



## Report of the Chief Planning Officer

### ***SOUTH AND WEST PLANS PANEL***

Date: 6<sup>TH</sup> August 2015

**Subject: Application 15/00577/LA – Retrospective application for variation of Condition 2 (Plans schedule) of approval 12/05355/FU for an increase to the height of the roof ridge and parapet wall; addition of an overhang to the north elevation monopitch; door and window amendments; change from through coloured render to painted and a fixed maintenance access ladder. Rothwell Training Centre, Holmsley Lane, Woodlesford, Leeds, LS26 8RY.**

#### **APPLICANT**

Adult Social Care

#### **DATE VALID**

17<sup>th</sup> February 2015

#### **TARGET DATE**

12<sup>th</sup> June 2015

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

**Rothwell**

Yes

Ward Members consulted  
(referred to in report)

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

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**Grant retrospective approval subject to the conditions referred to in the report below**

#### Conditions

1. Approval in accordance to approved plans
2. Hours of use 0800 to 1700 Mondays to Fridays.
3. Cycle parking facilities to be retained as approved.
4. Vehicle space to be retained as approved.
5. Landscaping retention as approved and maintained.
6. Details of extract ventilation system to be submitted and agreed prior to installation.
7. Retention of approved litter facilities.
8. Balcony to be used for maintenance access only.

#### 1. **INTRODUCTION**

- 1.1 The building has planning approval as a new build single storey, day centre that was approved on 28<sup>th</sup> February 2013 (Application number 12/05355/FU). Local residents raised concerns that the building has not been built in accordance with the approved plans. This was investigated through Compliance, resulting in this application to regularise the unauthorised works. As the applicant is Leeds City Council (Adult Social Care) the application is being presented to Plans Panel for consideration. Councillor Golton in his capacity as Ward Member has also requested that the application go to Plans Panel as it is a local authority building and due to the concerns raised by neighbours.

## **2. PROPOSAL:**

- 2.1 This application seeks retrospective planning permission for variation of condition 2 (Plans Schedule) of approval 12/05355/FU. The variation to the approved scheme consists of the following:-
- i) Increase in the overall height of the main roof ridge. The roof has a monopitch form and due to its slope is at different levels across its span. The original approved scheme had a maximum height of 6.5m with much of the roof being less than 6m. The current plan, (as built), has a maximum height of 7.3m, with the rest of the roof being between 6.4m and 7m in height. This represents a 0.8m increase in the highest part of the roof ridge.
  - ii) Increase of parapet wall by 700mm on the northern elevation (faces the rear garden areas of dwellings on Fenton Close). This parapet wall forms a walkway along the outer edge of the wall at first floor level in order for maintenance staff to access the roof area (where plant is stored) and to clean windows that are at high level. The parapet wall has been increased in height to comply with health and safety standards.
  - iii) Addition of an overhang to the northern elevation monopitch, extending the length of the covered external area.
  - iv) Louvre panel omitted on the northern elevation (above the parapet wall) and an additional Louvre panel added to Louvre door on the eastern elevation.
  - v) Door and window amendments on south, south western and eastern elevations.:-
  - vi) Window omitted and rooflight added over the Louvre door on the eastern elevation.
  - vii) 200mm wide lookalike panels added to strip windows to accommodate the steelwork behind the windows on southern elevation.
  - viii) Two doors on south western elevation changed to double door, an additional single door added.
  - ix) Change from through coloured render to paint on northern and eastern elevations. The building has been painted in a white colour.
  - x) The profile of the soffit eaves on the eastern and south western elevation is changed.
  - xi) Fixed maintenance access ladder (northern elevation) added – this is a galvanised steel ladder affixed to the building with safety rails around the top portion.

## **3. SITE AND SURROUNDINGS:**

- 3.1 The application site extends to approximately 0.42 hectares and forms part of a larger site that comprises of 4 buildings accessed via a spine road off Holmsley Lane. The application site occupies the north western corner of the larger site and

contains a triangular single storey building. The building is in use by Leeds City Council's Adult Social Care Fulfilling Lives Services (Rothwell).

- 3.2 The building is triangular in form with a central open courtyard area. It is a single storey building with an eaves height of 2.9m and a ridge height of 6.4 – 7.3m, constructed of white render (with red brickwork panels). The roof is single ply membrane with dark grey aluminium windows and doors. Although single storey, there are windows at high level in some areas giving the appearance of a 2 storey building. To the northern elevation the upper portion is slightly recessed from the lower portion where the external walkway is located.
- 3.3 The other buildings within the wider site include a recently constructed 3-storey residential block for adults with learning difficulties and 2 single storey buildings that are also Council buildings and have been used as part of a training centre. These single storey buildings were built at the same time as the building on the application site and are currently vacant.
- 3.4 The northern and western boundaries of the site are bordered by two storey dwelling houses, Fenton Avenue to the north, and Holmsley Crest to the west. The building is oriented so that its longest side is to the north, approximately 7m from the shared boundary with the rear gardens of Fenton Avenue properties. The plans show the area between being landscaped with a sensory garden and relaxation area. To the Holmsley Crest side there is a greater distance between the building and the boundary, and this area is again shown as soft landscaping. Car parking is laid out to the eastern side. The boundaries are mostly fenced, with a variety of types, and there are some trees along the boundary, both mature and newly planted.
- 3.5 There is a public footpath running along the western boundary (between the application site and the adjacent houses to the west). The area is predominantly residential.
- 3.6 The site contains 2 TPO'd trees in the north eastern corner and a group of 3 silver birch trees (unprotected) in the north western corner.

#### **4. RELEVANT PLANNING HISTORY:**

- 12/05355/FU Single storey Day Centre Building. Approved 28.02.2013.
- 13/02663/COND Conditions discharge application. Approved 13.06.2013.
- 13/02759/FU Variation of condition 5 (hours of use) of application 12/05355/FU. To allow start time of 0800hrs Monday to Friday. Approved 2.10.2013
- *Residential block to the south* 08/05947/FU – part 1, part 2 and part 3 storey block of 12 flats, with ground floor communal lounge, car parking and landscaping – approved 28 January 2009.

#### **5. Statutory Consultations**

- 5.1 None

#### **6. Non Statutory Consultations**

- 6.1 Environmental Health consulted (to date no response received). Previous application 12/05355/FU following comments received:-
- 6.2 Environmental Health has no objection in principle but recommend conditions to protect the amenity of nearby residents (registration of food business, details of extract ventilation system incorporating filter, provision of facilities for storage and disposal of litter, provision of grease trap).

#### **7. HISTORY OF NEGOTIATIONS:**

7.1 Retrospective application submitted as a result of compliance case following complaint from neighbours regarding height etc. in December 2014. A compliance check was carried out on site which found discrepancies as listed in paragraph 2.1.

## 8. PUBLIC/LOCAL RESPONSE:

8.1 The application was advertised by site notices posted on 27<sup>th</sup> February 2015. Following clarification of the increase in roof height the application was further notified via Neighbour Notification Letters sent out on 17/07/15. Ward Members were involved in the compliance case and have been kept up to date on progress with the application.

8.2 Five neighbours have objected. The following concerns raised are summarised as follows:-

- i) The original plan states that the pitch of the roof is away from neighbouring properties. This is clearly not the case at the end bordering no's 15, 17 and 19 Fenton Avenue where the full two storey backs onto the properties. [*This relates to the flat roofed, rectangular portion of the building at the furthest eastern point which measures @7.3m high*].
- ii) Feel badly misled by the original application and therefore wish to object. [*This relates to the perceived two storey nature of the building*].
- iii) Suggested the facility has been built higher than initial consent therefore being more intrusive.
- iv) Built too close to residential properties.
- v) Loss of privacy to rear gardens and rooms to the rear.
- vi) Original application states single storey parapet wall acts as balcony on first floor and can be used to overlook our property.
- vii) Overbearing industrial estate building, negative impact, looks like a commercial property.
- viii) There is a first floor overlooking our properties, looking into rear bedroom windows, told upper windows are for light in building when lights on downstairs fail to illuminate upstairs. The latest plans state to provide an overhang for shade to rooms –there must be upper rooms.
- ix) Parapet wall allows a balcony overlooking our properties. The statement that this is only used 4 times a year is misleading as it could be accessed at any time therefore our privacy will be negatively affected.
- x) Building is closer than the original one. [*Site plan shows building in same position and compliance check did not pick up any discrepancy in this regard*].
- xi) Affects value of properties to rear.
- xii) Fixed maintenance access ladder is an afterthought we now have to look out onto. [*Visual amenity issue*].

## 9. PLANNING POLICIES:

9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### 9.2 Development Plan

9.3 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and

the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

**9.4 Relevant Policies from the Core Strategy are:**

9.5 P10 – High quality design.

**9.6 Relevant Saved Policies from the UDP are:**

9.7 GP5 – General planning considerations

**9.8 Relevant DPD Policies are:**

9.9 Neighbourhoods for Living

9.10 National Planning Policy

9.11 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.

9.12 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

**10. MAIN ISSUES**

10.1 The property has been built and is in operation as a training centre for disabled people. The principle of development has therefore been established. The main issues arising then are the differences between the approved plans and the "as built" scheme, and whether these differences result in material harm to surrounding neighbours. The following issues are therefore relevant:

- Impact on neighbouring residents
- Visual Amenity

**11. APPRAISAL**

Impact on Neighbouring Amenity

11.1 There are two issues that seem to be causing most concern to local residents, firstly the increased height of the buildings, and secondly the introduction of a balcony at first floor level. Residents feel strongly that they were misled over the initial scheme, and that the differences in the building as it has been built are serious changes that could have resulted in the original proposal being refused.

11.2 Turning firstly to the increased height, this has arisen due to changes to the overhang and slight adjustments to the flat roofed element. This has resulted in the monopitch roof becoming higher, although this is not a consistent height rise due to the shape and form of the building.

11.3 An additional 0.8m in overall height has been added at its maximum extent, this will be at the ridge which is on the inner edges of the building, and the flat roofed element on the eastern end. This has resulted in neighbours raising concerns that the building is too dominant, that it is not single storey, and that it blocks out light.

- 11.4 The building lies to the south of properties on Fenton Avenue and Fenton Close and is located about 7m from the shared boundary, with houses on Fenton Avenue being a further 14m from this boundary. This degree of separation, 21m, would be considered acceptable in a housing situation. It is not considered that the additional height results in a building that is out of proportion to the surrounding houses, or that it causes concern regarding dominance.
- 11.5 One concern raised by the increase in height is the potential for any additional overshadowing. Lying to the south of the shared boundary with Fenton Avenue there is potential for the building to cause overshadowing of the rear garden areas, given the separation distances any overshadowing caused is not considered to be of such a level of harm (over and above that which would have been caused had the building been built in accordance with original approved plans) that a refusal would be justified. This matter is being investigated further however and Members will be updated at the Panel meeting.
- 11.6 With regard to the balcony, this is located at what in essence is the first floor level, although it can only be reached externally as the building does not have a first floor within it. The balcony was shown on the original plans, but had a much lower wall surround. This has been built higher (700mm increase) to comply with health and safety requirements. The balcony allows access for maintenance staff to roof top equipment, and also to allow cleaning of the high level windows in this area that provide light to a ground floor room set behind the ground floor corridor.
- 11.7 Residents are concerned that this allows people to access this area and that it could be used on a regular basis by users of the building, thus allowing direct overlooking into their properties. This is acknowledged as a concern given the appearance of the structure, however the floor plans clearly show that there is no access to this part from inside the building as there are no stairs. Functionally therefore the structure could not operate as a balcony. A condition regarding the use of this balcony could be considered to help overcome fears that the use may change in future years.

### Visual Amenity

- 11.8 The variation to the height does not fundamentally change the form or appearance of the building which is essentially as approved; it is just that the height of the ridge line is higher. The impact of this is considered to be more on residential amenity, as addressed above, rather than visual amenity.
- 11.9 The other amendments to the building are very minor in nature and relate to alterations to windows and doors and louvers, as well as the use of paint instead of through coloured render. Essentially though these do not materially affect the overall appearance of the building, and would not alter the outcome of the original application. No harm to the local character or streetscene is considered to arise as a result.
- 11.10 A number of residents have claimed that the building looks industrial in nature and is not appropriate in this location. It is not considered by officers that the appearance is industrial; rather it looks like an educational facility, and is of better design than the buildings it replaced. The building is already in place and there are no concerns with regard to its appearance.

## **12. CONCLUSION**

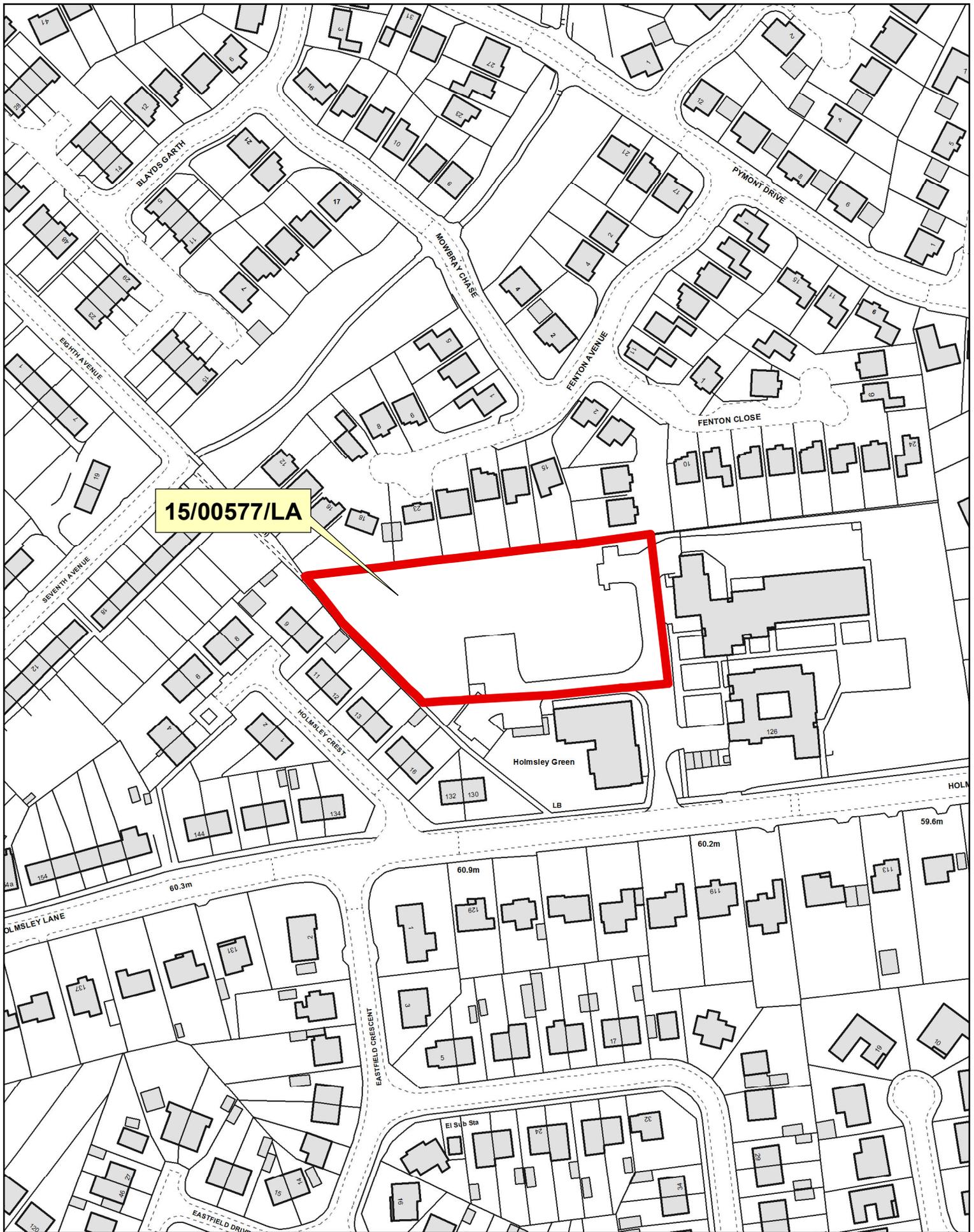
- 12.1 The proposal has been considered in light of the previous approved scheme, the as built situation and the concerns raised by neighbours. On balance the concerns raised are not considered to be significant enough to merit refusal of the scheme which does provide a valuable resource to the City. The alterations applied for are minor in nature and do not materially impact on the principle of the development which has already been approved.

12.2 In light of the above it is considered that the retrospective application to vary condition of planning approval 12/05355/FU is acceptable.

**Background Papers:**

Application file  
12/05355/FU

Certificate of ownership  
Signed as applicant



15/00577/LA

# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

