



## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 26<sup>th</sup> July 2012

**Subject: APPLICATION 12/01295/FU – ERECTION OF PAIR OF DOMESTIC GARAGES TO THE REAR OF 15 SILK MILL GARDENS**

**APPLICANT**

Mr P Lawton Harris

**DATE VALID**

16 July 2012

**TARGET DATE**

10 Sep 2012

**Electoral Wards Affected:**

Weetwood

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**APPROVE IN PRINCIPLE BUT DEFER AND DELEGATE THE DECISION TO THE CHIEF PLANNING OFFICER SUBJECT TO THE EXPIRATION OF THE ADVERTISEMENT PERIOD AND ANY NEW ISSUES BEING RAISED DURING THAT PERIOD.**

1. Development to be commenced within 3 years
2. Development to be carried out in accordance with the approved plans.
3. External walling and roofing materials to be approved
4. The garages shall be used for the storage of private motor vehicles only and specifically shall not be used for any commercial purposes.
5. Two single garages only to be constructed in accordance with approved plans
6. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2

Neighbourhoods for Living

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

*Informative:* The applicant is advised that this planning permission does not confer any right to use the means of access to the garages from Silk Mill Gardens

## **1.0 INTRODUCTION:**

- 1.1 This application is brought back to Panel following a decision by the June Plans Panel to defer the proposal for further consideration. Members were concerned that the applicant did not own or control the means of access to the site and that permission had not been given to access the garages by the owners.
- 1.2 Subsequent to the last Panel, legal advice has been sought from the City Council's Legal Officer. The advice received is that the absence of control over the whole of the site does provide sustainable grounds for refusal. It should be the planning merits of the proposal which form the basis of the decision.
- 1.3 Further clarification has been received from Leeds West North West Homes (owners of the garage court and access from Silk Mill Gardens) which states that they are not prepared to grant right of access across the adjoining site to serve as access to the proposed garages. This is due to concerns about the future use of the garages and also that any increase in levels of parking may result in further restrictions on access to the site for existing tenants.
- 1.4 Leeds West North West Homes has also indicated that there is no formal agreement for the use of the adjacent garage plot for the storage of an industrial size container, as these plots are intended to be used only for domestic garages.
- 1.5 Additionally, the applicant has now submitted a statement to clarify his position. In this statement he states that the proposed garages are for the storage of private motor vehicles only and that he considers that the adjacent landowner does not have the right to deny access to the site. Members are advised that discussions relating to right of access are a matter of civil law and are not a material planning consideration.
- 1.6 Members are advised that the applicant has since submitted a revised redline boundary plan which includes access across the adjoining land. The application has therefore been re-advertised to allow interested parties to comment.

## **2.0 PROPOSAL:**

- 2.1 The application is to erect a detached building forming a pair of garages. The block of garages measures 8.0m wide, 6.2m long and 2.7m high and are of brick and render construction with an asphalt roof.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is situated within a residential estate development of mainly semi-detached dwellings in Cookridge. The site adjoins a backland garage court area to the rear of the dwellings which is reached via a narrow access running between 17 and 19 Silk Mill Gardens. The land is understood to have in the past formed part of the rear garden of 15 Silk Mill Gardens but is now in separate ownership. It is therefore now an isolated plot of land adjoining the garage court and gardens with no frontage to a

road or other public right of way. The adjoining garage court is in the ownership of Leeds North West Homes

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

- 4.1 There have been no recent planning applications at this site.
- 4.2 PREAPP/11/00506 – Pre-application enquiry for detached garages to vacant land. Officers advised that the proposal would be likely to be acceptable - 09/06/2012.

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

- 5.1 None.

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

- 6.1 The application was publicised by letter to 10 adjacent properties.
- 6.2 Nine letters of representation including a petition with 11 signatures have been received. These are all objections to the proposal, on the grounds of highway safety, noise, loss of privacy, unacceptable commercial development, potential increase in anti-social behaviour, impact on planting, noise and fumes.
- 6.3 Leeds North West Homes (which owns the adjoining garage court and access from Silk Mill Gardens) has advised that it is not prepared to grant a right of way to the proposed garages and has also expressed concerns over what use they would be put to and the impact on the narrow means of access.

#### **7.0 CONSULTATIONS RESPONSES:**

##### **Statutory**

- 7.1 None, due to nature of the application.

##### **Non-statutory**

- 7.2 Highway Authority – No objections. The vehicular access is considered adequate. A condition requiring the garages to be used for domestic purposes only is recommended.
- 7.3 Neighbourhoods and Housing – No objection

#### **8.0 PLANNING POLICIES:**

##### **DEVELOPMENT PLAN**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The Development Plan for Leeds currently comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007. The most relevant policies in the adopted Leeds Unitary Development Plan are listed below:

## REGIONAL PLANNING POLICIES:

- 8.3 It is not considered that the RSS has any policies of direct relevance to this application.

## LOCAL PLANNING POLICIES:

- 8.4 Policy GP5 – seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- 8.5 Policy T2 – Highway safety issues.

## RELEVANT SUPPLEMENTARY GUIDANCE:

- 8.6 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:
- Neighbourhoods for Living

## NATIONAL PLANNING POLICY:

- 8.7 The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## EMERGING CORE STRATEGY:

- 8.8 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. 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. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

## 9.0 MAIN ISSUES:

- 9.1 It is the considered view that the main issues are:
- Design and appearance;
  - Boundary treatments;
  - Highway safety;
  - Use of the garages; and
  - Access.

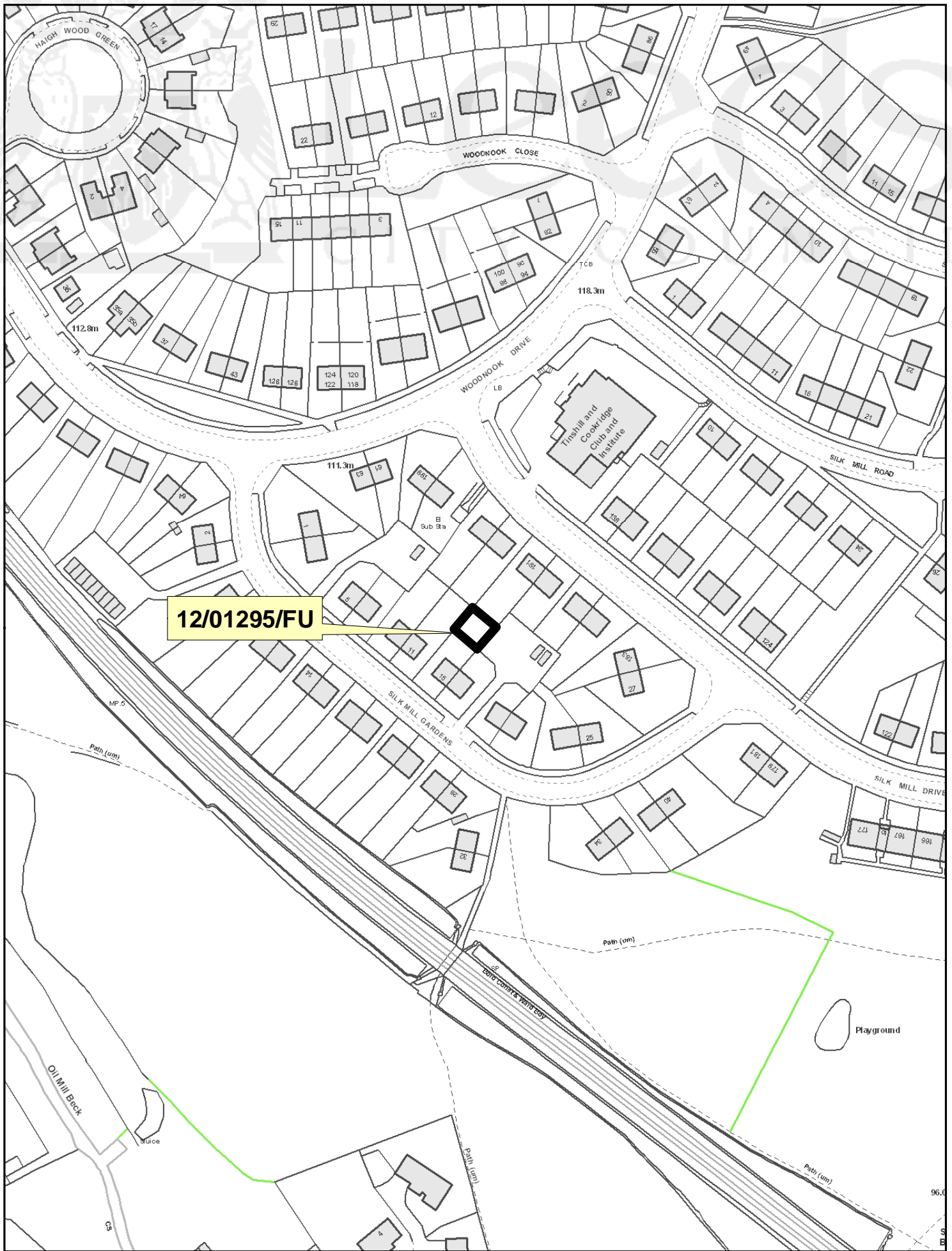
## 10.0 APPRAISAL:

- 10.1 The proposed garages are of a standard design, featuring brick to the front elevation and brick and render to the other sides. They are very similar to existing garages in the adjacent forecourt area. As such, the design is considered acceptable with no adverse visual impact.
- 10.2 There are no protected trees on the site, but there is a well established hedge and a condition is recommended requiring the retention of existing boundary planting, in the interests of visual amenity.
- 10.3 The site is accessible via a gravelled single track unmade access from Silk Mill Gardens. The Highways Officer raises no objection to the proposal provided that the garages are not used for commercial purposes.
- 10.4 Although next to an existing garage court, Leeds North West Homes advises that no right of access to the application site across this area and the access from Silk Mill Gardens has been granted. It is considered however that this is a private matter and the applicant would be advised via an informative on any decision notice granting planning permission that the permission did not grant or infer any such right of access.
- 10.5 Objections from surrounding residents have been received regarding the potential commercial use of the garages but such usage would require a separate grant of planning permission and a condition preventing such usage is also recommended.
- 11.0 CONCLUSION:**
- 11.1 On balance, the erection of the proposed garages is considered acceptable in planning and highway safety terms. Approval is therefore recommended. Approval does not give a right of access and this would be made clear on the decision notice.

**Background Papers:**

Application and history files.

Certificate of Ownership.



12/01295/FU

# WEST PLANS PANEL

