



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 26th July 2012

Subject: APPEAL DECISION 10/04924/FU (Former St Joseph's Care Home site):
Appeal against the refusal of full planning permission for a replacement part 2, part 3, and part 4 storey care home, with 34 self contained flats, 39 dementia/respite/nursing care rooms, chapel, lounges, dining area, activity rooms and function room, with car parking and landscaping.

Electoral Wards Affected:

Horsforth

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are asked to note the following appeal decision.

PUBLIC INQUIRY

- 1.1 West Plans Panel refused planning permission for a replacement care home (10/04924/FU) on 27th June 2011.
- 1.2 The first reason for refusal related to the poor design of the dementia block in terms of footprint, scale, massing and elevational treatment, by failing to adequately relate to the rest of the building and its immediate context. The second reason for refusal related to the detrimental impact of the overall proposal on the Cragg Hill and Woodside Conservation Area through overdevelopment of the site in terms of overall design, footprint, scale, massing and height.
- 1.3 The appeal was considered at a Public Inquiry held on 15th-17th May 2012. Evidence was given by Planning, Design and Conservation Officers and the Council's case was presented by John Hunter of Kings Chambers.
- 1.4 The Inspector agreed with the Panel's decision and the Council's case and accordingly dismissed the appeal. No cost application was made by either party who therefore bore their own appeal costs.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The Inspector considered that the main issue was whether the appeal proposal would preserve or enhance the character or appearance of the Conservation Area.

3.0 THE DECISION

Conservation Issues

- 3.1 The Inspector considered that the proposal would cause “clear harm.” He considered that although the area was characterised by buildings of “domestic scale,” that did not rule out buildings larger than domestic scale where they had adequate space around them and were well integrated into their setting (para 8). However in comparing the appeal proposal with adjoining properties he concluded that a 4 storey structure of 1,687 sq m:

“ would appear as a very substantial structure, entirely unrelated in scale to those properties.” (para 10)

- 3.2 Overall the Inspector considered the building “excessive in scale” (para 11-12). He also considered other secondary issues as follows.

Design Issues (Dementia Block)

- 3.3 The Inspector also agreed with the Council’s concerns regarding the design of the dementia block:

“it’s blocky appearance would sit uneasily with the gentle curve of the main building, appearing as a rather awkward addition, unrelated to it’s design” (para 15)

- 3.4 The Inspector concluded that this meant that the overall design would be “very significantly compromised” (para 15).

Highways Issues

- 3.5 The Inspector considered highway concerns raised by residents but concluded at para 27 that the area is well served by public transport and agreed with both parties that a Car Park Management Plan could overcome outstanding concerns. As regards road safety, the Inspector was satisfied that the various measures put forward would adequately address matters arising from additional traffic.

Sustainability Issues

- 3.6 The Inspector recognized the NPPF presumption in favour of sustainable development at para 32 and noted the sustainability benefits of the scheme. However he also noted that sustainability is a wider matter in the context of NPPF and that regard must be had to the whole document, including para 9 which indicates that sustainable development involves seeking positive improvements to the quality of the built, natural and historic environment. In this context he concluded that:

“I do not consider that the Framework establishes any presumption in favour of development that applies in this case, in view of the significant harm I have found.” (para 32).

4.0 CONCLUSION

- 4.1 The Inspector concluded that the appeal proposal would cause clear harm to the Conservation Area and conflict with UDP policies GP5, N12, N13, N19 and H20A, all of which he felt were consistent with the National Planning Policy Framework.

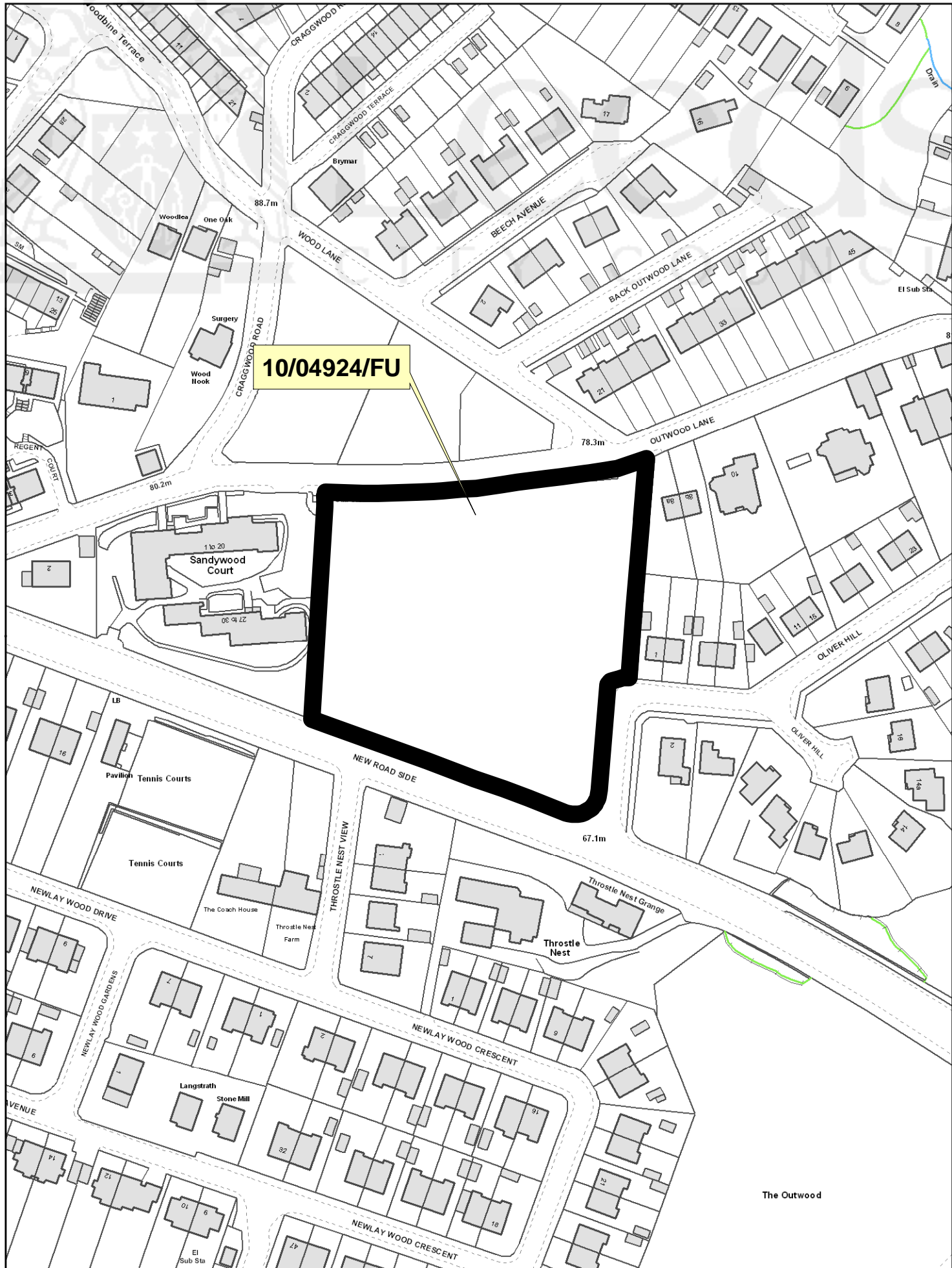
4.2 In recognising that there is no objection to the principle of development, the Inspector also commented that:

“The evidence before me does not show that it would not be possible to bring forward a scheme that would have similar benefits, albeit perhaps at a reduced scale.”

4.3 The decision is one of the first in the Cragg Hill & Woodside Conservation Area and under the new NPPF and is helpful in indicating Inspector’s approaches to both.

Background Papers:

Application and history files.



WEST PLANS PANEL

