



and conversion of detached garage and glazed link between garage and main building, alterations to hardstanding, vehicular and pedestrian access

## **SITE AND SURROUNDINGS:**

The site occupies a corner position in a predominantly residential area on the junction of Breary Lane East and the A660 (Leeds Road) in Bramhope, with a vehicular access onto Breary Lane East. There is a bungalow on the site, which has been historically converted to a mixed use dental practice and dwelling but still retains the residential character, surrounded by gardens and is located within Bramhope Conservation Area. The site is bounded by a stone wall and vegetation which is protected by TPO status and provides an important contribution to the visual amenity of the area and special character of the Conservation Area. Breary Lane East also is characterised by a grass verge, low stone wall and hedging.

During the covid period the dental practice use ceased and centralised to the Leeds clinic and during this time the residential use was offered through short term holiday rent so it did not remain vacant and open to vandalism. However there isn't any supporting information to clarify when the uses were last in use or the building became vacant, therefore there is nothing to suggest the building has been in continuous use for more than 6 months within the last 3 years. This has implications for CIL however no CIL form or information has been provided.

The site has an extant permission for the change of use of the mixed use site to a sole dental practice use. This permission has not been implemented but has a condition attached restricting the use of the property to a dental practice only and not any other use within class E, therefore once implemented it would not be possible to use the building as a childrens day care centre without the need for planning permission even though they are both class E uses.

## **RELEVANT PLANNING HISTORY:**

### Planning Applications:

24/00950/FU - Variation of condition 2 (approved plans) and condition 4 (use class) to previously approved planning application 23/05069/FU for alterations to the parking layout and to remove the dentists restriction allowing any use within class E – Refused 3.6.2024

23/05069/FU - Change of use of mixed use dental practice and dwelling to dental practice (class E) with single storey rear extension; extension and conversion of detached garage and glazed link between garage and main building – Approved 4.12.2023 (Not implemented)

10/00574/FU - Removal of condition 1 and variation of condition 2 (for hours of opening 08:30 to 13:00 on Saturdays) of approval 29/188/99/FU – Approved 6.4.2010

29/58/05/FU - 4 bedroom dwelling house with detached double garage – Refused 19.1.2006

29/189/99/FU - Extensions to form new consulting room and front entrance porch – Approved

18.11.1999

29/188/99/FU - Variation of condition nos 1&2 of application no 29/211/95/fu (2 dentists at practice and change to hours of use) – Approved 18.11.1999

29/211/95/FU - Removal of conditions 2 and 4 of application no. 91/29/00256 (personal consent and hours of use) – Approved 12.12.1995

H29/256/91/ - Change of use of detached house to house and dental surgery – Approved 23.12.1991

Pre-Application Enquiries:

PREAPP/23/00021 - Demolish existing building (Dental Surgery) and replace with new build child day care centre – Advice given 6.2.2023

Planning Enforcement Cases:

None

**CONSULTATIONS:**

Access Officer - ramp details are required along with the main door. No accessible WC is required and the staff areas only have stepped access.

\* A revised plan has been received to overcome these issues.

Flood Risk Management – No objection and can be dealt with by Building Regulations

Environmental Health - The proposed change of use to a childrens day care centre may create new noise impacts primarily from children outside playing (shouting/crying/impact sound of toys and balls etc). It is recommended that a boundary treatment of a close-boarded fence around the play area to screen the neighbouring dwellings is required via condition with any approval to mitigate noise impacts

Highways – Further details should be submitted to clarify the parking requirements and proposals for pedestrian access including consideration for those with mobility issues.

Landscape Team - Trees along the site boundary at Leeds Road are protected by group TPO, other site trees are protected by Bramhope Conservation Area. No objection to the removal of the tree subject to a replacement scheme. However the new pedestrian access gate appears to impact on the listed milepost.

**PUBLIC/LOCAL RESPONSE:**

Parish Council:

Bramhope and Carlton Parish Council – Objection – The proposal will detrimentally impact on the residential amenity of surrounding dwellings in a residential area from additional car movements from both staff and parents/carers, the level of noise from outdoor play, the adverse impact from addition parking on Breary Lane East near the junction with A660. There are already some parking issues on Breary Lane East adjacent to the site via park and ride, overflow parking from the shops and offices on Leeds Road and parking during Bramhope Primary School drop off and pick up times. There will be noise and air pollution from adjacent A660 which would have an impact on outdoor play, although the hedge, which has a TPO on it may help 'screen' some of this and the proposal is in a Conservation Area.

General Comments:

None

Comments in Support:

None

Comments in Objection:

9 letters of objection have been received stating the proposal will increase traffic and noise, will impact on residents amenity, will increase on street parking which is already insufficient due to lack of on site parking and will result in highway and pedestrian safety issues. The new parking area would effectively be a small car park in a residential area. The site is also ill suited to the proposed use, no details of the number of children or staff have been provided, no evidence has been provided that there is a demand for the use in the locality. Higher boundary treatment would be required which is out of keeping. The site has been empty for several years and most recently was being used as an Airbnb.

**RELEVANT PLANNING POLICY:**

Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

*LOCAL PLANNING POLICY AND GUIDANCE*

The Development Plan

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019, as amended 2024), the Natural Resources and Waste Development Plan Document (2013, as amended

2015), the Aire Valley Leeds Area Action Plan (2017), and neighbourhood plans once adopted.

The following policies from the **Core Strategy** are considered to be of most relevance to this development proposal:

- P10 – Design
- P11 - Conservation
- P12 - Landscape
- T2 - Accessibility requirements and new development
- EN8 – Electric vehicle charging infrastructure
- G9 – Biodiversity improvements
- SP2 – Hierarchy of centres
- P1 - Town and local centre designations
- P2 – Acceptable uses in and on the edge of town centres
- P3 – Acceptable uses in and on the edge of local centres
- P9 – Community facilities and other services

The following policies of the **Natural Resources and Waste Development Plan (NRWDP)** are considered to be of most relevance to this development proposal:

- Land 2 – Development and trees

The following saved policies from the **Unitary Development Plan** are considered to be of most relevance to this development proposal:

- GP5 – Requirement of Development Proposals
- BD6 - Extensions
- N19 – Conservation
- BC7 – Materials in Conservation Areas
- N25 - Boundaries

#### Relevant Local Supplementary Planning Guidance/Documents

Bramhope Conservation Area Appraisal and Management Plan

Transport SPD

#### *NATIONAL PLANNING POLICY AND GUIDANCE*

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the

preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

### National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF.

### The Town and Country Planning (use classes) Order 1987 as amended

## **OTHER RELEVANT MATTERS:**

### Climate Change

The Council declared a climate change emergency on 27<sup>th</sup> of March 2019 in response to the UN's report on Climate Change.

The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

### Public Sector Equality Duty

The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

## **MAIN ISSUES:**

1. Point of procedure and lack of information
2. Principle of development
3. Visual amenity and impact on the conservation area
4. Residential amenity
5. Highway and pedestrian safety
6. Impact on trees
7. BNG
8. Representations

## **APPRAISAL:**

### Point of procedure and lack of information

The existing lawful use of the building is a mixed dental practice and dwelling (Sui Generis). Whilst the site has an extant permission which was granted in 2023 for the change of use solely to a dental practice with a single storey rear extension, extension and conversion of the detached garage and glazed link between the garage and the main building, this permission has not been implemented (23/05059/FU).

During the officer site visit there was some evidence of preliminary ground works having taken place associated with this permission however no building works or occupation has taken place. In addition there is a pre commencement condition attached to the previous approval requiring tree protection measures to be installed and approved in writing by the local planning authority before works can commence, which has not yet been discharged. Therefore with regards to the current application, whilst the applicant, as stated in the application form and supporting information is solely applying for a change of use from a dental practice to a childrens day care centre and has stated no external works are taking place, it is considered the previous approval has not been implemented and therefore the extensions and the change of use from a mixed use dental practice and dwelling needs to be considered as part of this application, regardless if the proposed extensions are the same in scale and design as the previous approval.

During the consideration of the application this was brought to the attention of the agent/applicant by officers and a request for floor plans and elevations was made, however the response received was that no external works are taking place and it is solely a change of use. Subsequently the required plans and details have not been provided.

Therefore insufficient information has been provided to the local planning authority to fully assess the scheme, including existing site plan, existing floor plans and existing and proposed elevations. It is not clear if the previously approved extensions are the same design for this application and even if they were they still need to be considered again as part of the current application given the previous application has not been implemented and occupied.

As such the application has been assessed in line with the above and the description changed accordingly.

### Principle of development

The site has had an established mixed residential dwelling with dental practice use for many years which retained the character and appearance of a residential dwelling within a predominantly residential area. The previous approval granted the change of use of the mixed use site to solely a dental practice within class E. This was considered acceptable due to the historic presence of the dental practice on the site and the comings and goings would not intensify to a detrimental level which would not cause an impact on the residential amenity of neighbouring sites or highway and pedestrian safety. A condition was imposed restricting the use to solely a dental practice within class E due to a number of factors. Therefore even if the previous approval was implemented and the site occupied solely as a dental practice it would

need planning permission to convert to a childrens day care centre due to the condition, even though they are in the same use class.

Similarly given the previous approval has not been implemented and occupied and the property is therefore still a mixed residential dwelling and dental practice (Sui Generis) it is not possible to convert the property to a childrens day care centre through the permitted development process.

The Council supports a centres first approach which directs certain uses to the city centre and designated town and local centres in order to promote their vitality and viability as the focus of shopping, employment, leisure, culture and community services.

Policy P9 of the Core Strategy acknowledges the need for community facilities and services such as education, training, places of worship, health, sport and recreation and community centres to a neighbourhood, however they should not adversely impact on residential amenity and where possible be located in centres with other community uses. The scale of the facility or service should be considered in conjunction with the level of need within the community and its proposed location within the settlement hierarchy.

Although the principal of the childrens day care centre could be acceptable in this location in accordance with policy P9, given it is a use that has a need within a residential locality it is subject to all other material planning issues which will be discussed further within the report.

#### Visual amenity and impact on the conservation area

The southern side of Breary Lane East is characterised by detached houses set within generous plots. The site is within Bramhope Conservation Area and contributes to the special character of the Conservation Area. The Character Area analysis states the area has:-

- Large detached and semi-detached properties with large front and back gardens. The gardens are generally well landscaped with little hardstanding, this has a positive contribution on the character and appearance of the area.
- Stone boundary walls make an important contribution to the streetscene. It goes onto state key ways to retain the character include :-
- Retention of gardens and spaces between buildings.
- Retention of historic boundary treatments including walls and mature hedgerows, with new walls built in the same manner as those present.
- Retention of mature trees where present.

No existing and proposed elevations have been provided therefore there is insufficient information to assess how the design of the extensions would impact on the character and appearance of the existing property, streetscene and character of the conservation area. Notwithstanding this it is considered extensions identical to the design and scale of the previously approved extant application (23/05069/FU) would be acceptable.

However the proposed childrens day care centre will require alterations to the pedestrian and vehicular access and will also require fencing or substantial boundary treatment to provide a secure outdoor play area for the children. The site plan indicates that the childrens play area will be to the rear and side of the property. It shows a 1.8m high close boarded acoustic fence positioned from the rear of the property to the rear boundary, however it does not indicate any



other fencing to the other part of the childrens play area. This area abuts the car park and road to the Breary Lane East to the front and the A660 to the side. As such in reality this area will require an extensive fence or boundary treatment to be installed should a childrens day care centre operate from the site. It is considered the scale and design of the required boundary treatment to secure the site would be out of keeping with the character and appearance of the streetscene and special character of the Conservation Area.

Furthermore the site is accessed by a standard single width access, with grassed verge either side which is an important characteristic of the streetscene. The proposed facility would be required to make alterations to the access including widening the vehicular access to Breary Lane East and providing a new pedestrian gate to the A660. It is considered the removal of part of the grass verge and stone wall to Breary Lane East and part of the stone wall for the creation of a pedestrian access to Leeds Road (A660) would be detrimental to the character and appearance of the streetscene and would fail to preserve or enhance the special character of the Conservation Area. The proposal includes a new pedestrian crossing opposite the grass verge next to the vehicular access, however this would result in the erosion of the grass verge through continued pedestrian use and it wouldn't offer level or easy access for all users if the verge was to be retained. Therefore it would require a form of hardstanding eventually to provide safe and acceptable pedestrian access to the site from the Breary Lane East entrance which would be detrimental to the character and appearance of the streetscene and conservation area. In addition the proposed pedestrian access to the A660 side of the site will also jeopardise the integrity of the historic grade II listed mile marker which abuts the boundary wall.

The enlarged parking area which is prominent within the streetscene will in all likelihood have more cars parked throughout the day than the current use could generate, which would further result in a commercialised appearance of the site which would be detrimental to its character and appearance, the streetscene and conservation area.

As such it is considered the proposal will have a detrimental impact on the character and appearance of the existing building and site, the character and appearance of the streetscene and historic road marker and will fail to preserve or enhance the special character of the conservation area.

Therefore in this regard it is considered the proposal is out of keeping with the wider aims of Core Strategy Policy P10 and P11 Saved UDPR Policies GP5, BD6, N19 and N25, Bramhope Conservation Area Appraisal and Management Plan and the NPPF.

### Residential Amenity

The windows and doors as shown on the proposed floor plans will face onto the gardens of the host site and will not overlook neighbouring plots. Although no details of the proposed elevations have been provided, given they will be single storey and set away from boundaries it is considered the extensions are unlikely to have a detrimental overshadowing or dominance impact on neighbouring sites, however insufficient information has been submitted to fully assess this.

Notwithstanding this it is considered extensions identical to the design and scale of the previously approved extant application (23/05069/FU) would be acceptable as they would not have a detrimental overshadowing or dominance impact on neighbouring sites.

The site is however within a predominantly residential area, which shares boundaries with neighbouring dwellings, with gardens and windows in relatively close proximity. Although now vacant with an existing lawful use as a dental practice and dwelling, the site still has the appearance of the original dwelling and gardens and the existing use has limited comings and goings along with negligible noise generated which is spread throughout the day. By contrast it is considered a childrens day care centre in this location, would be a substantial intensification of the site, generating far more comings and goings throughout the day, with particularly intensive periods in the morning and evening when parents/guardians are dropping off and picking up their children before and after work. In addition to the noise and general disturbance to the occupants of the neighbouring properties through the comings and goings, the nature of the use would also generate noise and disturbance throughout the day, particularly from the outdoor areas when children are partaking in outdoor activities. It is considered this increase in noise and comings and goings will be far more detrimental to the occupants of neighbouring properties than a residential or dental practice use in this predominantly residential location.

Therefore in this regard it is considered the proposal is out of keeping with the wider aims of Core Strategy Policies P9 and P10, saved UDPR Policy GP5 and the NPPF.

#### Highway and pedestrian safety

An alternative business to a dental practice and dwelling is likely to generate different volumes of comings and goings both by pedestrians and vehicles. For example a dental practice is limited by the number of dentists operating from the site (three for the extant permission) and comings and goings are staggered throughout the day and on an appointment basis. Other uses such as a childrens day care centre have the potential to generate far more vehicle and pedestrian movements throughout the day and an intensification of people attending the site at the same time particularly during the morning and evening when parents/guardians drop off and pick up their children before and after work. As such these would have different parking provision requirements. Highways development control have assessed the scheme and consider as proposed is unacceptable.

The proposal will increase the vehicular access to enable two way passing and the scheme will provide 12 on site car parking spaces, 2 EVCPS and cycle store provision. However no details have been provided to show how many children and staff will attend the site therefore it is not possible to determine whether the proposed parking provision is acceptable to prevent further indiscriminate on street parking which is already being used for parking outside the site. In the event of sufficient information being provided the scheme may require a Section 106 contribution for TROs in the area may be required. This is to proactively review and address any parking issues arising from the development by introducing parking restrictions where necessary.

The proposal also includes a pedestrian crossing opposite the vehicular access along Breary Lane East. Although the position is acceptable, a further crossing with tactile paving would be required on the other side of the road as previously mentioned, which would require a section of verge to be lost and made into a footpath. It is considered this would overcome this highway issue however would be unacceptable due to its impact on visual amenity and the conservation area.

Therefore in this regard it is considered the proposal is out of keeping with the wider aims of Core Strategy Policy P10 and T2, saved UDPR Policy GP5, the Transport SPD and the NPPF.

### Impact on Trees

The trees along the site boundary at Leeds Road (A660) are protected by group TPO and other trees within the site are protected by the Bramhope Conservation Area designation. The proposal to remove 1 Elder tree for the new pedestrian gate access is on balance acceptable providing a replacement planting scheme of 3 trees is provided. It is suggested that the 3 new trees are a range of species, rather than all *Betula pendula* for resilience. The new trees should be minimum Standard size (8-10cm girth) and spaced at minimum 3-5m centres and can be secured by conditions including a planting scheme.

Therefore in this regard it is considered subject to conditions the proposal is in keeping with the wider aims of Core Strategy Policy P10, NRWDP Policy Land 2, saved UDPR Policy GP5 and the NPPF.

### BNG

The proposal involves the construction of extensions and hardstanding and is therefore liable for a 10% mandatory increase in BNG. No BNG information has been submitted as part of the application, however should the application be considered acceptable this will need to be secured through conditions.

### Representations

The material planning issues raised have been addressed within the report.

## **CONCLUSIONS:**

In conclusion the proposals do not conform to the development plan and for the reasons set out in the report is considered unacceptable.

## **Recommendation**

Refuse

## **BACKGROUND PAPERS:**

**RECOMMENDATION:**

Refuse for the following reason(s):-

- 1) The Local Planning Authority considers the proposal will result in a detrimental impact on the residential amenity of neighbouring sites through an intensification of the use of the site, increased vehicular and pedestrian comings and goings, increased noise, increased on street parking and general disturbance. Therefore the proposal is contrary to Policies P9 and P10 of the Core Strategy, saved policy GP5 of the UDPR and the NPPF.
- 2) The Local Planning Authority considers the proposal will result in a detrimental impact on the visual amenity of the site, streetscene and conservation area by reason of the need for a footpath and wider vehicular access resulting in the loss of wall and grass verge to Breary Lane East, the need for a pedestrian access resulting in the loss of a wall to the A660 boundary, the need for a substantial boundary treatment, the commercialisation and intensification of the site resulting in an enlarged on site car park which is out of keeping with the residential character of the area. Therefore the proposal is contrary to policies P10 and P11 of the Core Strategy, saved policies GP5, BD6, N19 and N25 of the UDPR, Bramhope Conservation Area Appraisal and Management Plan and the NPPF.
- 3) The Local Planning Authority considers the proposal along with the lack of information regarding staff and child numbers being provided, will result in a detrimental impact on highway and pedestrian safety through an intensification of the use of the site, increased comings and goings, lack of on site parking provision and increased indiscriminate on street parking, lack of pavement and pedestrian crossing facilities. Therefore the proposal is contrary to Policies P10 and T2 of the Core Strategy, saved policies GP5 of the UDPR, the Transport SPD and the NPPF.
- 4) The Local Planning Authority considers that due to the lack of drawn existing and proposed elevations, existing floor plans and information regarding staff and child numbers, insufficient information has been provided regarding the design and appearance of the proposed extensions and the operation of the business to ensure good design and sufficient parking provision is achieved and to assess its impact on character and appearance, in relation to neighbouring dwellings, streetscene, conservation area and locality. The development is therefore contrary to Policy P10, P11 and T2 of the Core Strategy, saved Policies GP5, BD6, BC7 and N19 of the UDPR, the Transport SPD, Bramhope Conservation Area Appraisal and Management Plan and the NPPF.

**For information:-**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given, including (where appropriate), outlining amendments to achieve an acceptable scheme. The submitted application did not reflect the advice given and was clearly contrary to the provisions of the Development Plan and consequently no further discussions took place as it was considered they would be unproductive for all parties.

**This recommendation relates to the following Refused Plans**

<b>Plan Type</b>	<b>Plan Reference</b>	<b>Version</b>	<b>Received</b>
Site Location Plan/Red Line/OS Plan			21.10.2024
Block Plan/Layout Plan	23477-12	A	06.11.2024
Proposed floor plan(s)	23477-14	A	06.11.2024
Proposed Elevations and Floor Plans	23477-15		21.10.2024