



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 14/01/2010

Subject: APPLICATION 09/02871/FU – Change of use and alterations of former joiners shop to form one 4 bedroom dwelling house with attached car port with 2 car parking spaces, Churchside Villas, Methley

APPLICANT

Prado Properties LLP

DATE VALID

01 July 2009

TARGET DATE

26 August 2009

Electoral Wards Affected: Kippax & Methley

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule
3. External roofing and walling materials to match the existing stonework and natural slate roof tiles
4. Traditional local materials to be used
5. Pointing in lime mortar, brush compacted and finished flush or recessed
6. First floor window in west elevation to be obscurely glazed and non-opening
7. Details of surface materials to vehicular access
8. Details of re-grading of access track to new levels
9. No demolition to take place until Local Planning Authority is notified of contract for works
10. Restricted hours of construction and demolition
11. Report on noise and vibration control during construction
12. Removal of permitted development rights
13. Development to be carried out in accordance with section 4 of submitted Bat Survey

14. Written confirmation of implementation of bat access to dwelling and housing for nesting house sparrow and swallow in dwelling and car port
15. Car ports to remain as such for vehicular storage only and without garage doors
16. Details of potential contaminants used within the building to be submitted
17. First floor window in rear elevation to bedroom one shall contain obscure glazing
18. Finished floor levels in accordance with approved FRA

Reasons for approval: The application is considered to comply with policies GP5, BD5, BD6, BC7, N12, N13, N18A, N18B, N19, N25, N49, T2 and T24 of the UDP Review, as well as guidance contained within Neighbourhoods for Living: A Guide for Residential Design in Leeds and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel East at the request of Councillor James Lewis, who as a Ward Councillor, objects to the proposed development on the grounds that it will result in an increase in on-street parking and traffic, which would cause detriment to highway safety, in addition to causing overlooking of surrounding residential properties and providing inadequate bin storage.
- 1.2 The application was deferred at the December Panel 2009, due to a request from Councillor Parker for a site visit.

2.0 PROPOSAL:

- 2.1 The proposal seeks full planning permission for the change of use of a part two storey, part single storey, former joiners building, into a four bedroom dwelling house. The proposal includes the demolition of an existing single storey outbuilding, to be replaced with an attached, new build, single storey car port, to accommodate two off-street car parking spaces.
- 2.2 The majority of the existing fabric and apertures of the building are to be retained with limited rebuild where required for structural purposes. Existing materials will be utilised as far as possible and any new materials will consist of local traditional materials to match the existing.
- 2.3 The existing courtyard will serve as an amenity space for the dwelling which will be enclosed by 1.5m high walling to match the existing building and adjacent boundary treatments.
- 2.4 A new dropped kerb will be provided to the front of the car port to enable vehicular access.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of a part two storey, part single storey, L-shaped building, formerly an old joinery, which fronts onto Church Side Villas directly addressing the road. The building is characterised by the industrial apertures and mix of sandstone and red brick materials. The two storey part of the building adjoins the side of no.9 Little Church Lane, to the south of the site, and creates the eastern side of an enclosed courtyard to the rear of nos.1-7 Little Church Lane.
- 3.2 The property is situated in Methley Church Side Conservation Area in a predominantly residential area, and is mentioned in the Methley Church Side

Conservation Area Appraisal and Management Plan, including reference to its mixed construction of red brick side and rear walls and front elevation of sandstone with brick dressings. It is also quoted as a “semi-derelict” sandstone and brick workshop marked as “Smithy” on the 1892 OS.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/05517/FU – Change of use of former joinery works to one 3 bedroom dwelling, refused 05/12/08 due to highway grounds in relation to vehicular access off Church Lane.
22/269/92/FU – Single storey front extension, refused 11/02/93.
H22/170/86 – Alterations, including part new roof and extension to form porch, enlarged bathroom and enlarged garage to side, approved 20/10/86.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An application was previously submitted for change of use of the building to a dwelling house in 2008 which was refused on highway grounds. This was due to the proposed vehicular access being taken from Church Lane, which it was considered would be detrimental to highway safety, due to the proximity to the railway bridge. The applicants for the previous application were advised that access should be taken directly off Churchside Villas.
- 5.2 The current application has overcome the reason for refusal of the previous application by taking the vehicular access directly off Churchside Villas as advised by Highways.
- 5.3 Further to consultation with the Council’s Design and Conservation Officers, revised plans have been received, which retain the majority of the fabric of the building and original apertures and incorporate design features to the proposed car port, including curved stone to reveals on the piers and timber heads above the car port openings, to preserve the character and appearance of the property and the conservation area. The revised plans also seek to resolve any concerns regarding overlooking, particularly regarding the retention of the in-filled aperture in the west elevation facing onto Little Church Lane, which was originally proposed to be re-opened, and the obscure glazing of the first floor window in the west elevation facing the rear elevation of 7 Little Church Lane.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notices posted on 10/07/09 and Neighbour Notification Letters posted 06/07/09. The publicity period expired on 13/08/09.
- 6.2 Ten letters of representation have been received in relation to this application including a letter of objection from Councillor James Lewis for the reasons as stated in the introduction. The letters of representation from local residents consist of two letters of comment, one of support (as the development will repair the dangerous state of the building) and 7 letters of objection (including a joint letter from the occupants of 1 & 2 Churchside Villas and 11 Little Church Lane, and 2 other letters from the same person).
- 6.3 The seven letters of objection from local residents, express concern regarding the following issues:

- Proposed six foot fence to enclose courtyard area will prevent the occupant of no.81 from hanging out their washing in this area, using it as a garden and for car parking. It will also block sunlight into their property.
- Proposed bin store proposal to side of no.81 is inconsiderate and will obstruct private right of way.
- New tenants at no.3 Little Church Lane have not been consulted.
- Impact on privacy.
- Access is restricted by the current users of the property?
- Overlooking to front of no.9 Little Church Lane from proposed opening up of first floor aperture in west elevation.
- Impact of building works on adjoining property no.9 Little Church Lane.
- Increase in traffic and detriment to highway safety exiting onto Church Lane.
- Corraling effect of boundary treatment to courtyard.
- Obstruction of private right of way.
- Potential contamination of site due to historical uses.
- Impact on bats.
- Service pipes underlying private right of way to front of property.
- Wider context of the site e.g. junction layout etc. is not shown on submitted plans
- Revised plans increase the number of bedrooms from 3 to 4, as such, the off-street parking should be increased
- No guarantee that any conditions attached to a planning permission will be adhered to in the future
- Most recent previous use was light industrial which had little impact to residential amenity
- Vermin within the building
- Structural and general safety of building
- Although mentioned in the Conservation Area Appraisal the building is not seen or noticed by many local residents
- If not used for light industrial use, the building should be demolished.

6.4 A letter of representation has also been submitted by the owners of the site, Mexborough Estates, who want to emphasise the fact that they are in the process of trying to sell the workshop following representations, largely by the Council, that the buildings are unsafe and also used by children, for drugs and general vandalism, as well as the possibility of vermin living in them. The intention therefore is to improve the area, particularly at the back of the cottages. They also point out, that although there will be unavoidable disruption during building work, this would be temporary and the whole area would be improved when work has been completed.

6.5 The Estate state that the objections to the planning application by the current occupiers of the cottages will be addressed by the Estate as and when the development progresses and the land is sold.

6.6 Any material planning considerations are addressed within the Appraisal section of the report.

6.7 *It should be noted, that the recently submitted joint letter of representation, with attached road safety document, from the occupants of 1 & 2 Churchside Villas and 11 Little Church Lane, received on 29 December 2009, requests that the road safety document is presented to the Panel. However, any additional material issues raised within the letter and road safety document, have been addressed in the same way as the issues raised in the other letters of representation, in the Appraisal section of the report, where possible, or will be covered in the Panel Update.*

7.0 CONSULTATIONS RESPONSES:

7.1 Non-statutory:

Highways comments received 14/07/09 & 05/08/09 – no objections subject to re-graded land to front of property being adequately surfaced such that loose material is not carried by vehicles from the vehicular access onto the highway. In addition, the Highway Contracts Engineer must be consulted regarding the construction of the dropped kerb.

Drainage comments received 06/07/09 & 28/09/09 – initial comments required further information in relation to finished floor levels due to the location of the site within Flood Risk Zone 2. Further to receipt of FRA, no objections and any on-site drainage matters can be dealt with by the Building Inspector.

Environmental Protection comments received 16/07/09 – no objection subject to conditions controlling noise nuisance from construction and demolition works.

8.0 PLANNING POLICIES:

8.1 Development Plan

The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development. No RSS policies have a specific relevance to the application site.

8.2 Leeds Unitary Development Plan (Review):

GP5 – seeks to resolved detailed planning consideration including design, access and amenity.

BD5 – all new builds should respect their own amenity and that of their surroundings.

BD6 – all alterations and extensions shall respect the scale, form, detailing and materials of the original building.

BC7 – Development in Conservation Areas will normally be required in traditional local materials.

N12 – Urban Design Principles.

N13 – new development should be of a high quality design.

N18A – Presumption against demolition of a building/parts of, which makes a positive contribution to the character and appearance of a Conservation Area.

N18B – Consent not given for demolition in Conservation Area unless detailed plans for redevelopment of site have been approved.

N19 – All new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of the area.

N25 – boundary treatments.

N49 – Development should not threaten or impoverish wildlife or habitat resources.

T2 – Highway safety.

T24 – Parking requirements.

8.3 Local planning policy guidance documents:

Neighbourhoods for Living: A Guide for Residential Design in Leeds.

Methley Churchside Conservation Area Appraisal and Management Plan.

8.4 National planning policy guidance documents:

Planning Policy Statement 1: Sustainable Development

Planning Policy Guidance 15: Planning & the Historic Environment

9.0 MAIN ISSUES

- Principle of development
- Impact on Conservation Area
- Impact on residential amenity
- Highways
- Drainage
- Nature conservation
- Outstanding issues
- Conclusion

10.0 APPRAISAL

Principle of Development

- 10.1 The application site consists of an unlisted building situated in Methley Churchside Conservation Area. The proposed development involves the conversion of the main two storey part of the building from a former commercial use, believed to be a former joinery, to a residential dwelling house. The conversion of the property is acceptable in principle, provided it is compliant with conservation area policies which seek to preserve the character and appearance of the property and the conservation area, as discussed in paragraph 12 below.
- 10.2 The proposed development also involves the demolition of the single storey outbuilding, attached to the main two storey building. This is to be replaced with a new attached, single storey building, to facilitate the provision of off-street parking within the site, as the existing building is not sufficient in size to accommodate the length of a vehicle.
- 10.3 Although there is a presumption against any demolition of a building or parts of a building which makes a positive contribution to the character and appearance of a conservation area (policy N18A), demolition can be acceptable where it is part of a detailed proposal for redevelopment of the site (policy N18B). As such, it is considered that the limited demolition proposed as part of the overall scheme for redevelopment of the site is acceptable in principle.

Impact on Conservation Area

- 10.4 The application site is situated within Methley Churchside Conservation Area, towards the northern end closest to Church Lane, opposite the railway line which forms the eastern boundary of the conservation area. The conservation area is characterised by its rural village character, flat landscape and buildings which directly address the road.
- 10.5 Reference is made to the former joinery building in the Conservation Area Appraisal and Management Plan, due to its distinctive mixed construction of red brick and sandstone and use as a "Smithy" in the late 19th Century. The building is unlisted, as are the majority of the buildings which are considered to make a positive contribution to the character of the area.
- 10.6 The proposed development will retain much of the fabric of the original two storey building, including the majority of the original apertures and features from the former

industrial use of the building, thereby preserving the character and appearance of the original building and wider conservation area compliant with policy N19.

- 10.7 The proposal also involves the demolition of the attached single storey outbuilding, which is to be replaced with a new attached single storey building, to serve as a car port to provide off-street car parking. The existing outbuilding is insufficient in length to accommodate a vehicle. As such, the new build will be slightly deeper to accommodate a vehicle, but will be in keeping with the character of the original building, reusing existing materials as far as possible. Permission would be subject to a condition for use of traditional local materials where needed, in accordance with policy BC7. The new build will also incorporate additional features, including stone curves to reveals on the piers and a timber head extending above the openings to enhance its appearance. As such, this part of the proposed development is considered to be acceptable as part of the overall scheme for the site, which it is considered will preserve the character and appearance of the conservation area.
- 10.8 Fundamentally, due to the poor state of repair of the original building, which has been vacant for many years, the proposal, including the replacement build for off-street parking and part re-build of the main building, will facilitate an appropriate use of the building in this residential area, and ensure the future existence of the building, which makes a positive contribution to the character and appearance of the conservation area. Accordingly, the development is welcome in conservation terms.

Impact on residential amenity

- 10.9 It is considered that residential use of the former joinery building would be preferable to a commercial use, in terms of the potential impact on neighbouring residential amenity from noise disturbance as a result of commercial activities and the comings and goings of employees and traffic.
- 10.10 It is considered that the proposed conversion will not cause significant detriment to the residential amenity of the occupants of adjacent properties around the courtyard, from overlooking, overshadowing or over dominance. In particular, revised plans have omitted the proposed re-opening of the first floor aperture in the west elevation, which could have caused overlooking to the front of no.9 Little Church Lane.
- 10.11 Furthermore, the distances of the windows at ground floor level facing over the courtyard are compliant with guidance contained in Neighbourhoods for Living (NfL), as is the distance of the bedroom windows in the south elevation facing towards no.81 Church Lane. The distance of the bedroom window in the west elevation to the boundary and to the secondary windows in the rear elevation of no.7 Little Church Lane, on the opposite side of the courtyard, is substandard in terms of guidance distances, which recommend a minimum distance of 7.5m from a secondary window to a boundary and 15m from bedroom to bedroom windows. However, this window is shown as obscurely glazed on the submitted plans and would be conditioned to be fixed shut, to prevent overlooking to this aspect at first floor level. This is considered to be an acceptable compromise, as this would not be the only window to serve the proposed bedroom.
- 10.12 Although the replacement single storey car port will extend approximately 1.5m further to the rear than the existing outbuilding, it is not considered that this will cause significant additional impact to the amenity of the occupant of no.81 Church Lane, due to the single storey height of the building and the maintained distance between the two properties of approximately 6m.

- 10.13 The use of the existing courtyard would be substandard as an amenity space for a new build residential property, particularly in terms of the level of privacy. However, this application relates to the conversion of an existing, older property, in a unique setting and therefore, warrants an exception to the normal guidance/standards. There is also considered to be an element of “caveat emptor”, such that any potential occupants would be able to make an informed decision as to the suitability of the amenity space for their requirements.

Highways

- 10.14 Highway Planning Services have no objection to the proposed development, due to the proposed off-street parking provision of two spaces within the attached car port, which is compliant with guidance and should prevent an increase in on-street parking on Churchside Villas. Any permission must however be subject to a condition regarding the resurfacing of the strip of land to the front of the property in a suitable material that would not cause loose material to be carried onto the highway. In addition the Highway Contracts Engineer must be consulted regarding installation of the dropped kerb.
- 10.15 It is not considered that the traffic generated by one dwelling house would cause significant additional impact to highway safety, bearing in mind the former commercial use of the site.

Drainage

- 10.16 Further to assessment of the submitted Flood Risk Assessment and consultation with the City Council’s Mains Drainage Section, there are no objections to the proposed development, and it is considered that the Building Inspector can deal with on-site drainage matters.

Nature Conservation

- 10.17 The submitted Bat Survey confirms that there is no evidence of roosting bats in the existing buildings. As such, the proposed development is considered to be acceptable, subject to conditions, including the provision of bat access in the new dwelling and the provision for nesting House Sparrows on the main dwelling and for Swallows in the open car port.

Outstanding issues

- 10.18 In response to the outstanding issues raised in the letters of representation the following points are made:
- The previously proposed 1.8m high close boarded fence illustrated on the original plans, has been replaced with 1.5m high brick walling, which is in keeping with the materials of the adjacent boundary treatments within the courtyard, and at a reduced height, will not have such an over bearing effect on the adjacent path.
 - Although the occupant of no.81 has been utilising the courtyard area to hang out washing and park their car, the land is not within the residential curtilage of no.81, and accordingly they have no legal right to use this land. Whilst no.81 does not have the benefit of off-street car parking, similar to other older properties along Church Lane and Little Church Lane, it is not considered

appropriate or reasonable as part of this application to try and resolve an existing parking problem.

- The revised layout plan has omitted the bin store area to the side of no.81; as such there will be no obstruction of the private right of way along this strip of land. Bin storage for the proposed dwelling house will be contained within the courtyard. All of the other properties, except no.81, have front and rear yards where they can and do store their bins, as witnessed by the Planning Officer during the site visits. No.81 has land immediately to the rear of the property where bins can be placed, even though the area is not enclosed. As such, it is not considered that the proposed development will result in the presence of 15 bins to the side of no.81.
- The issue of any potential impact of building works on adjoining property no.9 Little Church Lane, is a private civil matter to be dealt with between the relevant parties.
- Due to the nature of the proposed development, it should not have any detrimental impact on any service works that might be sited beneath the strip of land to the front of the property, as it only involves minor regarding and re-surfacing.
- A Neighbour Notification Letter was sent to no.3 Little Church Lane, the Local Planning Authority cannot be reasonably expected to know that new tenants have since moved into a property. However, a letter of representation has been received from occupants of no.3.
- The issue of contamination at the site has been dealt with by the Council's Land Contamination Team, permission will be subject to a condition to confirm the use of potential contaminants within the building.
- Although the submitted plans may be limited in terms of showing the wider context of the site, e.g. the nearest junction layout etc., the assessment of the proposal by Highway Planning Services is not based solely on the plans and information submitted by the applicants. They also use the City Council's own map/highway databases and carry out a site visit, in order to carry out a full assessment of the site and proposed development.
- The increase in the proposed number of bedrooms within the dwelling house from 3 to 4, does not require an increase in the number of proposed off-street car parking spaces. Two off-street car parking spaces is considered to be acceptable for a 4 bedroom dwelling house.
- The structural safety of the building in it's present state is a health and safety issue. The structural implications of the proposed development e.g. the re-opening of former apertures, is a matter for building control. Although the building has fallen into a state of disrepair over a number of years, the proposed development if implemented, would resolve this issue.
- The presence of vermin is an Environmental Health issue and not a material planning consideration. Again, development of the property should also resolve this issue.
- It is stated that there is no guarantee that any conditions attached to a planning permission are adhered to into the future. Conditions, where necessary, would be worded such that they must remain in effect thereafter for the lifetime of the development, and any breach of the conditions will then be dealt with by the Council's Compliance Department.
- The amount that a building is seen or noticed by local residents does not determine it's inclusion or importance in a Conservation Area. The building is identified as a positive structure in the Appraisal and is one of a group of buildings which together form a historic record and make a positive contribution to the overall character of the village.

- Demolition of the building would require Conservation Area Consent to demolish and due to the identification of the building as a positive structure in the Conservation Area Appraisal, demolition is likely to be resisted.
- Although the most recent previous use of the building did not generate a significant impact on neighbouring residential amenity, the use was still B2 general industrial use and as such, if the use of the building was recommended within this use class, it could be a more intensive B2 use, with an increase in activities, employees and vehicle movements etc., which would have a greater impact on residential amenity. The change of use of the building to a single dwelling house, it is considered would not result in as significant a potential impact on residential amenity.

CONCLUSION

11.0 For the above reasons, it is considered that the proposed development is acceptable in principle and will preserve the character and appearance of the Methley Churchside Conservation Area. The scheme also does not raise concerns relating to residential amenity, highway safety or nature conservation and as such is recommended for approval subject to conditions specified.

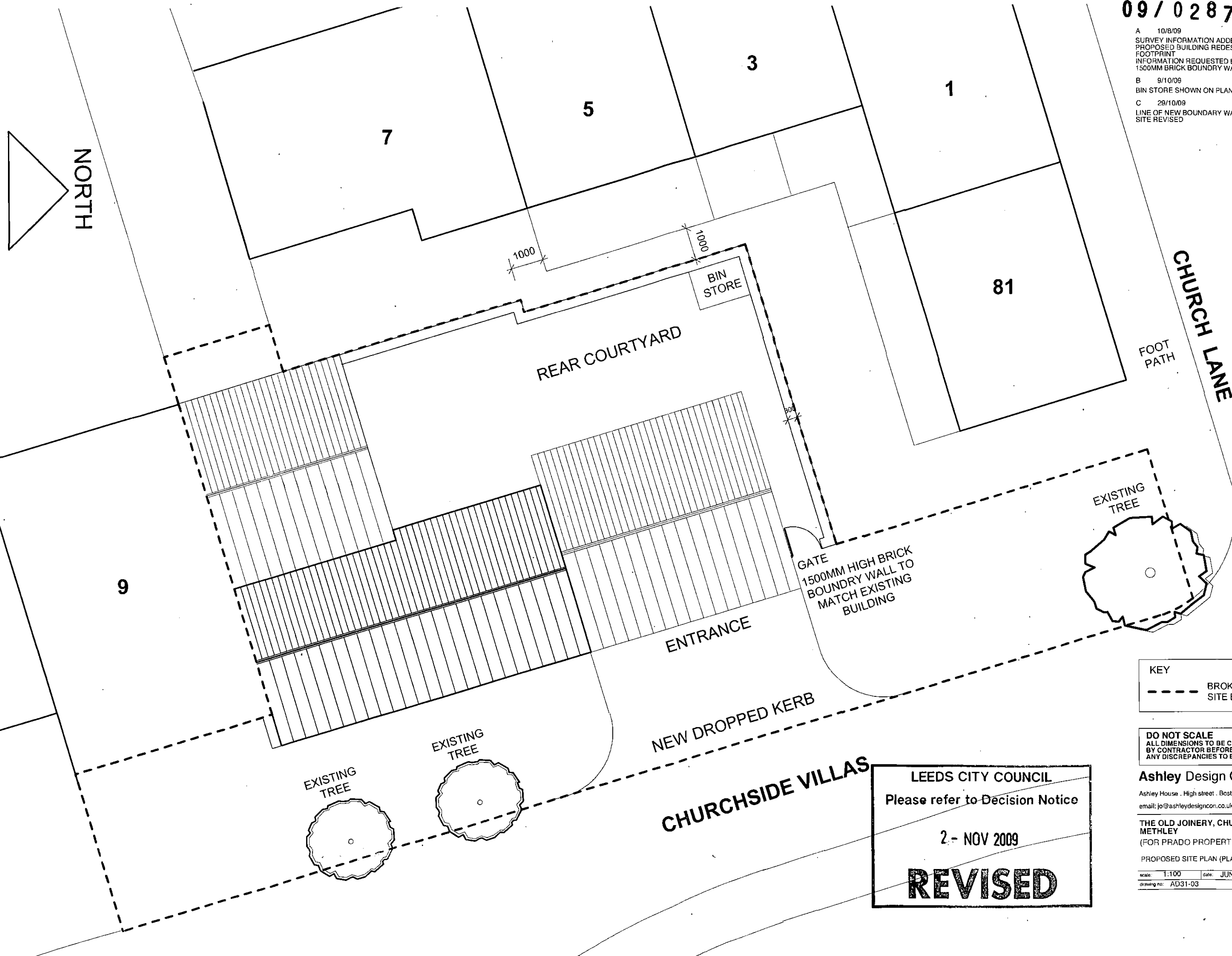
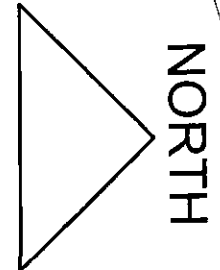
Background Papers:

Application file: 09/02871/FU

Certificate of Ownership: The Trustees of Viscount Pollington

09/02871

A 10/8/09
SURVEY INFORMATION ADDED,
PROPOSED BUILDING REDESIGNED TO SUIT EXISTING
FOOTPRINT
INFORMATION REQUESTED BY PLANNERS 6/8/09.
1500MM BRICK BOUNDRY WALL INDICATED
B 9/10/09
BIN STORE SHOWN ON PLAN
C 29/10/09
LINE OF NEW BOUNDARY WALL TO SOUTH SIDE OF
SITE REVISED



CHURCH LANE
FOOT PATH

REAR COURTYARD

BIN STORE

ENTRANCE

GATE
1500MM HIGH BRICK
BOUNDRY WALL TO
MATCH EXISTING
BUILDING

EXISTING TREE

EXISTING TREE

EXISTING TREE

NEW DROPPED KERB

CHURCHSIDE VILLAS

LEEDS CITY COUNCIL
Please refer to Decision Notice
2- NOV 2009
REVISED

KEY
- - - - - BROKEN LINE INDICATES
SITE BOUNDARY

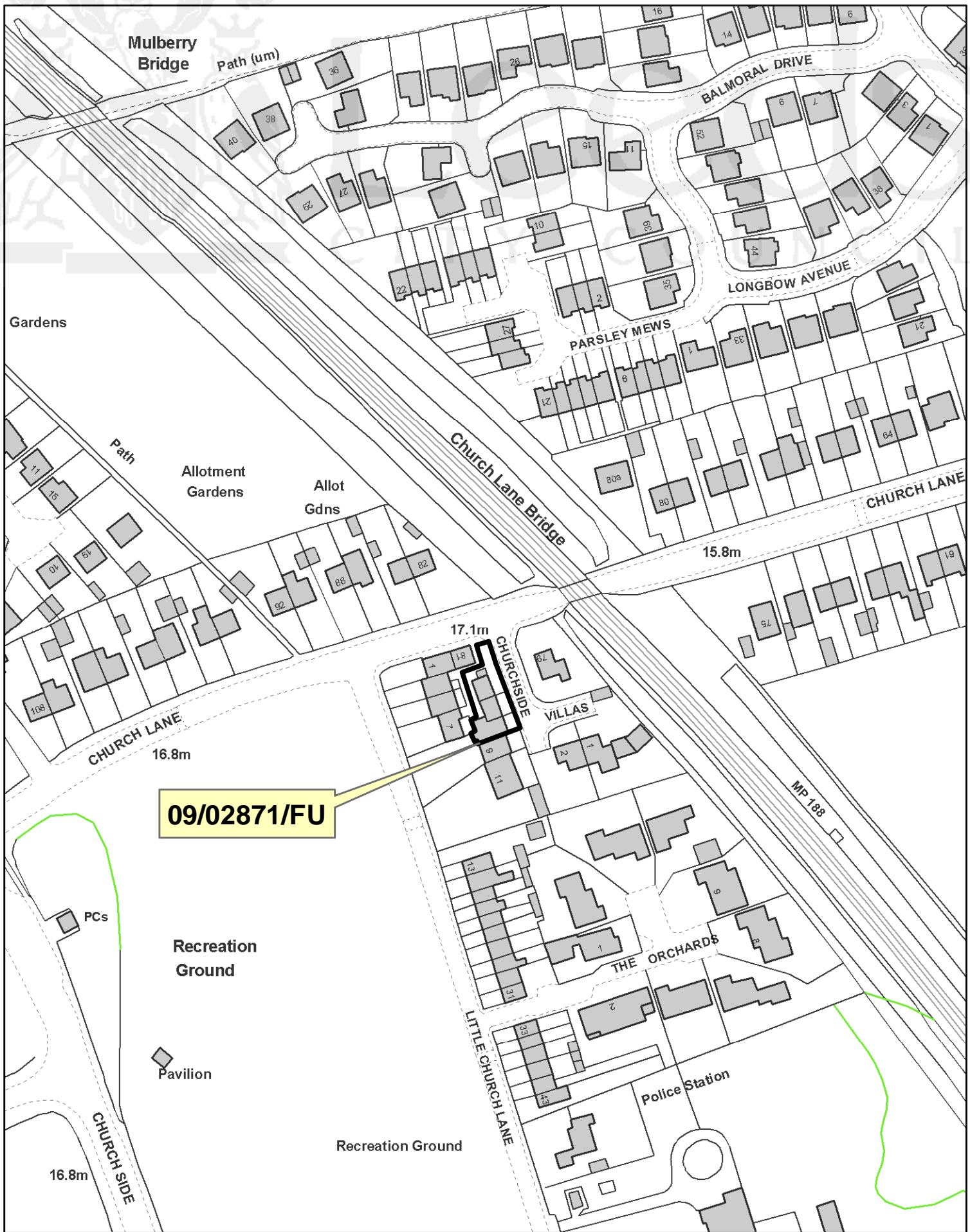
DO NOT SCALE
ALL DIMENSIONS TO BE CHECKED ON SITE
BY CONTRACTOR BEFORE ANY WORK COMMENCES.
ANY DISCREPANCIES TO BE REPORTED.

Ashley Design Consultants Ltd
Ashley House . High street . Boston Spa . Wetherby . LS23 6EA
email: jo@ashleydesigncon.co.uk . phone / fax: 01937 541282

THE OLD JOINERY, CHURCHSIDE VILLAS,
METHLEY
(FOR PRADO PROPERTIES LLP)

PROPOSED SITE PLAN (PLANNING)
scale: 1:100 date: JUNE 09 dwn. by: JP
drawing no: AD31-03 revision: C

K3



EAST PLANS PANEL I

Scale 1/1500

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