.9 The community consider that any development on the site should take the opportunity to improve areas of public space and landscaping and should not include any bars given that these are already well provided for and linked to issues of anti-social behaviour. The site is within key views from Harrogate Road approach and any development proposal must have regard to this.*

*8.10 This Plan supports the Chapel Allerton Conservation Area Appraisal suggested opportunity for enhancement of the conservation area and centre in relation to the Stainbeck Corner and creation of public space which could be delivered by way of planning gain associated with any redevelopment of the Yorkshire Bank Site. The Conservation Area Appraisal advises that: "The closure of the north section of the junction would create a public "square" which would re-create a sense of arrival at the heart of the village. High quality paving and street furniture could contribute to the enhancement of the area. Although a number of practical traffic management problems would have to be overcome, including moving the pedestrian crossing south of Regent Street and making alternative arrangements for parking and taxi waiting outside the Yorkshire bank, the benefit to the townscape would be considerable"*

*8.11 Development proposals should also be accompanied by a comprehensive traffic management scheme for the locality that provides for a reduction in reliance on car use, for improved pedestrian safety and the enhancement of pedestrian areas.*

*8.12 The Yorkshire Penny Bank building, adjacent to the development site is recognised in the Conservation Area Appraisal as a building of considerable architectural quality. The community would like to see this building listed in order to ensure its retention.*

#### 8.4 Emerging Policy

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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.5 As the Council have submitted the Publication Draft Core Strategy to the Secretary of State for 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.

## 8.6 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability (para. 23). Design requirements are set out in section 7 noting that developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

## 9.0 **MAIN ISSUES**

1. Principle of Development
2. Highway issues
3. Layout, design, scale & Impact on Conservation Area
4. Impact upon Living Conditions of Neighbours
5. S106 – Draft Heads of Terms
6. Other matters

## 10.0 **APPRAISAL**

### Principle of Development

- 10.1 The site is within the S2 centre of Chapel Allerton and currently comprises a vacant office building (Allerton House) and the vacant site of another office building which has been demolished. The scheme comprises of a store of approximately 1500m<sup>2</sup>, gross internal floor area and net sales area of approximately 925.7m<sup>2</sup>.
- 10.2 Policy S2 of the UDP Review 2006 encourages new retail development within the designated S2 centres (as does the NPPF), provided it does not undermine the vitality and viability of the city centre or any other S2 centres. In relation to Chapel Allerton, it is considered that the additional retail floor space will strengthen the vitality of the centre.
- 10.3 The site is unallocated within the UDP but is located within the designated S2 centre of Chapel Allerton and so development of a supermarket is an appropriate use. In addition, based in part on the Leeds City, Town, and Local Centres Study, the Council considers that some centres could perform more successfully as major locations for weekly shopping needs if they included a major foodstore or redevelopment of existing facilities to add to their function. Appropriate supermarket provision within centre or on the edge of centre is therefore to be encouraged in a number of centres, which includes Chapel Allerton.
- 10.4 It is considered that the proposed use and the scale proposed is appropriate for this town centre site location.



### Highway Issues

- 10.5 The scheme involves the closure of the existing access points and its relocation further towards the north. The scheme also includes the relocation of the existing bus stop on Harrogate Road as well as the provision of a pedestrian crossing across Harrogate Road. Previous proposals have presented difficulties in addressing the highways issues. This was the principle concern on the Planning Inspector when dismissing a mixed use scheme at a public inquiry. The difficulties mainly related to the methodology of the transport assessment and general lack of information. This has now been addressed by the applicant in this application.
- 10.6 Officers are generally supportive of the scheme regarding the extent of the access improvements and proposed signalised pedestrian crossing. Further information was sought on a number of technical matters, specifically regarding the servicing and delivery arrangements to the store.
- 10.7 The applicant will be required to provide contributions towards public transport infrastructure, bus stop improvements, a review of existing on-street parking restrictions and the implementation of a Travel Plan. A condition will also need to be imposed to restrict car parking to no more than 3 hours, this is still under discussion with the application that the time of writing this report and will be verbally updated at Plans Panel. It is considered that a maximum stay of 3 hours will provide the opportunity for local shoppers with Morrisons forming part of the community, whilst deterring existing workers within Chapel Allerton and potential commuters into Leeds City Centre.
- 10.8 The proposed location of the pedestrian crossing has been clarified with Highways Officers and it is confirmed that its proposed location is acceptable with regard to pedestrian and highway safety.
- 10.9 The scheme is considered to be acceptable with the proposed off-site highway works and crossing as it is not considered to have an adverse impact upon highway or pedestrian safety. In summary, the proposal is acceptable in highways terms subject to the appropriate planning obligations that are deemed to be necessary.

### Layout, design, scale, landscaping and impact on Chapel Allerton Conservation Area

- 10.10 The site lies within the extended Chapel Allerton Conservation Area, (Character Area 1) and is included within the Chapel Allerton Community Plan and Design Statement as the former Yorkshire Bank Site. The site is in a prominent location within the historic core of the Chapel Allerton Conservation Area and presents a real opportunity to improve this major approach and primary frontage within the district centre. At present, the site is currently underused and in a poor state visually. The relatively recent demolition of the Brutalist building that was located alongside Allerton Hill has left this frontage exposed and empty, to the detriment of the area as it is highly visible from views up and down Harrogate Road as noted in the Conservation Area Appraisal.
- 10.11 In principle no objection is raised to the demolition of the existing building as it does not make a positive contribution to the character of the area and redevelopment of this site and, so long as an appropriate scheme can be brought forward.
- 10.12 The site is of significance to the immediate area in that it forms an important part of streetscape vistas. It is a corner and junction site which is important as it can be an important element in bringing together elements of local streetscape from three directions. This is especially true when travelling, by car or foot, both up and down Harrogate Road.

- 10.13 As clearly reiterated in the National Planning Policy Framework (2012) Para: 64: *“Permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.”* It is desirable to develop the site, this scheme fundamentally fails to take the most obvious opportunity to enhance this important site within this unique and historically important setting.
- 10.14 In this application, the applicant, has taken on board the advice provided by officers and proposes a scheme which locates the store to the front of the site and the car parking towards the rear. This also reflects the comments made my Members in April. The advantage of locating the store to the site frontage brings about significant benefits which are twofold. Firstly, it reinforces the retail function and vitality and viability of Chapel Allerton District Centre. The proposal creates an important link between the existing commercial units further north along Harrogate Road and the shops and restaurant on Stainbeck Lane. This is considered a positive approach to improving the retail function of the area and links the front of the proposed store to other retail units within Chapel Allerton.
- 10.15 Secondly, the proposal represents an appropriate design solution in townscape terms that will seek to enhance the character of this part of the Chapel Allerton Conservation Area. The location of the proposed building together with its scale and mass fits with the scale of the adjacent Yorkshire Bank building and the adjacent terrace on Harrogate Road. The architectural style and detailing is also considered to be appropriate and will not result in a building which is out of place within the Conservation Area.
- 10.16 Revised plans have been provided following points raised at 18<sup>th</sup> April Plans Panel and they are:-
- Additional planting areas have been provided on the Harrogate Road frontage, adjacent to the access ramp to the entrance.
  - An additional entrance to the store has been created to the rear elevation of the store for vehicular users of the supermarket to make it more easily accessible; this also breaks up the rear elevation by providing some additional glazing and a ramp. A small area of landscaping has been provided between the parent and toddler parking and the acoustic enclosure.
  - Due to the creation of a rear entrance to the store, there is no need for an access ramp and it has been replaced by further planting along the side elevation.
  - An indicative landscaping plan has been provided on the land to the bottom of the site, adjacent to the access; a detailed landscaping scheme would be required through a condition.
  - Following comments from Plans Panel, discussions have occurred with the applicant about the glazing on the access to the main front entrance in that it should be fully glazed with no acrylic stickers in it. This part of the scheme has not been amended since it was last submitted to Plans Panel and the response provided by the applicant was regarding the requirements for the layout of the store.
- 10.17 It is considered that the bullet points above, apart from the last have taken into account comments made by Panel Members and Officers and are a positive response to the site and its constraints. It is disappointing that the applicant has not been able to address the issue of vinyl stickers in the lower portion of the glazing on the front entrance but this is not considered to be a reason for rejecting the overall scheme.

### Impact upon Living Conditions of Neighbours

- 10.18 The proposal to locate the proposed foodstore to the front of the site brings about significant benefits in terms of retail function and visual character. However, this needs to be balanced against the impact upon the living conditions of neighbours, particularly those within Grosvenor Park who lie in close proximity to the proposed service yard. As with any major foodstore, deliveries have the potential to generate noise and disturbance to neighbouring residential properties. There is therefore a need for such deliveries to be managed in a correct way as to prevent any adverse impact. There are examples where such a situation exists between housing and service yards. One such example is the service yard to the new Waitrose within Meanwood which operates successfully. In terms of the current proposal, the advice from Environmental Health Protection Officers advises that the store and service yard is acceptable subject to the imposition of a number of conditions.
- 10.19 In addition, further cross sections has been provided in relation to the difference in levels from the application site and neighbouring properties on Grosvenor Park showing the acoustic fence and enclosure proposed as part of the mitigation methods proposed as part of the original application. The Environmental Health Officer raised no objection to this proposal subject to conditions.
- 10.20 With respect to the issue of delivery, the applicant stated that deliveries would be between the hours of 06.00 hrs and 24.00 hrs, this issue was raised at Plans Panel on 18<sup>th</sup> April. It is proposed that the hours of delivery be conditioned from 07:00 hrs – 21:00 hrs Monday to Saturday and 10.00 hrs – 16.00 hrs Sundays and Bank Holiday. In addition a delivery and servicing plan would be conditioned as part of any permission. At the time of writing this report further consultation with Environmental Health Protection Officers was on going. An update will be provided at Plans Panel.
- 10.21 It is considered that due to the overall scale and mass of the proposed building, taking into account the difference in levels, the proposal would not be harmful in the location proposed with regard to overlooking, loss of light of dominance.

### S106 Draft Heads of Terms

- 10.22 Below are the proposed planning obligations put forward by the developer. No detailed discussions have taken place regarding specific details at the date of writing this report.
- Public Transport Infrastructure contribution of £128,026;
  - Metro contribution of £40,000;
  - Travel Plan and monitoring fee of £2,500
  - Off-site highways works;
  - Contribution of £15,000 towards a review of parking waiting restrictions;
  - Local employment and training

A draft S106 is being prepared by the applicant to include the above obligations.

- 10.23 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

**(i) necessary to make the development acceptable in planning terms.**  
Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

**(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

**(iii) fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.24 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- £128,026 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £2,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by staff and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- The contribution of £40,000 to Metro is justified as part of the Travel Plan aims and would improve number of employees traveling by more sustainable modes, and a contribution towards the cost of providing services that employees would use would enable continued provision of these services. The updating of bus stops would provide for real time information displays thereby providing a better service for employees.
- A contribution of £15,000 towards a review of parking waiting restrictions within the Chapel Allerton area as well as the off-site highway works are considered to be necessary as part of the proposed development.
- The obligation to ensure that local people are employed in the development is considered to be necessary.

10.25 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

#### Other Matters:

10.26 Public Realm - It is a local aspiration as stated in the Neighbourhood Design Statement paragraphs 8.6 – 8.12 that the north section of the Stainbeck Lane be closed off and a public square created; this has been raised with the applicant but does not form part of the either of the applications. Following the comments from Plans Panel that this should be explored further, the following response has been provided by the applicant that the request does not comply with the regulations of the S106 agreement and that the highway section does not state this is necessary to make the development work and therefore do not propose to contribute or carry out this work.

10.27 On the Allerton Hill elevation, there a couple of 'dummy' windows proposed now on this elevation, partly to break the facade up as it was a blank wall as originally submitted; the dummy windows provide an area for the provision public art of some kind or a notice board for use by the community.

10.28 Local Training and Employment Initiatives – The applicant has advised that 100 jobs would be provided through this new store. This will form part of the S106 Agreement. This should be afforded significant weight with regard to the economic benefits in line with the recent Written Ministerial Statement. Planning for Growth, 23 March 2011.

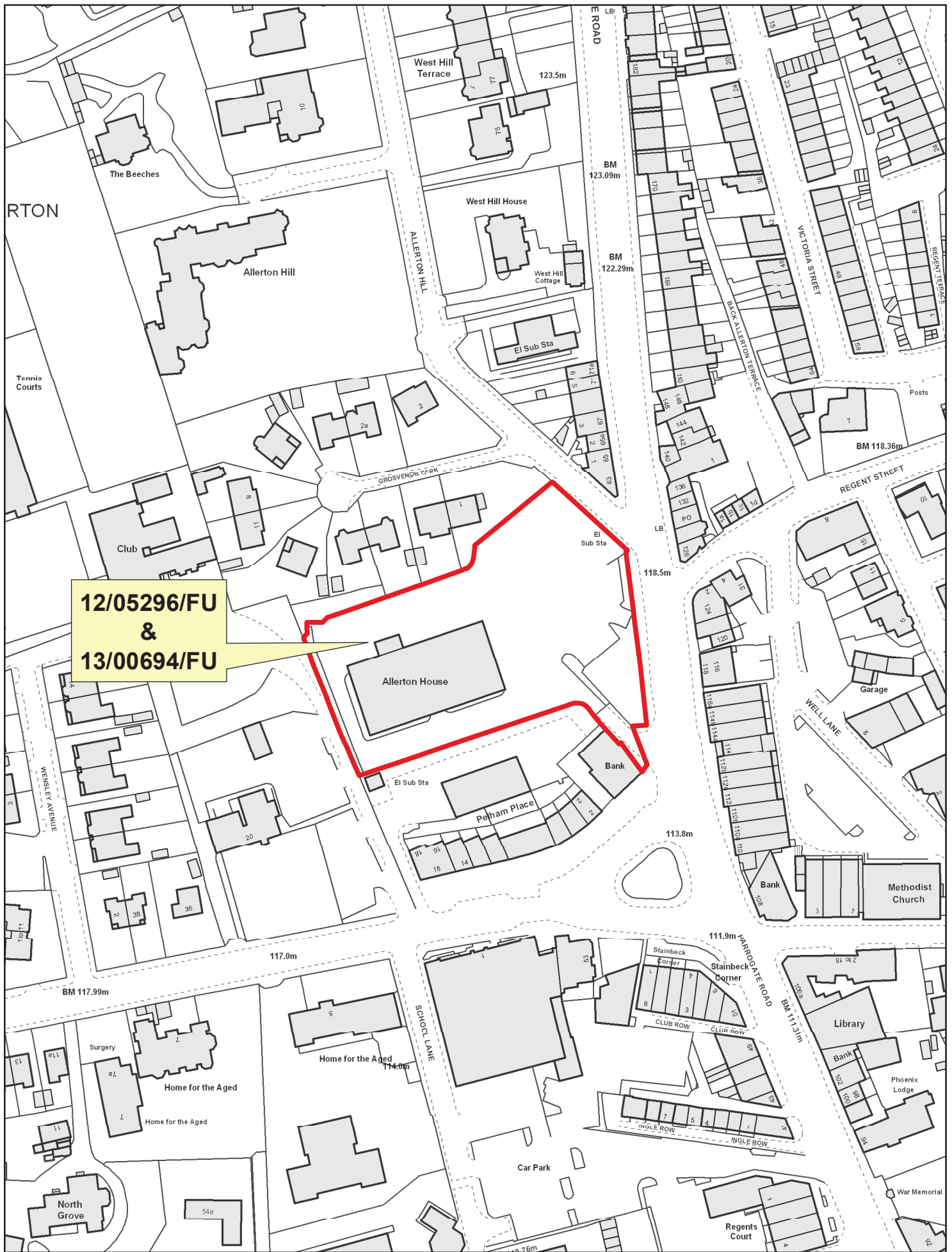
## **11.0 CONCLUSION**

11.1 It is considered that the proposal for a store to the front and car parking to the rear is considered acceptable with regard to principle, access arrangements, layout, design, scale and materials as it would create an active frontage to the Harrogate Road, enhancing the Conservation Area and integrating itself to the centre, regenerating the derelict site and with the provision of jobs are all significant benefits of the scheme and should be supported. It is considered that any harm to residential amenities can be mitigated. The recommendation is therefore to defer and delegate to the Chief Planning Officer for approval subject to the resolution of any outstanding issues and imposition of the specified conditions and following completion of a Section 106 Agreement.

## **12.0 Background Papers:**

12.1 Application files 13/00694/FU and 12/05296/FU and history file – 12/00822/FU.

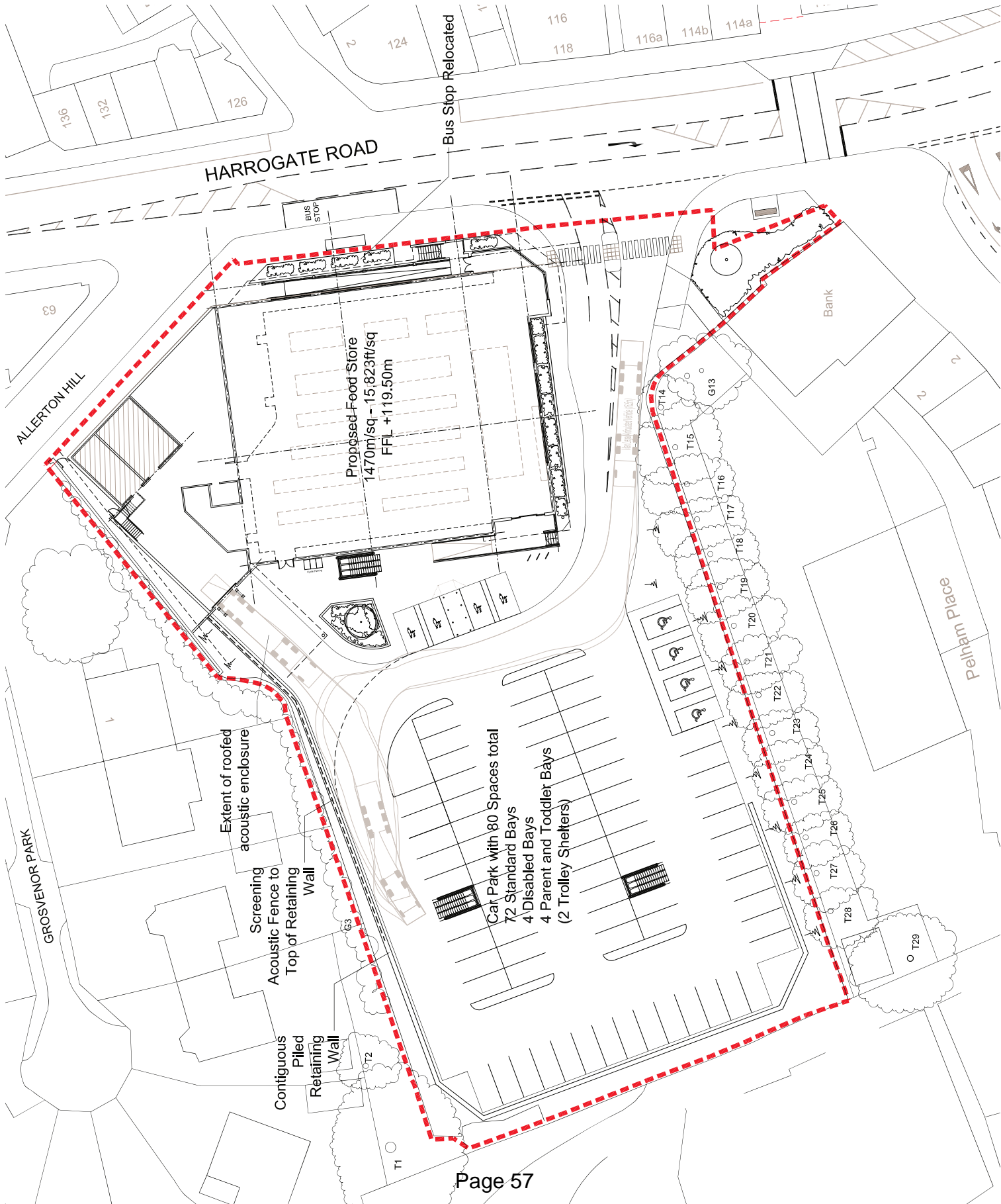
12.2 Ownership Certificate: Notice served on owners and Certificate B signed (Chapel Allerton Investments LLP)



**12/05296/FU  
&  
13/00694/FU**

# NORTH AND EAST PLANS PANEL





Revision	Date	By	Checked	Scale
Revision E	07.02.2013	SLJ/NN	SLJ/NN	SLJ/NN
New rear car park entrance added. Car park layout amended, blanking added to southern elevation in line of the entrance ramp				
Revision D	27.02.2013	SLJ/NN	SLJ/NN	SLJ/NN
New rear car park entrance added. Car park layout amended, blanking added to southern elevation in line of the entrance ramp				
Revision C	04.02.2013	SLJ/NN	SLJ/NN	SLJ/NN
Store Repositioned and Detail Added to Elevations				
Revision B	07.02.2013	SLJ/NN	SLJ/NN	SLJ/NN
AS ABOVE WITH THE ADDITION OF ENCLOSURE ADDED TO THE NORTHERN PERIMETER OF CAR PARK				
Revision A	27.02.2012	SLJ/NN	SLJ/NN	SLJ/NN
ELEVATIONS REDESIGNED TO MEET CONSERVATION AREA REQUIREMENTS				
<b>Project:</b>				
PROPOSED NEW STORE				
ALLERTON HOUSE, HARROGATE ROAD				
CHAPEL ALLERTON, LEEDS				
<b>Client:</b> Optimalis Development Limited				
Site Plan and Ground Floor Store Plan				
AS PROPOSED				
ALTERNATIVE STORE OPTION				
Job No	3527-76	PL/103	E	
Date	23.12.2011	Issue	001	Drawn
© 2011 Optimalis Development Limited				
Note: All dimensions are in millimetres unless otherwise stated				
Watson-Batty Architects Limited 100, The Arcade, Leeds LS1 2JL T: 0113 251 666 F: 0113 251 600 E: info@watson-batty.com W: www.watson-batty.com				

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Originator:	Sarah Hellewell
Tel:	0113 222 4409

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 13<sup>th</sup> June 2013

**Subject: 12/05296/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping at site of Allerton House, Harrogate Road, Chapel Allerton.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>PPA TARGET</b>
Optimisation Developments Ltd	21 <sup>st</sup> February 2013	15 <sup>th</sup> June 2013

<p><b>Electoral Wards Affected:</b></p> <p><b>Chapel Allerton</b></p> <p><input type="checkbox"/> Yes    Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
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**RECOMMENDATION: REFUSE PERMISSION for the following reason(s):**

- The Local Planning Authority considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, the design of the servicing arrangements, management of change in levels and associated retaining wall and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP review policies GP5, N12, N13, LD1, Supplementary Planning Documents, Chapel Allerton Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF.

## **1.0 INTRODUCTION:**

- 1.1 This planning application is presented to Plans Panel due to the prominent location of the site in Chapel Allerton, the sites planning history and the significant public interest in the site.
- 1.2 The proposal comprises of a foodstore to the rear of the site. A separate application for a new foodstore by the same applicant is proposed to the front of the site and is reported on the same agenda (13/00694/FU). Each application shall be determined on its own merits.
- 1.3 The principle of a foodstore on this site within the designated town centre is deemed acceptable, in line with both national and local planning policy. The proposed store has no significant impact upon residential amenity but provides a car parking dominated frontage above street level. The last application determined on the site was for a store to the rear of the site with car parking to the front and was refused under delegated powers on 15<sup>th</sup> June 2012. Accordingly officers are unlikely to support a store located to the rear of the site.
- 1.4 The two planning applications were presented as a joint position statement to 18<sup>th</sup> April 2013 North and East Plans Panel and a site visit was carried out. Members made the following comments on the applications:
- Concern regarding use of access and car park and delivery/servicing manoeuvres close together and knock effect for whole site and the store to the front would have less impact on these arrangements.
  - Further consultation to occur with Environmental Protection Team on proposed delivery hours and the acoustic mitigation measures for the front location regarding noise impact.
  - The need for the site to be developed but community unsure supermarket appropriate.
  - The likely levels of employment to be created .
  - Car parking levels - 84 parking spaces on the scheme to the front of the site and 71 spaces on the scheme to the rear.
- 1.5 Members comments of the specific questions set out in the position statement were:-
- There were no further comments on highways issues.
  - Both schemes had positive and negative elements. Concern raised regarding the layout of the store to the rear with car park to the front and its access arrangements to the car park and for deliveries as this would cause congestion and hold ups. Concerns about pedestrian access to the store to the rear and lower car parking amounts and impact of large car park at the front was not in keeping with the Conservation Area.
  - The store to front has less impact on the Conservation Area and the delivery arrangements were safer but would have an impact on nos 1 and 3 Grosvenor Park and mitigation measures would need to be looked at and good sound attenuation measures be required.
  - Both applications with regard to design have positive elements but the store to the front of the site benefited from better materials and design; more glazing was required to the streetscene and should provide an active frontage rather than being covered in stickers and posters.
  - hours of delivery were a concern with 7am – 9pm being considered to be more appropriate than the 6am –midnight being proposed.
  - public realm - it was noted that the local community required an area of open space at the junction of Harrogate Road and Stainbeck Lane and that this should be explored further.

- Applicant was expected to become involved with the local community and the provision of public open space was an opportunity for them to show their commitment.
- parking limits of a maximum of 3 hours was acceptable as it would discourage commuter parking and enable shoppers to visit other local shops and facilities.
- the need for the landscaping scheme to be considered in detail.
- applications should be determined by Panel rather than being delegated Officer.

1.6 Following the Plans Panel meeting, Officers have gone back to the applicant and discussed the issues raised. These issues are raised more fully in the appraisal section of this report. However, in summary, the main changes to the scheme relate to the proposed delivery arrangements to the store. The applicant has provided information which shows the swept path of an articulated heavy goods vehicle and indicates that there would be 1 or 2 of these delivery vehicles servicing the store per day. The majority of deliveries would be smaller vehicles. During such deliveries, a banksman will be employed to guide delivery vehicles into the loading bay and will seek to manage any conflict with customers.

## **2.0 PROPOSAL:**

2.1 This is a full planning application proposing a new Wm Morrison Supermarket Plc store to the rear of the site with parking and landscaping to the front:-

1389m<sup>2</sup> gross internal floor area  
 1444m<sup>2</sup> gross area to external wall  
 925.7m<sup>2</sup> net sales area  
 Access to the southern part of the site  
 71 parking spaces

2.2 Opening hours: Monday to Saturday 07.00 to 23.00 and Sundays 10.00 – 16.00

2.3 Layout - The store is situated adjacent to the western boundary of the site set back from Harrogate Road. The building at just over 41 metres in width lies approximately 3-4 metres from the northern boundary retaining walls of the Grosvenor Park properties and 4-5 metres from the retaining wall and trees which align the southern boundary.

2.4 The east facing elevation (front) is situated some 58 -65 metres back from the Harrogate Road boundary, this space is filled predominantly by the developments car park and associated landscaping. The new access road and additional planting areas have resulted in this area being re-planned from the previous application. An additional row of tree planting has been introduced adjacent to Harrogate Road which has lead to a reduction of 2 spaces from the previous planning refused scheme. The scheme now includes parking for 69 vehicles and up to 2 trolley bays and has a central planting area within the car park.

2.5 The store has a single customer entrance on the northern corner of the front elevation. Access can be gained to the store entrance on foot from Harrogate Road using the path located adjacent to the site access road. The southern access point from Stainbeck Road is via a footpath travelling along side the existing Yorkshire Bank building. A pedestrian crossing with a central island is positioned to allow safe crossing over the site entrance giving access to the site or the pedestrian walkway along Harrogate Road to the north.

- 2.6 The delivery bay access is located on the southern side of the front façade away from the sites closest residential properties on Grosvenor Park. The delivery bay is set back from the main facade to mark the lower hierarchy function of the elevation.
- 2.7 The building is approximately 8.1 metres tall to the highest point from the proposed finish floor level of the store. The store is predominantly single storey but has a small area of plant at 1<sup>st</sup> floor level in the warehouse. The proposed building would finish visually at a parapet 8-9 metres above ground level, concealing a lower flat roof. It would therefore be some 10 metres lower than the existing building (3 floors) finishing around 1.5 - 2 metres above the lowest extension of the existing building.
- 2.8 The existing building takes the form of a roughly square main building with lower extensions stepping down to the east, Allerton House occupies slightly more than 50% of the length of the site. The proposed building is roughly square, finishing nearer to the northern and southern boundaries due to its greater width. The proposed store would occupy approximately 40% of the length of the site
- 2.9 Access, Parking and Cycle storage - Access to the site is gained to the car park via a newly created access point adjacent to the existing access along the side of the Yorkshire Bank. The only customer access to the store is located on the right hand corner of the building, adjacent to the to nos 3 and 5 Grosvenor Park residential properties. The proposal will accommodate 71 parking spaces ( of which 2 spaces which will be occupied by trolley shelters). Of the 71 spaces 5 will be accessible bays for use by disabled blue badge holders and 2 will be dedicated parent and toddler bays. 71 parking bays equates to a ratio of 1 space per 20 m.sq. Both the Accessible bays and Parent and Toddler bays are located adjacent to the store with easy access to the entrance. The scheme incorporates 3 short stay cycle stands (stores 6 bicycles) and 3 cycle lockers for long stay use.
- 2.10 The Building Design - the building has been designed and orientated with a primary façade facing Harrogate Road and the site entrance, and secondary façades to the remaining elevations. The north, south and west elevations of the building are plain non-fenestrated facades reflecting the functional aspect of the building. High level windows have been excluded due to the poor anticipated light quality (due to the building being 'dug in' and the surrounding trees and features) and the requirement for storage on external walls.
- 2.11 Natural light will be delivered into the building via the proposed roof lights. The materials used in this elevation are composite metal cladding panels at which produce a smooth faced appearance and will be neutral grey in colour to diminish any visual impact the building may have. At plinth level the elevations will be faced in brick but as mentioned above these elevations will not be visible due to the nature of the site.
- 2.12 The east facing elevation is the primary faced to the building and hosts all the activity of the building. The materials proposed on this elevation are red brick, sandstone and glass as the primary components.
- 2.13 The delivery bay area is set back from the primary entrance façade, adjacent to the parade of shops with residential properties above at Pelham Place and is less prominent when viewed in perspective. This element of the façade is clad in a rain screen cladding panel similar in appearance to the composite cladding panels on the other elevations.
- 2.14 The store is set back right back from the road and the design of the store comprises large areas of glazing into the façade with red brick and sandstone cladding panels.

- 2.15 The sandstone takes the form of stack bonded rain screen cladding panels at high level. Using materials such as sandstone in this manner away from the traditional application of a heavy, load bearing, bonded material reinforces the contemporary style of the proposals.
- 2.16 Landscaping –An area of soft landscaping area is now proposed where the existing access road lies, with a small area of landscaping to the car park and a line of trees. vegetation along the Harrogate Road Frontage and retaining walls is being provided facing onto the Harrogate Road frontage.
- 2.17 The key differences from the previously refused scheme are:-
- Changes to the frontage to Harrogate Road (external works and planting)
  - Improved highway access into the proposed development
  - Landscape proposals to the car park
  - Strengthening the quality of the boundary wall through use of materials and appropriate design.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is 0.56 hectares and lies off Harrogate Road in the centre of Chapel Allerton and is bounded by Pelham Place 2 – 18 Stainbeck Lane to the South, The Mustard Pot/ Chapel Allerton Tennis Club to the west, residential properties of 1 – 9 Grosvenor Park to the North and Allerton Hill to the north east of the site.
- 3.2 Land levels rise across the site and there is a significant difference in levels between Grosvenor Park and the site.
- 3.3 The site has formerly had two office buildings on it. One building, closest to Allerton Hill, has been demolished and Allerton House remains vacant on the site.
- 3.4 Existing access to the site is taken from Harrogate Road at the corner with Stainbeck Lane adjacent to the Yorkshire Bank. Another vehicular access exists onto Allerton Hill, adjacent to 1 Grosvenor Park.
- 3.5 The site lies centrally within the S2 Chapel Allerton Centre and is a prominent site. The Chapel Allerton Conservation Area was extended and now includes this site within it.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 12/00822/FU - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping – refused under delegated powers on 15<sup>th</sup> June 2012 for the following reasons:-

- 1) *The LPA considers that the proposed development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. The proposal will fail to integrate into the District Centre due to its layout, siting of the building, overall design, lack of landscaping, car park/hard surfaced dominated frontage, management of change in levels and associated retaining walls and will fail to take the opportunities present to enhance the Conservation Area, streetscene or the District Centre. The proposal is therefore considered to be a poor response to this important site and is contrary to Leeds UDP Review policies GP5, N12, N13 and LD1, the guidance contained within Supplementary Planning Documents Chapel Allerton*

*Neighbourhood Design Statement, the Chapel Allerton Conservation Area Appraisal and Management Plan and the NPPF.*

- 2) *The Applicant has failed to demonstrate that the local highway infrastructure is capable of accommodating the proposed development in view of the increase in trips which will be brought about by the proposed development. The Applicant has also failed to submit an acceptable access arrangement/configuration and failed to demonstrate that the car parking provision is adequate. The proposal is therefore considered to be contrary to policies GP5, T2, T5, T24 of the UDP (Review 2006) together with guidance contained within the Street Design Guide SPD.*

4.2 12/00823/CA - Conservation Area application to demolish vacant former bank premises – refused on 13<sup>th</sup> July 2012 for the following reason:-

- 1) *The Local Planning Authority considers that in the absence of an approved scheme for the redevelopment of the site, or site remediation, the demolition of the existing building would result in unsightly site which would be harmful to the character and appearance of the Chapel Allerton Conservation Area. The proposal would therefore be contrary to Policy N18B of the Unitary Development Plan (Review 2006) and the guidance contained within National Planning Policy Framework and the Chapel Allerton Conservation Area Appraisal and Management Plan.*

4.3 08/05355/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy, 14 flats and multi level car park and landscaping - Refused 25<sup>th</sup> November 2008 on highways grounds, decision dismissed at appeal dated 1<sup>st</sup> September 2008.

4.4 07/07912/FU - Laying out of access road and erection of multi level, mixed use development, comprising 2 retail units, restaurant, offices, doctors surgery, pharmacy, 2 residential blocks comprising 70 flats and multi level car park and landscaping - Withdrawn 15.04.08

4.5 07/04963/ADV - 4 non illuminated advertisement hoardings - Refused 19.10.07 for reasons of visual amenity and impact to conservation area.

4.6 07/04965/FU - Temporary car park to vacant site - Refused 17.10.07 for reasons of highway safety, visual amenity, impact to conservation area, and residential amenity.

4.7 13/00694 - Demolition of existing building and erection of a foodstore to the rear of the site with associated access, car parking, servicing and landscaping: Under consideration and on the current agenda.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Post the refusal of the application in June 2012, meetings have been held between officers and the developer and with Ward Members.

5.2 The applicants design team attended a meeting on the 4<sup>th</sup> July 2012 with Cllr Dowson and Cllr Taylor and officers to discuss the refused application(s) (12/0822/FU & 12/00823/CA).

5.3 The applicants design team attended a meeting on 8<sup>th</sup> November 2012 with officers to discuss the further work done on the proposals for a revised scheme for a store to the

rear of the site and store to the front. Further information has also been submitted in relation to the proposed servicing and delivery proposals.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been publicised as a major application and as affecting the character of a conservation area by means of site notices posted on 1<sup>st</sup> March 2013 and the application has also been advertised in a local newspaper, published 31<sup>st</sup> January 2013. The formal consultation period expired on the 22<sup>nd</sup> March 2013, however this was extended to the 3<sup>rd</sup> May 2013 to take into account the public meeting that was held on 16<sup>th</sup> April 2013. The outcome of this public meeting was provided verbally at 18<sup>th</sup> April Plans Panel.
- 6.2 Public Consultation was carried out by the developer on the two schemes; a public consultation was held on the 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> of January 2013 to present schemes for a revised scheme for a store to the rear and a store to the front of the site.
- 6.3 **WARD MEMBERS** – A letter of objection signed by all three Ward Members has been received regarding both applications and the following points are raised:-
- Object in the strongest terms to both applications
  - Members are aware of local feeling from contact with local residents and public meetings.
  - Concern raised and local opinion that insufficient attention has not been paid to the increased traffic and congestion problems that will be caused as a result of these proposals and the deterioration of air quality and impact upon residents with respiratory conditions.
  - The proposed location of the crossing to be provided is not considered suitable as it would be too close to the junction of Stainbeck Lane and the entrance to the proposed development as well as near Allerton Hill Road and Regent Street.
  - Queuing traffic will occur along Stainbeck Lane onto Harrogate Road. There has been a desire to close up the top exit of Stainbeck Lane into Harrogate Road and this needs to be taken into account.
  - Proposal will have an adverse impact upon local businesses; Chapel Allerton is a vibrant community of small shops and local residents want to keep it this way. There are already several supermarkets of a similar size close by.
  - Both development designs are inappropriate for the Conservation Area.
  - From the public meeting it was clear the majority of residents do not want another supermarket. Other outcome of the heated debates at public meeting that if the development was to go ahead then the development would be at the back of the site. We whole heartedly agree with the local residents on this very important point.
  - The original rejection stressed the need to enhance the Conservation Area and neither of the submitted applications comply with this requirement.
- 6.4 At the time of writing this report, the following letters of representations had been received:-

109 letters have been received in total, with 63 letters of objection raising the following issues:

- No shortages of supermarkets in local area;
- Detrimental impact on existing businesses, including on independent traders and the existing Co-Op;
- Increase in traffic and congestion;

- Detrimental impact on pedestrian safety, particularly due to location of service yard;
- Reduction in car parking spaces along Harrogate Road;
- Disputes over applicant's TA and traffic generation figures;
- Access point too close to existing accesses;
- Site is best suited for housing (social or private);
- Multi-purposed development needed, eg, housing, community facilities, pedestrianised shopping area that supports independent traders, hotel, doctors surgery or public park;
- Design is bland and box like and does not fit with local character;
- Design will have impact on Chapel Allerton Conservation Area;
- Increase in noise, litter, light pollution and pollution;
- Increase in noise for residents in Allerton Hill and Grosvenor Park;
- Impact on living conditions of neighbours from delivery noise and plant on roof;
- Increase in vandalism and anti-social behaviour;
- Proposals do not meet CANPlan objectives;
- Inadequate PR exercise by Morrisons;
- Lack of community involvement.

42 letters of support raising the following issues:

- Better than previous scheme, as well as safer due to pedestrian crossing;
- Better for pedestrian traffic;
- Chapel Allerton would benefit from a superior supermarket with more choice;
- Store would be within walking distance for local residents;
- Development could fund pedestrian improvements / community space;
- Proposals provide a secure car park;
- Design and car parking better than store scheme to the front;
- Loading bay is located away from residential properties;
- Height of store will not overpower or overlook adjacent residential properties.

4 general letters raising the following issues:-

- Preferable to other scheme

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

#### Highways:

Given the extent of the access improvements, in conjunction with the introduction of a new signalised pedestrian crossing on Harrogate Road, it is considered that a highways objection on the grounds of an increase in traffic at the site would be difficult to justify. However, additional information was required to demonstrate that the vehicle access is capable of satisfactorily accommodating large delivery vehicles and servicing arrangements. This information has now been provided and still raises issues that could be removed with an alternative layout within the site. Furthermore, in view of the difficult parking conditions within the local area, it is considered that the applicant should provide a financial contribution of £15,000 to enable the existing on-street parking restrictions within Chapel Allerton to be reviewed/upgraded. In terms of parking, a time limit of three hours should be imposed on the usage of the car park, which should allow visitors to shop at the supermarket and also potentially visit other facilities/outlets within Chapel Allerton. This should be formalised and made a requirement of any subsequent planning approval.



## 7.2 **Non-statutory:**

### Policy

The principle of a new foodstore on this site was agreed in principle when the previous application was refused. There have been no changes to the policy framework which would alter this position and so in principle the scheme for a foodstore of this scale is supported, due to its location within the town centre boundary which is therefore an appropriate location for all main town centre uses and is suitable in scale. (There is no requirement for the scheme to undergo a sequential or impact test.)

### Access

No comments received.

### Land Drainage

The surface water from the site is proposed to be discharged to the public sewer. Given the site topography and proposed layout, this is considered to be acceptable. Conditions are recommended.

### Environmental Health

Whilst the submitted noise assessment was not as detailed as would normally be expected, no objection subject to conditions relating to noise on fixed plant, submission of details of plant and odour treatment measures, restrictions on construction and demolition hours, and lighting restrictions.

### Land contamination

Additional information is requested from the applicant. However, it is considered that any issues that could arise could adequately be dealt with by the imposition of planning conditions.

### Metro

No objections to the proposals provided that the existing bus shelter (no. 13617) on Harrogate Road which will need to be relocated is upgraded and a RTI display is installed. A second bus stop located on Stainbeck Lane (no. 11138) should also be upgraded to have a shelter with RTI display (total cost £40,000). DDA compliant raised kerbs and bus stop clearways need to be provided at both stops where needed.

### NGT/Public Transport Contributions

A contribution of £128,026 should be sought in accordance with the SPD.

### TravelWise

Further amendments are required to the submitted Travel Plan.

### Yorkshire Water

12/05296/FU – No comments received.

### Chapel Allerton Neighbourhood Plan Group (CANPLAN)

No comments received.

### Leeds Civic Trust

Objects to the proposed development and makes reference to a preference for the alternative scheme instead which is located towards the front of the site.

## 8.0 PLANNING POLICIES:

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Unitary Development Plan (Review 2006), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy.

### 8.2 Leeds Unitary Development Plan (Review 2006):

The site is located within the Chapel Allerton designated S2 Centre and in the Chapel Allerton Conservation Area.

Relevant policies include:

GP5: General planning considerations.

N12: Priorities for Urban Design.

N13: Design and new buildings.

N19: New buildings within conservation areas

T2: Transport and provision for development.

T2B: Need for transport assessments.

T2C: Travel Plans.

T2D: public transport contributions.

T5: Pedestrian and cycle provision.

T6: Provision for the disabled.

T24: Parking provision and new development.

S2: Vitality and viability of town centres.

S3: Enhancement and maintenance of town centres.

BD3: All new public buildings to provide suitable access for the disabled.

BD5: Amenity and new buildings.

LD1: Landscaping schemes.

### 8.3 Supplementary Planning Guidance / Documents:

Public transport improvements and developer contributions.

Chapel Allerton Community Plan and Design Statement

Street Design Guide

Chapel Allerton Conservation Area Appraisal and Management Plan

In the Chapel Allerton Community Plan and Design Statement (Neighbourhood Design Statement), states the following about the application site, '*The proposed development of the Yorkshire Bank site has provoked more interest and passion in Chapel Allerton than any other issue.*

*8.7 In recent years there have been planning applications for the site, which is now within the Conservation Area and the historic core of Chapel Allerton. These applications have focused on intensive development, including multi level flats, offices, doctors' surgery, pharmacy, shops, restaurant, and car parking. The most recent application was submitted in September 2008, refused by the Council, and subsequently dismissed at appeal in September 2009. A further application is expected in 2011. A key community issue is to ensure development of the Yorkshire Bank site meets the aspirations identified in the community survey and at the Open Day in July 2009.*

*8.8 Of the Yorkshire bank site, the Chapel Allerton Conservation Area Plan states "...its redevelopment will have a major impact on the character of the core of the settlement and offers an opportunity to enhance the conservation area."*

*8.9 The community consider that any development on the site should take the opportunity to improve areas of public space and landscaping and should not include any bars given that these are already well provided for and linked to issues of anti-social behaviour. The site is within key views from Harrogate Road approach and any development proposal must have regard to this.*

*8.10 This Plan supports the Chapel Allerton Conservation Area Appraisal suggested opportunity for enhancement of the conservation area and centre in relation to the Stainbeck Corner and creation of public space which could be delivered by way of planning gain associated with any redevelopment of the Yorkshire Bank Site. The Conservation Area Appraisal advises that: "The closure of the north section of the junction would create a public "square" which would re-create a sense of arrival at the heart of the village. High quality paving and street furniture could contribute to the enhancement of the area. Although a number of practical traffic management problems would have to be overcome, including moving the pedestrian crossing south of Regent Street and making alternative arrangements for parking and taxi waiting outside the Yorkshire bank, the benefit to the townscape would be considerable"*

*8.11 Development proposals should also be accompanied by a comprehensive traffic management scheme for the locality that provides for a reduction in reliance on car use, for improved pedestrian safety and the enhancement of pedestrian areas.*

*8.12 The Yorkshire Penny Bank building, adjacent to the development site is recognised in the Conservation Area Appraisal as a building of considerable architectural quality. The community would like to see this building listed in order to ensure its retention.*

#### 8.4 Emerging Policy

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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.5 As the Council have submitted the Publication Draft Core Strategy to the Secretary of State for 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.

#### 8.6 National Planning Policy Framework

Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities should recognise town centres as the heart of their communities and support their vitality and viability (para. 23). Design requirements are set out in section 7 noting that developments should establish a strong sense of place creating attractive and comfortable places to live, work and visit (para. 58). Shared spaces should be promoted to help deliver the social, recreational and cultural facilities communities require (para. 70). Section 12 refers to the historic environment. Para. 131 identifies the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

## 9.0 MAIN ISSUES

1. Principle of Development
2. Highway issues
3. Layout, design, scale & Impact on Conservation Area
4. Impact upon Living Conditions of Neighbours
5. S106 – Draft Heads of Terms
6. Other matters

## 10.0 APPRAISAL

### Principle of Development

- 10.1 The site is within the S2 centre of Chapel Allerton and currently comprises a vacant office building (Allerton House) and the vacant site of another office building which has been demolished. The scheme comprises of a store of approximately 1400m<sup>2</sup>, gross internal floor area and net sales area of approximately 925.7m<sup>2</sup>.
- 10.2 Policy S2 of the UDP Review 2006 encourages new retail development within the designated S2 centres provided it does not undermine the vitality and viability of the city centre or any other S2 centres. In relation to Chapel Allerton, it is considered that the additional retail floor space will strengthen the vitality of the centre.
- 10.3 The site is unallocated within the UDP but is located within the designated S2 centre of Chapel Allerton and so development of a supermarket is an appropriate use. In addition, based in part on the Leeds City, Town, and Local Centres Study, the Council considers that some centres could perform more successfully as major locations for weekly shopping needs if they included a major foodstore or redevelopment of existing facilities to add to their function. Appropriate supermarket provision within centre or on the edge of centre is therefore to be encouraged in a number of centres, which includes Chapel Allerton.
- 10.4 It is considered that the proposed use and the scale proposed is appropriate for this town centre site location.

### Highway Issues

- 10.5 The scheme involves the closure of the existing access points and its relocation further towards the north. The scheme also includes the relocation of the existing bus stop on Harrogate Road as well as the provision of a pedestrian crossing across Harrogate Road. Previous proposals have presented difficulties in addressing the highways issues. This was the principle concern on the Planning Inspector when dismissing a mixed use scheme at a public inquiry. The difficulties mainly related to the methodology of the transport assessment and general lack of information. This has now been addressed by the applicant.
- 10.6 Officers are generally supportive of the scheme regarding the extent of the access improvements and proposed signalised pedestrian crossing. Further information was sought on a number of technical matters, specifically regarding the servicing and delivery arrangements. Information has been submitted which shows the swept path of an articulated heavy goods vehicle and indicates that there would be 1 or 2 of these delivery vehicles servicing the store per day. The majority of deliveries would be smaller vehicles. During such deliveries, a banksman will be employed to guide delivery vehicles into the loading bay and will seek to manage any conflict with customers. This is not considered acceptable with regard to the proposed arrangements for servicing and delivery and the impact this would have on the operation of the site. Whilst the applicant considers that management arrangements

can resolve the issues and conflicts, Highways officers consider that an alternative layout/design would largely address the concerns.

10.7 The applicant will be required to provide contributions towards public transport infrastructure, bus stop improvements, a review of existing on-street parking restrictions and the implementation of a Travel Plan. A condition will also need to be imposed to restrict car parking to no more than 3 hours. This is still under discussion with the applicant at the time of writing this report and will be verbally updated at Plans Panel. It is considered that a maximum stay of 3 hours will provide the opportunity for local shoppers with Morrisons forming part of the community, whilst deterring existing workers within Chapel Allerton and potential commuters into Leeds City Centre.

10.8 The proposed location of the pedestrian crossing has been clarified with Highways Officers and it is confirmed that its proposed location is acceptable with regard to pedestrian and highway safety.

Layout, design, scale, landscaping and impact on Chapel Allerton Conservation Area

10.9 The site lies within the extended Chapel Allerton Conservation Area, (Character Area 1) and is included within the Chapel Allerton Community Plan and Design Statement as the former Yorkshire Bank Site. The site is in a prominent location within the historic core of the Chapel Allerton Conservation Area and presents a real opportunity to improve this major approach and primary frontage within the settlement. At present, the site is currently underused and in a poor state visually. The relatively recent demolition of the Brutalist building that was located alongside Allerton Hill has left this frontage exposed and empty, to the detriment of the area as it is highly visible from views up and down Harrogate Road as noted in the Conservation Area Appraisal.

10.10 In principle no objection is raised to the demolition of the existing building and redevelopment of this site and, so long as an appropriate scheme can be brought forward.

10.11 No significant changes to the proposals have been made since the previous scheme was refused to enable officers to reach a different conclusion. In particular, the main car park is to be located on the site's main frontage that will undermine the special character of the Conservation Area and retain this 'gap' in the townscape. The store will be constructed well within the site, but will have very little street presence. Moreover in a town centre location, it will be reasonable to assume that much of the custom base will be on foot, however the car park would dominate the public realm and will fail to enhance the pedestrian experience. It is considered that this is an outdated and unsustainable design and should not be encouraged.

10.12 As clearly reiterated in the National Planning Policy Framework (2012) Para: 64: *"Permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions."* It is desirable to develop the site, this scheme fundamentally fails to take the most obvious opportunity to enhance this important site within this unique and historically important setting.

10.13 The site is of significance to the immediate area in that it forms an important part of streetscape vistas. It is a corner and junction site which is important as it can be an important element in bringing together elements of local streetscape from three directions. This is especially true when travelling, by car or foot, both up and down Harrogate Road.

- 10.14 Concerns are raised that the opportunity for a frontage to Harrogate Road has not been taken and that the building seems to be forced to the rear of the site. This will result in an unnecessary void in the streetscape at this important junction for Chapel Allerton. This will also probably result in an unnecessary abundance of advertising on the frontage. The works seem to engender large scale retaining walls to the frontage onto Harrogate Road which is incompatible with an active and engaging street frontage. The proposal then provides a car park to the street frontage that is on a raised level which further disengages the proposed building from the street.
- 10.15 The proposal therefore causes concern over a number of issues relating to the site disposition and the building such as: local character, conservation of local character, the site levels, the landscape response and the general architectural and spatial issues. As such, the proposal to locate the store to the rear of the site fails to integrate with the district centre and cannot be supported.

#### Impact upon Living Conditions of Neighbours

- 10.16 The mass of the proposed building is reduced vastly from that of the existing building Allerton House which currently occupies the site. The existing building is 4 storeys high, including a high ground floor, finishing with a flat roof at roughly 18-19 metres above ground level and with plant etc rising higher. There is a further short 2-storey section to the east and then a single-storey extension with loading bays.
- 10.17 The proposed height and scale of the building with a flat roof reduces the overall height of the building in comparison to the existing situation. The stepping back of the façade also aides to reduce the transfer of delivery noise north of the site. Reduced noise transfer from the delivery bay area is also aided by the line of mature trees along the southern boundary of the site and the large non residential structure to the rear of Pelham Place.
- 10.18 The main customer entrance to the store is located adjacent to the boundary of the residential properties at nos. 3 and 5 Grosvenor Park and the car park spaces along the boundary with nos 1 Grosvenor Park. This would create constant comings and goings throughout opening times with the nearest residential properties 3 and 5 Grosvenor Park being affected.
- 10.19 The proposed supermarket with regard to its location and height is lower than the existing building is therefore considered not to have an adverse impact upon neighbouring properties amenity. This was the conclusion reached in dealing with the previous scheme that was refused. Environmental Health Officers consider that issues can be addressed satisfactorily by conditions.

#### S106 Draft Heads of Terms

- 10.20 Below are the proposed planning obligations put forward by the developer. No detailed discussions have taken place regarding specific details at the date of writing this report, particularly since the proposed scheme cannot be supported.
- Public Transport Infrastructure contribution of £128,026;
  - Metro contribution of £40,000;
  - Travel Plan and monitoring fee of £2,500
  - Off-site highways works;
  - Contribution of £15,000 towards a review of parking waiting restrictions;
  - Local employment and training

10.21 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

**(i) necessary to make the development acceptable in planning terms.**

Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

**(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

**(iii) fairly and reasonably related in scale and kind to the development**

Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.22 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- £128,026 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £2,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by staff and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- The contribution of £40,000 to Metro is justified as part of the Travel Plan aims are to improve number of employees traveling by more sustainable modes, and a contribution towards the cost of providing services that employees would use would enable continued provision of these services. The updating of bus stops would provide for real time information displays thereby providing a better service for employees.
- A contribution of £15,000 towards a review of parking waiting restrictions within the Chapel Allerton area as well as the off-site highway works are considered to be necessary as part of the proposed development.
- The obligation to ensure that local people are employed in the development is considered to be necessary.

10.23 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

Other Matters:

10.24 Public Realm - It is a local aspiration as stated in the Neighbourhood Design Statement paragraphs 8.6 – 8.12 that the north section of the Stainbeck Lane be closed off and a public square created; this has been raised with the applicant but does not form part of the either of the applications. Following the comments from Plans Panel that this should be explored further, the following response has been provided by the applicant that the request does not comply with the regulations of the S106 agreement and that the highway section does not state this is necessary to

make the development work and therefore do not propose to contribute or carry out this work.

- 10.25 Local Training and Employment initiative – The applicant has advised that 100 jobs would be provided through this new store. This will form part of the S106 Agreement. This should be afforded significant weight with regard to the economic benefits in line with the recent Written Ministerial Statement: Planning for Growth, 23<sup>rd</sup> March 2011.

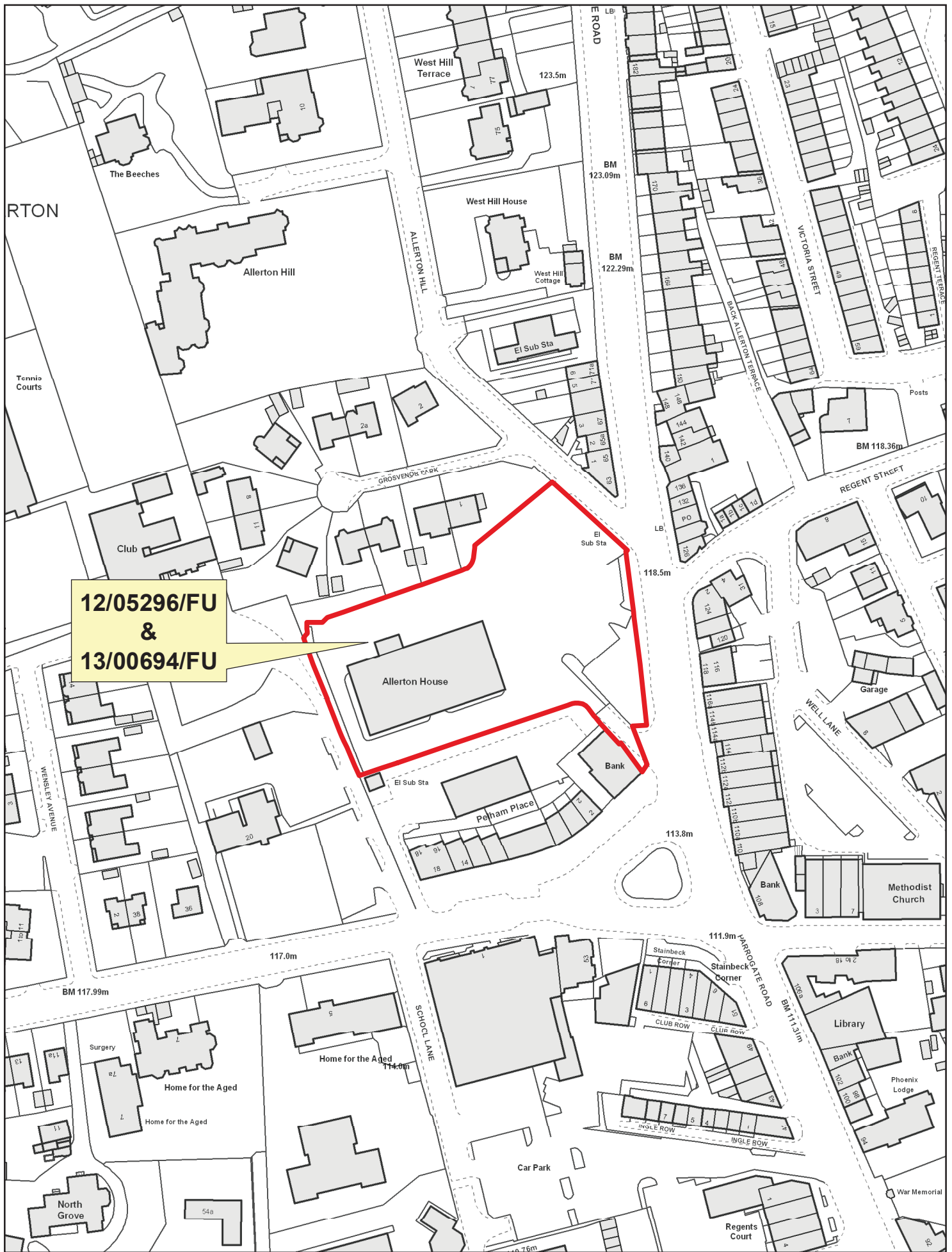
## **11.0 CONCLUSION**

- 11.1 Overall it is considered that the principle of a new retail foodstore of the scale proposed within the district centre of Chapel Allerton is acceptable as it complies with local and national retail policy. A new retail development would also regenerate this site and deliver new jobs. The proposed store would be accessible to the local residents of Chapel Allerton and provide comparison and convenience retail facilities needed within the centre. However, given the location of the proposed store towards the rear of the site, it would not address the reasons for refusal from the previously determined application 12/00822/FU in any significant way in that. For the reasons set out in this report it is considered that this form of development would be harmful to the overall character and appearance of the Conservation Area and the townscape character and local distinctiveness of Chapel Allerton. Consequently, the application cannot be supported and it is recommended for refusal as set out at the beginning of this report.

## **12.0 Background Papers:**

- 12.1 Application file and history file 12/00822/FU.  
12.2 Ownership Certificate: Notice served on owners and Certificate B signed (Chapel Allerton Investments LLP).

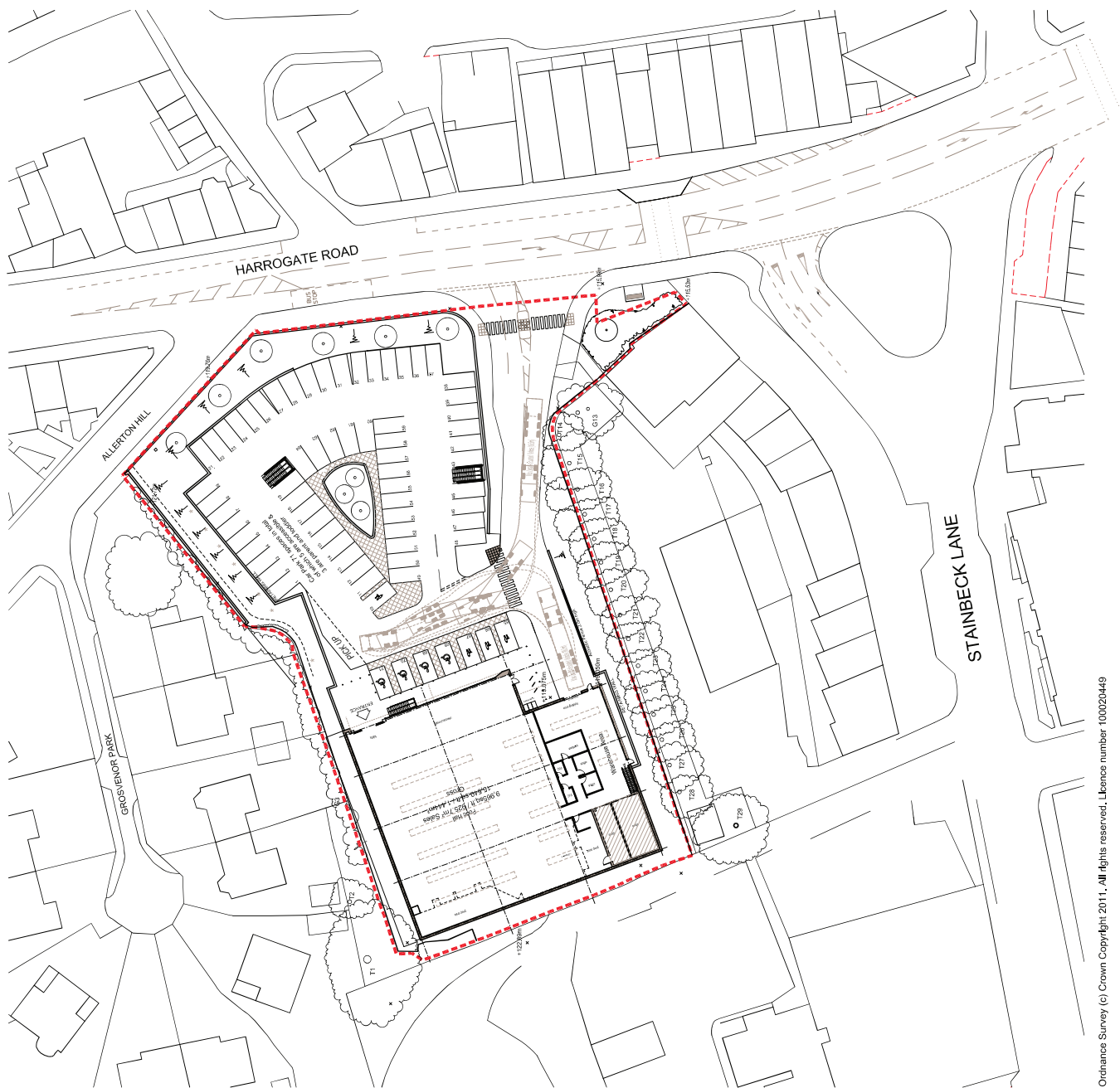




**12/05296/FU  
&  
13/00694/FU**

# NORTH AND EAST PLANS PANEL





Revised	Date	Drawn	Checked	Sum
E	10/02/2013			
Parent & toddler and disabled parking provided amended, delivery vehicle tracking added. Landscape area adjacent to Torklife Bank added.				
Revised	Date	Drawn	Checked	Sum
D	13/02/2012			
Landscaping improved with additional planting				
Revised	Date	Drawn	Checked	Sum
C	01/10/2012			
FFL lowered, Carpark amended to suit Urban Design plans				
Revised	Date	Drawn	Checked	Sum
B	10/02/2012			
Access: Fences added				
Revised	Date	Drawn	Checked	Sum
A	16/02/2012			
Building footprint amended, boundary to Harrogate road amended				

**Client:** Capitalisation Developments Limited  
**Project:** PROPOSED NEW STORE  
 ALLERTON HOUSE, HARROGATE ROAD  
 CHAPEL ALLERTON, LEEDS

**Client:** Capitalisation Developments Limited  
**Site Plan and Ground Floor Store Plan**  
 As Proposed

**Job No:** 3527-76  
**Drawing No:** PL03  
**Revision:** E

**Date:** 23.12.2011 **Scale:** 1:500 @ A2 **Drawn:** M.Page **Checked:** S.Lum  
**CD Ref:** P032776CAD/Planning Drawings

**Notes:** Do not scale from this drawing. All dimensions to be stated on site.  
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 APPROVED BY LEEDS CITY COUNCIL



Originator: Nigel Wren

Tel: 0113 2478876

## Report of the Chief Planning Officer

### PLANS PANEL NORTH AND EAST

Date: 13<sup>th</sup> June 2013

Subject: PREAPP/11/00641 - Pre-Application Presentation For A Proposed Primary School, Florence Street, Harehills.

APPLICANT	DATE VALID	TARGET DATE
Public Private Partnership Unit - LCC		

#### Electoral Wards Affected:

Harehills

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

#### 1.0 INTRODUCTION:

- 1.1 Children's Services have concluded a statutory process which aims to deliver a new primary school provision to be known as Nightingale Primary School. This proposal was approved by Executive Board at their meeting of October 2012. The demand for additional primary school places was set out in a supporting statement prepared by Children's Services which indicates that within this catchment a two form entry to accommodate up to 420 children as well as plus a 26 place nursery is required. The scheme will also be designed to accommodate an extension in order to provide a further form of entry should that be required.

## **2.0 PROPOSAL:**

- 2.1 The project is to build a new two form entry primary school with a 26 place nursery on the Florence Street site of the together with parking, dedicated pedestrian routes, new playing pitch and multi use games area. The site also includes the land occupied by a household waste sorting site.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site lies between Stanley Road to the south west, Ashley Road to the north west, Florence Street to the north east and Compton Avenue to the south east. The context plan shows the site in relation to its surroundings.
- 3.2 The site has frontages on Stanley Road, Florence Street and Compton Avenue but, terraced housing and a grassed area separate it from Ashley Road and, towards the site's southern corner, terraced housing separates it from Compton Avenue. The site is steeply graded from Florence Street down towards Stanley Road. The site was largely previously developed but has now been cleared save for a domestic waste recycling centre accessed from Stanley Road occupies the south western part of the site and a grassed area occupies the north eastern part.
- 3.3 The recycling centre operates as a waste transfer station with a one way system for public vehicular access around the outside of a bank of skips and service access for wagons delivering or collecting skips at the centre. The public entrance is approximately 60m, the service access approximately 140m and the public exit approximately 150m from Ashley Road. Areas of terraced housing surround the site on three sides and a cemetery occupies the fourth. St James's Hospital and Thackray Medical Museum are on Beckett Street south west of the site, Harehills Lane Shopping Centre runs along Compton Road and Harehills Lane to the east and there are other shops along Harehills Road to the north east.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 No relevant history.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant has been engaged in pre-application discussions with the applicant since mid 2011.
- 5.2 A public consultation event was held on the 16<sup>th</sup> May 2012 at Compton Library. It was and attended by members of the local community, councillors, local community groups, parents. Governors, teachers, pupils and members of the design team. Positive feedback was received in the whole praising the form of the building the design of the interior / exterior spaces and the improvements to vehicular / pedestrian access. An issue was raised about a pedestrian entrance and the impact the use will have on traffic and noise.
- 5.3 Children Services have met with Local Councillors to discuss the scope of the scheme. The feed back was generally positive.

## **6.0 PLANNING POLICIES:**

6.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

6.2 As the Council has submitted the Publication Draft Core Strategy for 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.

There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

BD5: New buildings should be designed with consideration of their own amenity and surroundings.

LD1: Landscape schemes to provide visual interest.

GP5: Development proposals should resolve detailed planning considerations.

N12: Urban design: Spaces between buildings of importance, new buildings should be good neighbours and respect character and scale of surroundings.

N13: Building design should be high quality and have regard to character and appearance of surroundings.

T2: Development should not create problems of highway safety.

T24: Parking standards should be met.

#### Supplementary Planning Guidance / Documents:

6.3 Natural Resources and Waste Development DPD:

The Householder Waste Sorting Site (HWSS) is safeguarded for such use in this document. The relevant policy is Waste 2: "Safeguarding Existing Waste Management Capacity" and this states:

"Existing waste management sites shown on the Policies Map are safeguarded for continued use during the plan period. Increases in capacity or other improvements at these sites will be acceptable provided that the requirements of WASTE 9 are demonstrated.

Applications for change of use must demonstrate that there is either no longer a need to retain the site for waste management purposes or there is an overriding case for the proposed development that outweighs the need to retain the site for waste management purposes."

#### National Planning Guidance:

6.4 National Planning Policy Framework – Encourages sustainable forms of development and good design.

## 7.0 MAIN ISSUES

### Principle of development

- 7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The majority of the site is not designated or allocated in the UDP. The householder waste site is safeguarded in the Natural Resources and Waste Development DPD (see 6.3 above). The site is located in a sustainable location being in the midst of a densely populated residential area. The site involves the redevelopment of what in the main constitutes a brownfield site. In light of these factors no objections are raised to the principle of a school development subject to the terms of Policy Waste 2 being met.

### Waste and Contaminated Land

- 7.2 One of the Council's key priorities is to develop more sustainable waste management practices. The Council is also committed to realising increased performance in terms of waste reduction, re-use and recycling in order to reduce our reliance on landfill. It is not anticipated that the closure of this facility will significantly impact on the City's recycling performance as the Stanley Road HWSS achieves a lower recycling rate and accepts lower quantities of waste compared to the other urban redeveloped sites. This low usage is attributed to the fact that there are other HWSSs close by (East Leeds, Meanwood Road and Kirkstall Road). This coupled with the need to deliver a new primary school are factors to be considered in the context of Policy Waste 2.
- 7.3 The site is centrally located within the urban area of Harehills, the site has previously been developed and is now a largely cleared and vacant site. The previous uses of the site are however a cause for concern. To this end, the prospective applicant has undertaken a ground investigation which has revealed serious levels of contamination across the whole site. The extent and depth of the contamination suggests that that it would be unviable to remove the contamination. Instead, it is proposed that the contamination is capped and sealed. An independent review of the ground conditions is currently under review and a detailed report is to be produced, prior to the submission of any application to assess and minimize the risks associated with the remediation of the site. This is to be done in consultation and agreement of colleagues in the Council's Land Contamination Team.

### Design and layout

- 7.4 The proposed new school shows mainly two storey elements which are 'forked' to reflect the geometry of the site. This in turn creates an attractive courtyard feature and helps efficiently use space. The positioning of the school centrally within the site provides the opportunity to make an architectural statement to the road frontage (Stanley Road). The two axes of the site are formed by the street pattern of adjacent houses. The topography of the site is steeply graded from Florence Street down to Stanley Road.
- 7.5 The design of the school has also been influenced by the need to future proof to enable the school to be extended to a 3 form entry. Therefore the proposed extension zone is to be confined to one area of the site (to the east of the school block). This has influenced the space planning of the school in terms of the size and number of playing pitches.

- 7.6 In terms of scale, following an investigation of the external areas of the site, it is apparent that a single storey development solution could not be physically accommodated. Furthermore, to extend the school, and with minimum disruption, a horizontal arrangement is considered to be the most suitable proposal.
- 7.7 The materials palette is still under consideration. The build will be traditional however and is likely to comprise of brick / render/ timber and standing seam metal for the pitched roofs and single ply membrane for the flat roof areas. It is proposed that the large hall would have composite cladding and wall light panels to provide clerestory lighting.
- 7.8 Landscaping is shown to be provided to all boundaries including a woodland embankment to Florence Street. A wildflower meadow embankment is also shown to run through the centre of the site.

#### General Highway considerations

- 7.9 The site has an extensive main frontage onto Florence Street, with shorter secondary frontages onto Ashley Road/Terrace/Avenue to the north and Compton Avenue/Stanley Place to the south. The Council's Highway Engineer has observed that Florence Street is seriously congested on both sides by cars and commercial vehicles. It is also understood that this situation is typical of the road conditions on Florence Street throughout the day. The Ashley Road and Compton Avenue frontages do not suffer anywhere near the same level of congestion, but in the case of Ashley Road the site frontage is only short and it is complicated by the presence of junctions to the south (Ashley Terrace) and immediately opposite (Darfield Crescent). Furthermore, it is a well used through road so there is a fairly constant stream of two-way traffic past the site. Compton Avenue is the least problematic frontage, with observed traffic flows and speeds being low. However, it is flanked on the opposite side by back-to-back houses that rely upon on-street parking. As such, the presence of stationary cars would have the effect of reducing the usable width of the carriageway in the vicinity of the site.
- 7.10 The Senior Road Accident Investigation Officer has indicated that he could not support any public access to the school anywhere along the Florence Street frontage. This would leave only Ashley Road, which is far from ideal due to through traffic movements and the close proximity of junctions, or Compton Avenue, which is much quieter but is still somewhat inhibited by the back-to-back terrace housing opposite the site.
- 7.11 The problems that residents have complained about is the amount of on street parking that occurs as a result of the parking from St James's Hospital and the displaced parking, which has resulted from the TROs we have recently implemented in the Stoney Rock Lane, Lincoln Green and Shakespeare areas. The problems are also compounded by the two garages/mechanic's workshops who park their vehicles all over Florence Street and carry out their business on the highway.
- 7.12 Highway colleagues are aware of Local Member and MP concerns with regard to operations taking place in the public highway (Florence Street) associated with the various businesses on the opposite side of the carriageway (e.g. car repair/maintenance) and various enforcement issues. Consideration has also been given to regulating parking following the introduction of a TRO in the Bayswaters area.
- 7.13 As a result of these concerns the scheme has been revised to take vehicular access off Stanley Road and to provide an associated parking area. Pedestrian access is also

provided from Stanley Road as well as from Florence Street and Compton Avenue. To accompany any future application it is strongly suggested that a TA is prepared at the outset which responds to the issues above and is used to inform the planning /design process and identify possible measures of mitigation. Highway colleagues are concerned about the impact and the additional pressure that this will put on the surrounding highway network. It is understood that the presentation to Members will feature an initial highway mitigation scheme.

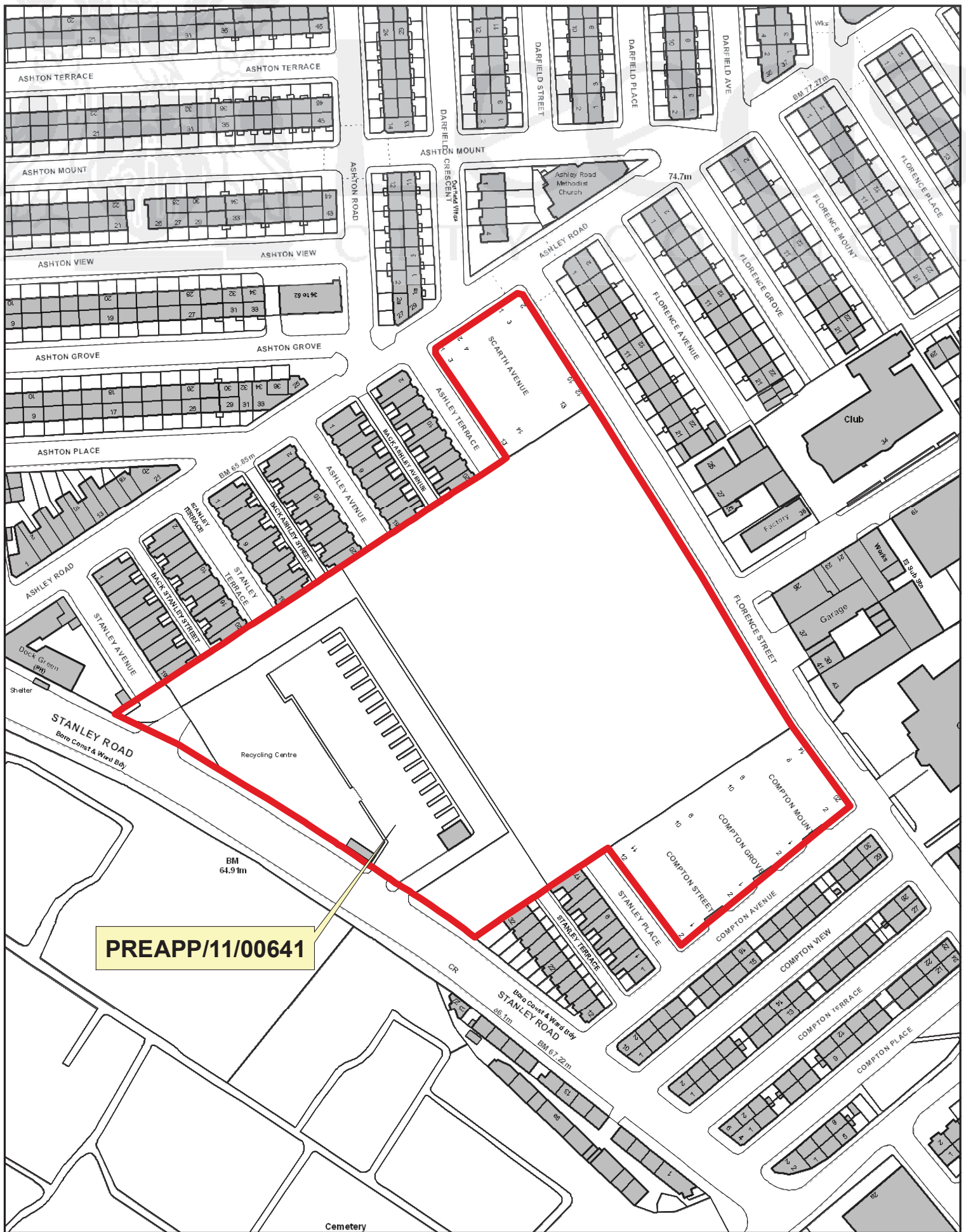
## **8.0 CONCLUSION**

8.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined below:

- **What are Members thoughts on the principle of development?**
- **Based on the presentation, what are Members thoughts on the proposed design of the building and the layout of the site?**
- **What are Members views on the proposed highway / construction access / parking and highway mitigation arrangements?**
- **Based on the presentation do Members have any further points they want to raise?**

**Background Papers**  
Case Files





PREAPP/11/00641

# NORTH AND EAST PLANS PANEL



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