



**Leeds**  
CITY COUNCIL

Originator: Tim Poupard

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**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 2 February 2012**

**Subject: APPLICATION 11/04635/FU – DEMOLISH VACANT SCHOOL BUILDING AND  
ERECT A 60 BED CARE HOME, WITH CAR PARKING AND LANDSCAPING AT  
LAND OFF BRIDGE STREET AND MILL LANE, OTLEY, LEEDS, LS21.**

**APPLICANT**

Casicare Ltd

**DATE VALID**

4 November 2011

**TARGET DATE**

3 February 2012

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**Electoral Wards Affected:**

Otley & Yeadon

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**REFUSE PERMISSION for the following reasons:**

1. The Local Planning Authority considers that there would be a loss of residential amenity to the existing properties at Manor Street, through overshadowing, overlooking and over-dominance; due to the close proximity of the eastern wing of the proposed building to those properties, and the eastern elevation's height and length and arrangement of windows. The proposal is therefore considered contrary to policies GP5 and BD5 of the Unitary Development Plan and the guidance contained within 'Neighbourhoods for Living' (Adopted Supplementary Planning Guidance).
2. The Local Planning Authority considers that living bedrooms identified as 41 to 45 and 33 to 36 within the proposed care home would suffer from an unacceptable level of amenity to future occupants due to the limited and restricted outlook from the proposed oriel bays and close proximity of neighbouring properties. Some East facing living bedrooms would in addition suffer from poor outlook due to proximity to the site boundary and trees. The proposal is therefore considered contrary to Policies GP5 and BD6 of the Leeds Unitary Development Plan (Revised 2006) and the guidance contained within 'Neighbourhoods for Living' (Adopted Supplementary Planning Guidance).

3. The Local Planning Authority considers that the scheme makes insufficient enhancements to strategic public transport infrastructure. It is therefore contrary to Policies T2, T2C, T2D and T20 of the Leeds Unitary Development Plan (Review 2006), Planning Policy Guidance 13: Transport (PPG13) and provisions of the Councils 'Public Transport Improvements and Developer Contributions' Supplementary Planning Document.

## **1. INTRODUCTION:**

1.1. The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination, due to the significance of the site and the development and its impact on the local area.

## **2. PROPOSAL:**

2.1. The application proposes the redevelopment of the site, with the demolition of the former school building and the construction of a care home building with parking and landscaping.

2.2. The care home building will form an L shape following the southern and eastern boundaries of the site. It will provide 60 en-suite single bedrooms for elderly residents on two floors. The proposed materials will be stone and slate.

2.3. The site will be accessed from Mill Lane, with a centralised parking and servicing arrangement. A secondary pedestrian access is proposed from Bridge Street.

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

3.1. To the Bridge Street frontage there is a derelict former school building. The building is a post war two storey flat roof building set back from the highway with car parking to the frontage. To the rear of the building are overgrown grounds and hard surfaced areas where the former play ground was located.

3.2. The building is located within the Otley Conservation Area. On the opposite side of Bridge Street are parkland and the Police Station. To either side of the site are a café and a public house. The site is close to the River Wharfe.

3.3. To the east of the site is a row of stone terrace houses on Manor Street. There are also two blocks of fairly modern flats to the rear of this Terrace, close to the application site.

3.4. A rear access runs to the rear of the houses on Manor Street and this also gives access to the two flats blocks.

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

4.1. A Conservation Area Consent to demolish the vacant school building on the site was recently approved, under application 11/04634/CA. This Consent included a condition that required a programme of demolition and redevelopment of the site to be agreed prior to any demolition works taking place.

4.2. The following applications also relate to the site but they were either withdrawn or not valid : -

A Planning Application and concurrent Conservation Area Consent were submitted in 2010 seeking permission to demolish the school building and erect a four storey block of 14 flats, with car parking, under references 10/01202/FU and 10/01251/CA. However this scheme was invalid and did not progress formally to determination.

A Planning Application and concurrent Conservation Area Consent were submitted in 2009 seeking permission to demolish the school building and erect a four storey block of 12 two bedroom flats and 2 three bedroom flats, with car parking. However, the Planning Application (09/02422/FU) was invalid and the Conservation Area Consent was refused in July 2009, due to no suitable replacement scheme in place, under reference 09/02421/CA.

A Planning Application and concurrent Conservation Area Consent were submitted in 2008 seeking permission to demolish the school building and erect a two storey block of 14 flats with 21 car parking spaces. However, the Planning Application (08/02719/FU) and Conservation Area Consent (08/02999/CA) were withdrawn.

4.3. Although the site has been the subject of some other minor historic planning applications/permissions, none are relevant to this scheme.

## **5. HISTORY OF NEGOTIATIONS:**

### **PRE APPLICATION:**

5.1. Prior to submission of the planning application, the scheme has been subject to formal pre application advice, under reference PREAPP/10/00037. Meetings were held with the applicant and Highways, Landscape and Design Officers in April and May 2011. These discussions covered a variety of relevant policy, flood risk, tree protection and design issues.

5.2. Following these discussions, the scheme was presented by the applicants in pre application form to Plans Plan West in August 2011. Members received an overview presentation on the proposals by representatives of the applicant and the approved minutes show that the following comments were made by Panel: -

- Whether couples could be accommodated in double rooms;
- The proximity of the site to the river and the need to ensure residents' safety;
- The location of the assembly point in the event of a flood emergency;
- The residential properties on Manor Street; the need for the relationship between these houses and the care home to be addressed and the interests of all residents to be considered;
- If planning permission was granted, the likely timescales for commencement of the development; and
- Whether there was a commitment to develop the site or whether it would be landbanked.

5.3. The approved minutes show that the following responses were provided:

- That some Local Authorities did not allow double rooms, preferring couples to occupy two single rooms with one possibly being used more as a sitting room;
- That the boundary of the site would be secured by fencing and that nobody would be allowed by the riverside unaccompanied;
- That the emergency assembly point was at the north of the site and was located above the floodplain;

- That issues around the proximity of the houses on Manor Street were being considered, particularly in terms of overlooking;
- That if the application was approved, work on the tendering process for the building contracts would commence immediately; and
- That there was a commitment to build on the site and that financially it was not an option to landbank the site.

#### STATEMENT OF COMMUNITY INVOLVEMENT:

- 5.4. Prior to the formal submission, the applicant displayed their scheme at the Town Council Offices, Otley Library and on the site.
- 5.5. Leaflets were also produced which allowed for comment and these were delivered to the surrounding residential properties.
- 5.6. It is understood that no objections were received from interested parties during this consultation stage, however comments were received regarding flood risk, retention of trees and proposed materials.

#### POST SUBMISSION:

- 5.7. Officers have continued to be positive about the principle of a care home development on this site during the pre-application discussions and Plans Panel West was also generally supportive of the scheme in principle at pre application stage.
- 5.8. Members may recall that plans of the scheme shown to the Panel at the pre-application presentation were limited to a site layout and an artist's impression of how the scheme might look. The remainder of the presentation was taken up with other matters. It is noted that the pre application layout plan appears to be the same layout subsequently submitted with the application although it did not illustrate the relationship of the development to the adjoining houses and flats on Manor Road.
- 5.9. The impact in terms of overlooking and overshadowing of the proposed building on nearby dwellings was raised with the applicant repeatedly both before and after submission of the application. The scheme falls short of separation distances normally acceptable and as set out in the Council's Policy, Neighbourhoods for Living, which is similar in this respect to space standards adopted by other Planning Authorities. The applicant has declined to amend the design of the scheme to address this matter.
- 5.10. The stance adopted by the applicant has been that a 60 bedroom scheme is required for it to be viable and that the configuration of the site and this constraint means that the position of the building is effectively non-negotiable.

## 6. PUBLIC/LOCAL RESPONSE:

- 6.1. The application has been advertised on site by means of three site notices located on Manor Street, Mill Lane and Bridge Street. These site notices gave reference to a development which affects the character and appearance of a Conservation Area and they were posted from the 18 November 2011 and gave a publicity expiry period of 9 December 2011. Notice was also published in the local press (Wharfe Valley Times) on 24 November 2011.

#### LOCAL WARD COUNCILLORS:

- 6.2. No written comments from Local Ward Councillors have been received.

#### OTLEY TOWN COUNCIL:

- 6.3. The Town Council has submitted a copy of the notes of their meeting with the applicant. It pertains to a series of questions put to the applicant by the Town Council and their response. These questions relate mainly to the operation specifications and management of the proposed care home. However of the comments that are material planning considerations, the Town Council stated that it "felt that the sixty bedroom building was somewhat institutional in design" and they noted that there "are only 19 car parking spaces which appears to be below the Leeds City Council standard recommending 30".
- 6.4. The Town Council supports the principle of a care home development on this site.

#### MEMBER OF PARLIAMENT:

- 6.5. We have not received any formal comments from Greg Mulholland MP in relation to this application.

#### LOCAL RESIDENTS GROUPS:

- 6.6. Otley in Bloom have stated that they support the scheme and welcome the mix of planting in the landscaping scheme and the retention of existing trees. They also raise a question of maintenance and have requested litter bins are provided.

#### LOCAL RESIDENTS:

- 6.7. One letter of support has been received from a local resident making the following observations:
- The development would improve a blighted site.
  - This would be an appropriate use of the site, providing excellent amenity for the residents who would benefit from the activity around the Park and Cafe.
- 6.8. Councillor Gerry Harper (*Hyde Park and Woodhouse Ward*) has made representation on the application in a personal capacity as the proposed care home is directly behind his home. He has stated the following: -
- This site has been empty for many years and the old school building is in a terrible state and has been vandalised on a number of occasions;
  - The local community in the surrounding area want something done about this site; and
  - Requests that the application go to a formal planning panel for consideration for members to look at the reasons why officers are minded to refuse.
- 6.9. Subsequent to the post submission discussions, the applicant states that they visited the residents of Manor Street to explain the scheme to them. The applicant has stated that whilst, the majority of resident's were not at home as it was a weekend, they submitted a pro forma signed by 4 of the neighbours confirming that they understand the proposals and that they support the application.

## 7. CONSULTATIONS RESPONSES:

#### Statutory:

#### HIGHWAYS:

- 7.1. No objection, subject to conditions and off site work to dropped curbs.

#### MAINS DRAINAGE:

- 7.2. No objection, subject to surface conditions and improvement to the existing culvert, if required.

YORKSHIRE WATER:

- 7.3. No objection, subject to foul water drainage conditions.

ENVIRONMENT AGENCY:

- 7.4. No objection, subject to conditions.

**Non statutory:**

WEST YORKSHIRE ECOLOGY:

- 7.5. No objection, subject to conditions regarding an updated bat survey.

WEST YORKSHIRE POLICE:

- 7.6. No objections, subject to conditions to control access and to ensure a secure boundary.

ACCESS OFFICER:

- 7.7. No objections in principle. Comments made regarding level access.

NEIGHBOURHOODS AND HOUSING:

- 7.8. No objection, subject to conditions to ensure the protection of residential amenity.

NGT/PUBLIC TRANSPORT:

- 7.9. No objection, subject to a commuted sum in lieu of Public Transport Improvements.

TRANSPORT POLICY (TRAVEL WISE):

- 7.10. No objection, subject to travel plan statement being secured by condition.

METRO:

- 7.11. Metro has requested a live bus display inside the building.

CITY SERVICES STREET SCENE SERVICES:

- 7.12. No comments received.

CONTAMINATED LAND TEAM:

- 7.13. No objection subject to conditions.

**8. PLANNING POLICIES:**

- 8.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which consists of the adopted Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds Unitary Development Plan (Review 2006), unless material considerations indicate otherwise.

REGIONAL PLANNING POLICIES:

- 8.2. The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) was adopted in May 2008 and sets out a strategic framework for development up to 2026.

- 8.3. However, it is not considered that this proposal raises any issues of regional significance.

LOCAL PLANNING POLICIES:

- 8.4. Locally Leeds City Council has begun work on our Local Development Framework (“LDF”) with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- 8.5. In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.
- 8.6. Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SA) as follows;
- Policy SG4: To ensure that development is consistent with the principles of sustainable development;
  - Policy SA1: Secure highest quality of the environment throughout the District; and
  - Policy SA6: Promote the physical and economic regeneration of urban land.
- 8.7. The application site lies within the Otley Conservation Area and is unallocated with no specific land use allocation. The relevant Leeds Unitary Development Plan policies are considered to be: -
- Policy GP5: Development control considerations;
  - Policy BD5: New buildings should be designed to give consideration to their own amenity and surroundings;
  - Policy A4: Development and refurbishment proposals designed to ensure safe and secure environment;
  - Policy H4: Residential development on non-allocated sites;
  - Policy N12: All development proposals should respect fundamental priorities for urban design;
  - Policy N13: Design of new buildings should be of high quality and have regard to character and appearance of surroundings;
  - Policy BC7: Developments within Conservation Areas to be in traditional local materials;
  - Policy N19: New buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area;
  - Policy BC8: Where demolition of unlisted buildings within Conservation Areas is accepted conditions can be imposed to ensure that certain features are salvaged or re-used;
  - Policy N18A: Demolitions shall be resisted of building or part of building that make positive contribution to character or appearance of the Conservation Area;
  - Policy N18B: Demolitions of building shall not be given consent unless plans for redevelopment approved;
  - Policy N20: Demolition of other features which contribute to the character of the Conservation Area will be resisted;
  - Policy N25: Site boundaries should be designed in a positive manner;
  - Policy N27: Where a landscaping scheme will be required, an application should be accompanied by an illustrative scheme;
  - Policy LD1: Landscape schemes should meet specific criteria;
  - Policy T2: Development must be capable of being served by highway network and should not add to or create problems of safety;
  - Policy T24: Refers to parking guidelines for new developments.

SUPPLEMENTARY PLANNING GUIDANCE:

8.8. Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- SPG13: Neighbourhoods for Living (December 2003); and
- SPG29: Otley Conservation Area Appraisal (June 2004).

8.9. As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- The Public Transport Improvements and Developer Contributions SPD (2008)
- Street Design Guide SPD (2009)
- Sustainable Design and Construction SPD
- Travel Plans SPD (2011)

#### NATIONAL PLANNING GUIDANCE:

8.10. In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes: -

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing (2006);
- PPS4: Planning for Sustainable Economic Growth (2009);
- PPS5: Planning for the Historic Environment (2010);
- PPS9: Biodiversity and Geological Conservation (20005);
- PPG13: Transport (2011);
- PPS23: Planning and Pollution Control (2004);
- PPG24: Planning and Noise (1994); and
- PPS25: Development and Flood Risk (2010).

## 9. MAIN ISSUES:

9.1. Having considered these applications and representations, it is considered that the main issues in this case are:

- Principle of the development;
- Demolition of the existing building and impact on the Conservation Area;
- Character and appearance of the Conservation Area;
- Landscaping and trees
- Residential amenity;
- Boundary treatments;
- Ecology
- Highway safety.
- Drainage and flood risk.
- Land Contamination.

## 10. APPRAISAL:

### Principle of development:

10.1. A care home development is considered acceptable on this site. The site is located within the urban area and is close to a defined town centre and is well served by public transport options. The site is previously developed land and as such meets the sequential approach of recycling 'brownfield' land first.



### **Demolition of the existing building and impact on the Conservation Area):**

10.2. Leeds UDP Policy N18 A and B: 'Conservation Areas and Demolition' states that there will be a presumption against any demolition of buildings which make a positive contribution to the character and appearance of a Conservation Area. It is considered that the vacant 1970s school building on site does not make a positive contribution to the Otley Conservation Area and its demolition and replacement with a sensitively designed scheme is considered to be a positive move.

### **Character and appearance of the Conservation Area:**

10.3. In terms of size, massing and relationship to the general urban 'grain', it is accepted that this scheme is larger in size and massing than typical surrounding buildings. The building is however of two storeys and has been designed with feature gable ends which address the street frontages to Bridge Street and Mill Lane. The building has a fairly modern aesthetic but features natural stone walling and slate pitched roof forms and incorporation of chimney structures. On balance, despite its design and scale, it is considered that the building would have a positive impact on the character and appearance of the Otley Conservation Area.

### **Landscaping and Protection of Existing Trees:**

10.4. Good quality, semi-mature and mature trees are located on the north western, northern and south eastern boundaries of the site. The mature trees are highly visible and form an integral part of the character of this part of the Conservation Area.

10.5. The building and associated parking and servicing areas have been sited to avoid harm being caused to these protected trees. Conditions could be imposed to ensure these are protected during the construction phase and to control the use of sensitive foundation methods. A landscape scheme has also been submitted with outside amenity areas for residents. No objections are raised to these elements.

### **Residential Amenity issues:**

10.6. Any loss of residential amenity through overlooking, overshadowing and over-dominance from the scheme to existing residential properties on Manor Street is a key consideration.

10.7. The building's east elevation (parallel to properties facing Manor Street) is 44 metres in length and is between 7.4 metres (north east corner) to 6 metres (south east corner) in height to the eaves from the proposed finished land level. Similarly the building is 12.1 metres (north east corner) to 11.8 metres (south east corner) high to the ridge. This eastern wing of the building is proposed to be sited between 6 to 7 metres from the eastern boundary of the site. To this eastern side of the proposed building there are 11 windows to 11 living bedrooms on the first floor and the same to the ground floor.

10.8. The bedroom accommodation is provided on a single occupancy basis however, twin rooms or adjoining rooms can be accommodated. All rooms have en suite facilities. Although some day space is provided within the facility, it is considered that these rooms are more than just bedrooms. This is because this is the only private space provided for the residents and they are likely to spend more time in their rooms due to their conditions than is normally spent in traditional bedrooms. Therefore

Officers have identified these rooms as 'living bedrooms' and given due weight to the residential amenity of these rooms.

- 10.9. It is considered that the proposed eastern elevation should be regarded as a main aspect, given its length, size, number of windows and the nature of the rooms the windows relate to.
- 10.10. Privacy is important to ensure that residents feel comfortable in their own homes. Care needs to be taken to ensure that all private areas, including gardens, are not excessively overlooked from adjoining properties.

#### PRIVACY OF EXISTING DWELLINGS:

- 10.11. Normally it is a requirement of Neighbourhoods for living that a principle elevation of a new dwelling should be set at least 10.5m from the boundary with another dwelling. The proposed building is set much closer at 6 to 7m. The applicant argues that the building should however, be allowed to encroach further as some of the adjoining land nearest to the boundary is taken up with a rear access road which mitigates the overlooking of gardens which are on the other side of that access. There is some merit in this argument. However, if this point is accepted the proposal nonetheless falls short of these minimum standards in relation to 7 dwellings at 2 and 26 to 36 Manor Street. Private amenity space to these dwellings would be overlooked from the proposed building at distances as little as 7m. It is considered that this close overlooking from a substantial number of windows would result in a substantial loss of residential amenity to the occupiers of those dwellings.
- 10.12. On the other hand, the development would just about satisfy minimum space standards in terms of window to window distances to the rear of houses on the main part of Manor Street. The development would however result in principal windows situated only 12m from principal windows of the flats at 34-36 Manor Street where at least 21m should normally be provided.

#### OVERSHADOWING OF EXISTING GARDENS:

- 10.13. Additional sun path diagrams have been submitted by the applicant. These show the site at various times of the day on the spring equinox (21 March). These plans show that the rear gardens and rear elevations of the terrace and the amenity space for the flats will be completely overshadowed by the development in the afternoons. It is not accepted the existing trees will have a comparable effect (which the applicant argues is so) as they do not form a solid structure and are intermittent when causing shadows. It is therefore considered that the loss of afternoon and evening sun would cause an unacceptable loss of residential amenity to the existing residents on Manor Street.

#### AMENITY OF FUTURE RESIDENTS:

- 10.14. The first floor living bedrooms identified as rooms 41, 42, 43, 44 and 45 located within the western wing of the proposed care home have a direct outlook onto the side elevation of the adjacent Public House on Bridge Street. There are ground floor windows to the public bar on the ground floor and windows to the residential flat on the first floor on this side elevation of the public house. To mitigate for this unacceptably close relationship, the applicant proposes the use of 'oriel bay' windows for these rooms. These windows have a solid front bay with clear windows on the side bays. It is considered that the restricted outlook from the proposed oriel bays

would result in unacceptable residential amenity in the affected rooms as from most vantage points in the room the occupant would have effectively no outlook.

10.15. The first floor living bedrooms identified as rooms 33, 34, 35 and 36 located within the eastern wing of the proposed care home have a direct outlook onto the rear blank two storey elevation of the flats at 34-36 Manor Street from a distance of 8m which is 4m less than the 12m distance considered to be the acceptable minimum under the Council's policy. It is considered that this limited outlook would result in unsatisfactory residential amenity for residents. It is also noted that the east facing windows to the new building are situated only 6m from the boundary and within this space are a variety of trees, again resulting in restricted outlook from some of the rooms on this side of the proposed building.

### **Boundary Treatments:**

10.16. Details of the proposed boundary treatments and internal security fencing have been provided. These details included boundary walls, railings and gated access points. These details are considered acceptable and a condition could be imposed to control materials used.

### **Ecology**

10.17. The application submission states that the existing main school building supports a temporary summer roost for Bats, however an updated survey is secured by condition through the Conservation Area Consent. The existing trees and shrubs on site have potential to support breeding birds. Conditions could be imposed to ensure that no works are undertaken during the bird breeding season.

### **Highway safety**

10.18. The Transport Statement shows that the development will generate only a small amount of traffic even in the peak hours and any impact on the operation of local highway junctions would be negligible.

10.19. In relation to parking provision within the development, The UDP recommends a maximum 30 parking bays for a care home of this size. A total 19 car parking spaces are provided including 2 disabled bays. The proposed level of car parking is expected to satisfactorily accommodate demand as a large proportion of staff and visitors are expected to live locally and are unlikely to drive whilst many residents will be unable to drive due to their medical condition.

10.20. Long stay secure cycle parking can be provided for staff, and motorcycle parking for staff and visitors can be provided within the development. The proposed access arrangements are acceptable. An existing vehicular access on Bridge Street must be reinstated as footway. The above details could be controlled via condition.

10.21. The transport statement proposes refuse vehicles are to remain on Mill Lane and the main bin storage is located near the kitchen at the southern end of the site. Bins will be taken to a temporary holding area located under the verandah at the north end of the site adjacent to Mill Lane on collection day. Ideally bin collection from the highway should not be supported for a commercial development. However, it is considered that further details could be provided or conditions imposed regarding the proposed bin collection arrangements and a revised plan may be required if refuse collection will be by the Council.

10.22. Council policy requires a development of this scale to provide enhancements to strategic public transport infrastructure. As a S.106 legal agreement would be required to provide a commuted sum for this and there is no agreement in place there is a further recommended reason for refusal relating to this. It is understood that the applicant accepts the need for this contribution however, and this matter would be resolved in the context of a scheme which was otherwise acceptable.

10.23. A full travel plan has been submitted with the application proposals. It is considered that this travel Plan can be conditioned as a travel plan statement and a monitoring fee is not required.

10.24. Metro's recommendation that a live traffic information board be displayed within the site, at a cost of £5,000 has been considered. Whilst it is noted that this may be a useful feature, it is considered that for the level of staff and visitors likely at the site it would be unnecessary. The applicant has confirmed that, they consider that the use of the on-line live travel information web-site can be promoted, with a PC being located in the buildings reception office providing information for staff and visitors. This could be dealt with by condition.

#### **Drainage and Flood Risk Issues:**

10.25. A comprehensive Flood Risk Assessment has been submitted with the application. The application site lies partly within Flood Zone 1, Flood Zone 2 and Flood Zone 3, with the majority of the site being situated within Flood Zone 3a(i). This zone comprises land being within the 1 in 100 year flood plain, but not the 1 in 20 year flood plain. The primary source of flooding to the site is the River Wharfe.

10.26. The Sequential Test has been undertaken in accordance with Planning Policy Statement 25 and its Practice Guide and it has been accepted by the Local Planning Authority.

10.27. It is considered that the development will represent a safe environment for employees, visitors and residents of the proposed care home due to the use of raised floor levels and appropriate construction techniques. The scheme includes compensatory storage on site for the mitigation of flood plain loss with development and the attenuation of excess flows.

#### **Land Contamination:**

10.28. Both a Phase 1 Desk Based Assessment and Phase 2 Site Investigations Study have been submitted with the application. This survey work demonstrates that any risk of on-site contaminants is low and that there is no risk of the spread of contamination during construction of the proposed development. The Council's Land Contamination Section has raised no objections to the scheme subject to conditions.

#### **Other Material Considerations:**

10.29. Given the nature of the proposed use would fall within Class C2, under The Town and Country Planning (Use Classes) Order 2005 (as amended); there is no requirement for Affordable Housing, Education or Greenspace provision.

### **11. CONCLUSION:**

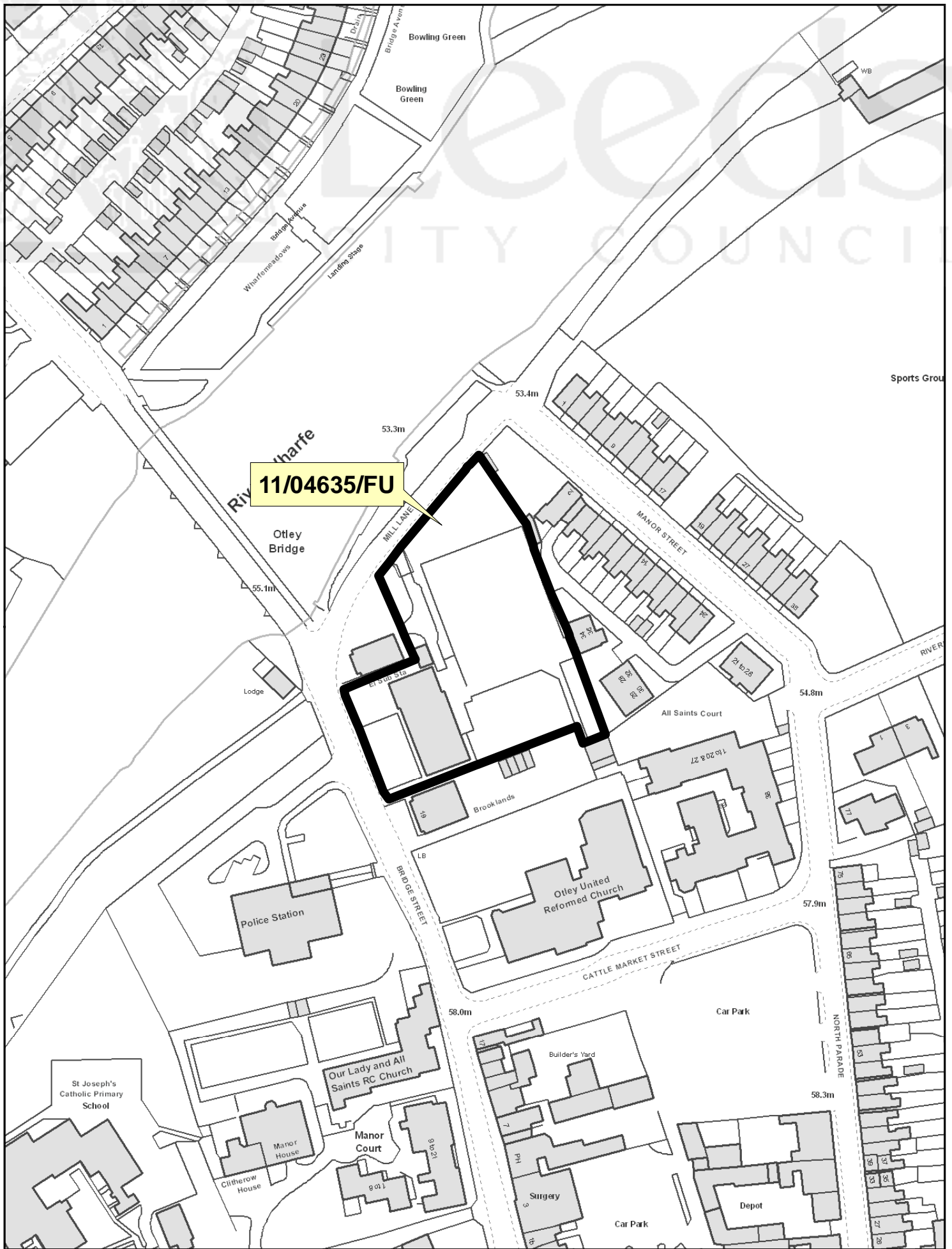
11.1. A scheme for a dementia care home on this site is as a principle welcomed. The site should provide a comfortable urban environment with relaxing riverside views in a pleasant town.

11.2. It is considered however, that the scheme as currently submitted fails to adequately address the relationship of the proposed building to the east boundary and to the existing dwellings on Manor Street. There would be significant overshadowing and overlooking to the terraced houses and flats on Manor Street and substantial loss of residential amenity as a consequence. In a number of respects the development also fails to provide satisfactory outlook for future residents and the application is therefore recommended for refusal.

**Background Papers:**

Application and history files.

Certificate of Ownership.



# WEST PLANS PANEL

