



PLANS PANEL (WEST)

**Meeting to be held in Civic Hall, Leeds on
Thursday, 18th August, 2011
at 1.30 pm**

MEMBERSHIP

Councillors

N Taggart (Chair)	B Chastney	P Wadsworth	T Leadley
J Akhtar	J Matthews	R Wood	
M Coulson			
K Groves			
J Hardy			
J Harper			

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES - 21 JULY 2011</p> <p>To confirm as a correct record, the minutes of the meeting held on 21 July 2011</p>	3 - 12
7	Headingley; Hyde Park and Woodhouse;		<p>APPEAL DECISION</p> <p>To consider a report of the Chief Planning Officer on appeal decisions relating to applications: 08/04214/OT, 08/04216/FU, 08/04217/CA, 08/04219/FU AND 08/04220/LI</p> <p>Appeals by the Morley House Trust into the Council's non-determination of applications for residential development, conservation area consent for demolition, change of use of Rose Court to flats and listed building application for alterations to Rose Court at Leeds Girls High School, Headingley Lane, LS6</p> <p>(report attached)</p>	13 - 24

Item No	Ward	Item Not Open		Page No
8	Headingley;		<p>APPLICATION 11/02021/FU - HEADINGLEY CARNEGIE STADIUM</p> <p>To consider a report of the Chief Planning Officer on demolition of the existing south stand and supporters club and erection of a replacement covered spectator terrace with associated facilities for food and drink concessions, stores, car parking and turnstiles at Headingley Carnegie Stadium,</p> <p>(report attached)</p>	25 - 38
9	Weetwood;		<p>APPLICATION 11/02338/FU -5 CAYTHORPE ROAD, WEST PARK, LS16</p> <p>To consider a report of the Chief Planning Officer on a planning application for a two bedroomed detached house to garden site (amendment to previous approval 11/00639/FU for detached house incorporating single storey front and side extensions)</p> <p>(report attached)</p>	39 - 46
10	Weetwood;		<p>APPLICATION 11/02289/FU - 3 HILLCREST RISE, COOKRIDGE, LS16</p> <p>To consider a report of the Chief Planning Officer for an application for a 4 bedroom detached house to land adjacent.</p> <p>(report attached)</p>	47 - 54
11	Headingley;		<p>APPLICATION 11/02420/FU - 53, ASH GROVE, HEADINGLEY, LS6</p> <p>To consider a report of the Chief Planning Officer on an application for two dormer windows to rear and lightwell to front.</p> <p>(report attached)</p>	55 - 60

Item No	Ward	Item Not Open		Page No
12			<p>APPLICATION 10/04068/OT, CLARIANT SITE, HORSFORTH AND APPLICATION 10/04261/OT, RIVERSIDE MILLS, HORSFORTH</p> <p>To consider a report of the Chief Planning Officer that sets out reasons for refusal for the following applications:</p> <p>Application 10/04068/OT</p> <p>Outline application including means of access to erect residential development for up to 400 dwellings with associated public open space, parking, landscaping, ancillary retail unit, allotments, retention of sports ground with pavilion and off-site highway works at Clariant site, Calverley Lane, Horsforth, LS18</p> <p>Application 10/04261/OT</p> <p>Outline application including means of access to erect residential development for up to 150 dwellings with associated open space and off-site highway works at Riverside Mills, Horsforth, LS18</p> <p>(report attached)</p>	61 - 76
13	Bramley and Stanningley; Horsforth; Kirkstall;		<p>APPLICATION 11/01400/EXT - KIRKSTALL FORGE, KIRKSTALL, LS5</p> <p>To consider a report of the Chief Planning Officer for an application for an extension of time for 25/96/OT for mixed development comprising residential, offices, leisure, hotel, retail, bar/restaurants, access, site remediation, bridge works, river works, car parking and landscaping.</p> <p>(report attached)</p>	77 - 148
14	Farnley and Wortley;		<p>APPLICATION 11/00897/RM - STONEBRIDGE LANE, WORTLEY, LS12</p> <p>To consider a report of the Chief Planning Officer regarding a reserve matters application for laying out of access road and erect supermarket with car park.</p> <p>(report attached)</p>	149 - 164

Item No	Ward	Item Not Open		Page No
15	Horsforth;		<p>APPLICATION 11/01656/FU - 23-25 STATION ROAD, HORSFORTH, LS18</p> <p>To consider a report of the Chief Planning Officer for an application for a change of use of solicitors office to hot food take away 9A5) including extract flue to rear.</p> <p>(report attached)</p>	165 - 174
16	Calverley and Farsley;		<p>APPLICATION 11/00903/FU - 16 WOODHALL CROFT, STANNINGLEY, LS28</p> <p>To consider a report of the Chief Planning Officer for an application for a detached house to replace existing bungalow.</p> <p>(report attached)</p>	175 - 182
17	Calverley and Farsley;		<p>APPLICATION 11/01561/FU - INGS COTTAGE, PRIESTHORPE ROAD, LS28</p> <p>To consider a report of the Chief Planning Officer for a front extension to Toddler Care Centre.</p> <p>(report attached)</p>	183 - 190
18	Otley and Yeadon;		<p>PRE-APPLICATION PRESENTATION - MILL/LANE/BRIDGE STREET, OTLEY</p> <p>To consider a report of the Chief Planning Officer for a pre-application presentation for a proposed 60 bed residential care home following the demolition of the existing vacant building.</p> <p>(report attached)</p>	191 - 196
19			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as</p>	

Chief Executive's Department
Democratic Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
Andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY, 18 AUGUST 2011 AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.25am on site – **11/00903/FU** – Full application for one detached house to replace an existing bungalow – 16 Woodhall Croft, Stanningley. (Meet at main entrance to site off Woodhall Croft if travelling independently). Leave 10.40
- 2 10.55 on site - **11/02021/FU** – Full application for the demolition of the existing South Stand and supporters club and erection of a replacement covered spectator terrace with associated facilities for food and drink concessions, stores, car parking and turnstiles – Headingley Carnegie Stadium, St Michaels Lane, Headingley (Meet at main entrance to site opposite Cricket School if travelling independently). Leave 11.25.
- 3 11.30 on site – **11/02420/FU** – Full application for two dormer windows to rear and lightwell to front – 53 Ash Grove, Headingley (Meet at main entrance to site off Ash Grove if travelling independently). Leave 11.50

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 10.00 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.55 am

Yours sincerely

Andy Booth
Governance Officer

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Agenda Item 6

PLANS PANEL (WEST)

THURSDAY, 21ST JULY, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney, G Driver,
K Groves, J Hardy, T Leadley, J Matthews,
E Nash, P Wadsworth and R Wood

9 **Late Items**

No formal late items of business were added to the agenda, however the Panel was in receipt of an additional map relating to Agenda Item 12 Woodhall Croft (minute 14) which had been omitted during the reprographics process, but which had been published to the website.

The Chair additionally dealt with a request from a member of the public to table an additional submission in support of their objection to the scheme at Springhead Mills (minute 19). Members did not accept the additional submission as they felt that neither they nor the agent had sufficient time to address any issues raised.

10 **Declarations of Interest**

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor R Wood – Application 11/01843/FU Netherfield Road, Guiseley – declared both personal and prejudicial interests as a member of Leeds & Yorkshire Housing Association. Bellway Homes (the applicant) has an agreement in principle with L&YHA to provide social housing within the affordable units included in the application before Panel (minute 17 refers)

Councillor Chastney - Application 10/03063/FU Richmond House School – declared a personal interest as he stated he had attended drop-in sessions and residents' meetings held in relation to the proposals but that he had not expressed an opinion on them (minute 18 refers)

Councillor Matthews – Application 10/03063/FU Richmond House School – declared a personal interest as he lived nearby (minute 18 refers)

Councillors Akhtar, Chastney and Matthews - Application 11/02021/FU Headingley Stadium – The report referred to comments made by the North West Inner Area Committee planning sub committee which were subsequently discussed at the N W Inner Area Committee. Councillors Akhtar, Chastney and Matthews are members of the NW Inner Area Committee and confirmed that they had not taken part in those discussions and had informed the Area Committee of their likely future involvement in the decision making on proposals for the South Stand as Members of Plans Panel

West and although not strictly a declaration of interest, they wished to make that clear to the Panel. (minute 15 refers)

11 Apologies for Absence

Apologies for absence were received from Councillors Coulson and J Harper. The Chair welcomed Councillors Nash and Driver as their substitutes.

12 Minutes

RESOLVED – That the minutes of the last meeting held 23rd June 2011 be agreed as a correct record subject to a clarification to minute 157 that, after voting, Members had supported the full demolition of the tannery buildings and not the partial demolition option

13 Matters Arising

The Head of Planning Services reported on the following matters:
Minute 156 (appeals)

- a) Leeds Girls High School – The Inspectors report had now been received on the outcome of the appeals against non determination of the five applications associated with the re-development of the former Leeds Girls High School. The Head of Planning Services briefly outlined the findings for information (3 appeals allowed and 2 dismissed with the application for costs against the Council refused) and reported that a full report on the findings of the Inspector would be presented to the next meeting
- b) Leeds Bradford International Airport – The Chair reported the Panel had received an invitation to visit LBIA. Members were concerned that the visit should be meaningful and relevant and agreed it should be held on a separate day to Panel meetings. Those Councillors who frequently acted as substitute members on Plans Panel West would also be invited

14 Application 11/00903/FU - 16 Woodhall Croft, Stanningley, LS28

The Chair reported a late request from local ward Councillor A Carter to defer determination of this application to allow time for Panel Members to undertake a site visit; citing concerns over the dominance of the dormer, overlooking to No.18 and the proximity of the new build to No.14. The Panel considered the request and

RESOLVED - To defer determination of the application to the next meeting to allow time for a site visit to be undertaken.

15 Position Statement for Application 11/02021/FU - Headingley Stadium, LS6

The Chief Planning Officer submitted a report setting out the current position with regard to the redevelopment proposals for the South Stand and supporters club at Headingley Carnegie Stadium. Members had previously received a pre-application presentation on early proposals on 18 March 2010. Plans, elevations, 3D graphics and photographs of the site were displayed at the meeting.

Officers reported receipt of 8 further letters of objection, including letters from the Cardigan Triangle Residents Association and Ash Road Residents Association, none of which raised any new issues

Officers clarified that the scheme now before Members differed from the scheme presented to the public during the consultation period, however this scheme had been advertised correctly and the public were aware of the amendments and public representations had been received relating to the current application.

The comments made by the public were outlined at the meeting and officers provided responses on the following matters:

- The design review panel sought additional landscaping and officers now requested inclusion of an additional condition to require detail of the landscaping to ensure trees are planted so that they can grow to their full extent
- The roofline to the concession area had been altered to align the glazing to emphasise the entranceway and the parapet detailing had been enhanced. The triangular glazing panels had been retained to match the panels on the Carnegie stand
- Residents expressed concern about noise being funnelled between the new and existing stands. Members noted there would be an impact on the streetscene if the stands were joined however. The findings of a Noise Report and the Environmental Health Officers comments would be included in the next report

Members discussed the following:

Noise – Members expressed the view that a noise report should have been commissioned some time ago and sought clarification on the role of EPT. Officers explained the usual approach was to ensure the applicant provided the noise report at their own cost, which was then assessed by LCC EPT. In this case EPT had visited the site and talked to residents. The EPT assessment would be reported back and the conditions they required would be included in that report.

Capacity – considered the impact of the increased capacity on the locality and that the existing stand had capacity for 8000 which was currently limited to 6,000 due to health and safety concerns. If appropriate works were done to the stand the 8000 capacity could potentially be re-introduced

Design – Members were not convinced that the amendments to the entrance were sufficient and commented on the appearance of the super-structure. The Panel expressed concern over the height, stating the height between the top tier of the stand and its roof seemed unnecessary although acknowledged this could be due to the location of the TV gantry

Consultation – Members were very concerned about the way public consultation had been undertaken, particularly as the plans shown during the public consultation suggested lower heights and capacity to those now before Members and indeed discussed with Members at the pre-application stage. Officers confirmed that the objections referred to in the report had been received in relation to the version of the scheme Members now had before

them and the Chair confirmed there was no point at present in the applicant re-consulting on the scheme.

Car parking and highways issues – noted the existing difficulties on the local highway network and the impact of the Carnegie Stand development. Members noted no travel plan had yet been submitted and officers response that that the conditions would seek to ensure submission of Match Day Management Plans. The relocation of the turnstiles to a point farther down St Michael's Lane and nearer to the narrow bridge required careful management. The police instigated road closures for short periods on match days and officers commented on the likely routes to be chosen for the redirected traffic. Members supported the idea that the park & ride scheme employed on cricket match days by the stadium should be extended to include rugby match days and run from the nearest rail stations as the new stand had the potential to attract an additional 1000 vehicles. Officers highlighted the work undertaken to educate visitors in terms of upgraded pedestrian signs and website updates

Members were disappointed at the lack of slides showing the development and requested that slides showing views across and to the Stand be produced for the next meeting.

The Panel considered two main issues were the relationship of the new stand to St Michaels Lane and its relationship to the Turnaways. Members noted that they could review the Carnegie stand and its relationship to residents to help inform the Panels view on their forthcoming site visit

Having discussed the key issues, the Panel generally supported the principle of the redevelopment but remained concerned over issues relating to design, scale, layout, landscaping and character; impact on residential amenity and highways matters

RESOLVED – That the contents of the report and the comments made by Panel be noted

(Councillor Akhtar left the meeting at this point)

- 16 Application 09/04287/RM - Garnetts Paper Mill, Otley, LS21 and Application 10/0395/FU access road at Gallows Hill, Pool Road, Otley**
Further to minute 147 of the meeting held 25 May 2011 when the applicant had requested the matter be deferred to allow more time to consider access, the Panel considered two applications in respect of the redevelopment of the former Garnetts Mill, Otley. Members had visited the site prior to the meeting.

Officers outlined the planning history of the site and referred to the plans, aerial photographs and artists impressions of the development on display. It was noted that the reserved matters application and the application relating to the eastern access route would be linked together through a Section 106 Agreement.

Officers also reported receipt of one further letter of representation which raised no new issues but continued to object to the proposed eastern access road.

Officers addressed consideration of the eastern access point and slides showing the proposed access route across the flood plain were displayed. It was noted that this route would be constructed prior to works commencing on the Garnetts Mill site and catered for a 1:100 year flooding event, therefore would be the “dry” access point at all times. Officers addressed the western access which would provide access to the commercial units within the development – but which would not provide a “thru-route” through the site. Consideration had been given to the construction of a footpath bridge from the western end of the Garnetts Mill site (in order to ensure dry pedestrian access) but it was felt that, on balance, due to the prohibitive cost to the developer and the requirement of PPS25 to provide only one dry means of access, a bridge was not necessary.

The Panel heard representation from local ward Councillor C Campbell who expressed concern over the reduction of employment use elements originally proposed in the scheme and sought to ensure that the development did not become one large housing estate. He urged the implementation of the Hydro Electric Scheme and Fish Pass and the requirement for a management plan to deal with the waterways and public open space. Councillor Campbell also stated that the access point should not encroach into the green belt.

The Panel then heard from Mr A Flatman, agent for the developer, who confirmed the developers commitment to provide a mixed use site, the HES and Fish Pass. He stated that the preferred eastern access point would have a minimal impact on the Green belt and would provide the safest means of access.

The Highways officer provided clarification on the three access points under discussion. It was confirmed that the developer did not own the land proposed to provide the access point previously agreed at Outline stage. The alternative access point which did lie within the red line development boundary did not meet the Highways Authority’s standards as there was insufficient carriageway to allow two vehicles to pass each other, poor visibility of oncoming traffic and would require traffic lights 50m away from the junction to regulate traffic. The third and safest access point would encroach into the Green Belt and require an embankment.

Members discussed the following matters:

- Retention of the traditional house design and use of natural materials
- The likely take up of the retirement apartments
- Acknowledged that any development on the site would generate more traffic in the area
- The likely bus route
- Impact of the altered access point on existing residents
- Suggestion that the pocket of land at the junction would be suitable for feature artwork
- The proximity of the western end of the site to Otley Town Centre and the pedestrian linkages to be funded by the development to the town and nearby housing estates

- Reiterated the need to protect the mixed use nature of the development and officers suggested that floorspace could be specified under the terms of the S106 agreement to ensure that mix

Members discussions balanced the loss of the small area of Green Belt to facilitate the access point with the gain of managed public open space within the development site and the limited impact on openness or amenity and were minded to support the access proposed in 10/0395 as this would provide the safest access point.

RESOLVED –

- a) Application 09/04287/RM Garnetts Paper Mill – That the application be deferred and final approval be delegated to the Chief Planning Officer subject to the conditions specified within the report and subject to the completion of a Section 106 Agreement within 3 months of the date of the resolution to include those matters detailed in the report. There is a need to explore how the non residential floorspaces to be provided (including the retirement apartments) can be tied into the S106 Agreement to ensure that these elements of the scheme are delivered as part of the overall scheme
- b) Application 10/03695/FU – Gallows Hill – That the application be deferred and final approval delegated to the Chief Planning Officer subject to the conditions specified within the report and subject to the completion of a Section 106 Agreement within 3 months of the date of the resolution to include those matters detailed in the report.

(Councillor R Wood, having earlier declared a personal and prejudicial interest in the following item, withdrew from the meeting and took no part in the decision making process)

17 Application 11/01843/FU - Netherfield Road, Guiseley, LS20

The Panel considered an application for a residential development of 74 family sized houses within the eastern portion of the Edison Fields residential development site at Netherfield Road, Guiseley. This proposal was designed to complement the completed phases of residential development on Netherfield Road. Plans, elevations, architects drawings and photographs of the site were displayed at the meeting

Officers outlined the planning history of the overall development site and highlighted the following in particular:

Affordable Housing – the applicant had offered 15 two bed units in one apartment block, which equated to 20% provision and was more than that required. It was acknowledged the LPA would not normally accept all AH provision in one location on a site, however there was a mix of AH provision pepper potted throughout the whole Netherfield Road site and it was important to note that the suggestion for the apartment block came from the registered social landlord who managed the AH on site and cited a demand for 2 bed apartments

Residents concerns over proximity – it was noted the scheme had been amended to ensure 21m distance between Greenshaw Terrace and the new properties, with back gardens facing back gardens

Boundary wall – the parcel of land between Greenshaw Terrace and the development site had been signed over to Greenshaw residents. Works to the boundary wall would be undertaken when the new development commenced

Members discussed the following:

- The transport measures and contributions secured in 2006 through the grant of the outline permission, noting there was no scope to seek additional contributions now at the reserved matters stage
- The work undertaken on site by the developer in conjunction with METRO to improve the uptake of residents metrocards
- The difficulties experienced for rail travellers on the Wharfedale line in terms of capacity and rolling stock quality
- Concern that the AH offer associated with this phase would be located within one area on site and would not be a mix of style usually sought by the LPA but that other AH had already been provided in earlier phases

RESOLVED – That the application be deferred and final approval be delegated to the Chief Planning Officer subject to the completion of a “recession proof” Section 106 Agreement within three months of the date of the approval to ensure contributions for the following:

- Greenspace
- Public transport improvements (£44,400)
- Travel Plan monitoring measures (£2,500)
- Residential Metro card scheme (£35,918)
- Education contribution (£347,757)
- Provision of 15 affordable housing units

And subject to the conditions specified in the report plus additional conditions to cover maximum gradient of driveways and to ensure the treatment to the boundary wall at Greenshaw Terrace

(Councillor Wood resumed his seat in the meeting at this point)

18 Application 10/03063/FU - Richmond House School, Otley Road, LS16

The Panel considered proposals to layout a new car park to the Richmond House School playing fields, off Glen Road, Otley. The application was brought to Panel at the request of Councillor Sue Bentley and due to the high level of local interest in the proposals. It was noted the proposed car park would utilise current playing fields but that these would be re-provided elsewhere in the site through the upgrading of other pitches. The comments of Sport England were reported to the meeting

The Panel heard representation from Mr M Thomas, Chair of Weetwood Residents Association who expressed concern over parking arrangements in the neighbouring streets, drainage and the lack of a traffic study to accompany the application. He made reference to a damaged culvert within the development site which he stated caused flooding and he suggested

Traffic Regulation Orders along the northern side of Glen Road would allow parents to drop-off/pick-up pupils as an alternative to the car park

Members noted that conditions required investigation of the culvert and went onto consider the following:

- The comments of Sports England regarding the extensive reparation works required to bring the pitches intended as a car park back into use and the comment that the new pitches were in a better location
- Balance of whether the current ad-hoc drop-off arrangement which spread school traffic within the locality caused less stress to the highway network than all school traffic entering/exiting the site at peak hours
- Whether there was appropriate enforcement action which could prevent parents using the A660 and the Bus Lane to drop-off/pick-up
- Noted the Bus Lane was not 24 hour and had no CCTV camera. Officers noted the suggestion that the A660 should be double yellow lined
- Discussed the design of the car park and whether there would be sufficient space to cater for the families of the 280 pupils on roll at the school. Officers noted the suggestion that the surface of the proposed car park should be permeable
- Welcomed the attempt by the school to address the problem of cars parking within residential streets but queried whether this solution was the best and whether better management of the existing car park would suffice
- Noted that Highways would support the offer made by the school to fund restrictions on Glen Road in addition to development of the car park however that offer was not within the application

Members noted the officer recommendation to approve the application but did not feel able to at this point, having regard to all the issues raised above therefore

RESOLVED – To defer determination of the application to allow time for further consideration of the matters raised above and a report be brought back to the next appropriate meeting

(Councillor Groves left the meeting at this point)

19 Application 11/01857/OT - Springhead Mills, Guiseley, LS20

The Chief Planning Officer submitted a report setting out proposals to replace and refurbish the former Springhead Mills, Guiseley to provide 54 dwellings, car parking, landscaping, public open space and new access road. Site plans, architects drawings and photographs were displayed at the meeting.

Officers outlined the planning history of the site and Members noted an earlier scheme for the same site had been refused in April 2010 and a pre-application presentation on the current proposals had been given in February 2011. The contents of an additional representation received from Aireborough Civic Society were read out with officers addressing each point in turn and highlighting the consideration given to the loss of employment land

The Panel considered a request from Councillor Hardy to defer determination of the application to allow time for a site visit as he felt that this would be beneficial for new Panel Members and stated he did not feel could make a decision without having seen the site. Members were not minded to defer the matter and agreed to proceed.

(Councillor Hardy withdrew from the meeting)

The Panel heard representation from Mr C Woods on behalf of Aireborough Civic Society regarding the extent of the proposed demolition works and impact on the Conservation Area, the loss of employment land and availability of employment land in the locality and the impact of this development when considered in conjunction with other permissions granted for residential development on the A65. Mr P Hall, agent for the applicant then addressed the Panel in response and stated the existing employment uses were unsustainable.

The Panel discussed the following:

- Current employment use on the site and the retention of two buildings for future employment
- Considered the site was unsuited to full employment/commercial use as it lay within the Conservation Area and was surrounded by residential properties. Additionally, the roads would be unsuitable for articulated vehicle access
- Noted the intention to retain the lower scale mill buildings but to move them back from the highway to create better sight lines and public space
- The need to use quality materials and natural stone
- The need to resist any “watering down” of the quality and design detail proposed in the application in the future

RESOLVED – That the application be deferred and final approval be delegated to the Chief Planning Officer subject to the completion of a Section 106 Agreement to include contributions of:

- £20,000 for off site highway works
- £59,245 for public transport improvements
- £2,500 for Travel Plan measures
- £37,171.20 for a residential Metro card scheme
- £257,245 for education contribution
- 8 affordable housing units
- £95,297 for the provision of off-site Greenspace enhancements

And subject to the conditions specified in the report

Under the provisions of Council Procedure Rule 16:5 Councillor Wadsworth required it to be recorded that he abstained from voting on this matter

(Councillor Hardy resumed his seat in the meeting)

20 Application 11/01290/FU - 194B to 194C New Road Side, Horsforth, LS18

The Panel considered proposals for the change of use and alterations to an existing retail unit to form two restaurants/take aways. Plans and photographs of the site were displayed at the meeting.

It was noted that the unit had operated as two individual units some time ago but had been vacant for 2 years. Officers addressed the comments of the objectors and reported the findings of a parking survey undertaken by Highways Services. They also highlighted that closing hours of the units had been conditioned to protect the amenity of local residents

RESOLVED – that the application be granted subject to the specified conditions contained within the report

21 Date and Time of Next Meeting

RESOLVED – To note the date of the next meeting as 18th August 2011



Originator: Tony Clegg

Tel:0113 2478020

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18 August 2011

Subject: APPEALS BY THE MORLEY HOUSE TRUST INTO THE COUNCILS NON-DETERMINATION OF APPLICATIONS FOR RESIDENTIAL DEVELOPMENT, CONSERVATION AREA CONSENT FOR DEMOLITION, CHANGE OF USE OF ROSE COURT TO FLATS AND LISTED BUILDING APPLICATION FOR ALTERATIONS TO ROSE COURT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY LANE, LEEDS 6

Electoral Wards Affected:

Headingley
Hyde Park and Woodhouse

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

The Panel is asked to note the following appeal decisions

1.0 INTRODUCTION

1.1 This appeal concerns proposals for residential development on the site of the former Leeds Girls High School site on Headingley Lane and Victoria Road, Headingley. The development proposed is partly new build and part conversion of the former school buildings, one of which, Rose Court, is Grade II listed. Perhaps the most contentious element of the proposals has been that part of the site (currently former tennis courts and grassed areas) is allocated as playing pitches in the Unitary Development Plan.

1.2 Members will recall that these applications were considered by West Plans Panel over the course of three meetings in August, November and December 2010. By the time of the meeting on 14 December 2011, the applicant had appealed against the non-determination of the applications and the Panel therefore made its decision on the basis of the determinations it would have made had it been able to do so.

1.3 The appeals were dealt with by a public inquiry which was held on 14-18 and 21-23 June 2011.

2.0 SUMMARY OF PANEL RESOLUTIONS AND THE INSPECTOR'S DECISIONS

a) Application 08/04214/OT - New residential development

2.1 The Panel resolved that the application would have been refused on grounds that, due to its scale, layout, density and impact and potential impact on trees it would have been harmful to the character of the area, the setting of the listed buildings and the character and appearance of the Headingley Conservation Area. In addition, the proposed development would incur the loss of open playing pitch land which makes a significant visual contribution to the character of the area contrary to national planning guidance set out in PPG17

The Inspector dismissed the appeal and refused planning permission

b) Application 08/04216/FU - Change of use and extension including part demolition of the main school building and stable block to 32 flats and 4 terrace houses

2.2 The Panel resolved that the application would have been refused on grounds that the demolition of that part of the main school building to the east of the retained section of building would result in the loss of part of a building which makes a positive contribution to the character and appearance of the Headingley Conservation Area; and would consequently cause harm to the character of the Conservation Area. In addition, there is no acceptable scheme for the redevelopment of the site

The Inspector dismissed the appeal and refused planning permission

c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building

2.3 The Panel resolved that the application would have been refused on grounds that the demolition to the east of the retained section of building would cause the unacceptable loss of parts of the building which contribute positively to the character of the Headingley Conservation Area. In addition, there is no approved scheme for redevelopment of the site against which to assess the proposed demolition.

The Inspector allowed the appeal and granted Conservation Area Consent

d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats

2.4 The Panel resolved that the application would have been approved

The Inspector allowed the appeal and granted planning permission.

2.5 **e) Application 08/04220/LI (Listed Building application for alterations of Rose Court to form 12 flats**

2.6 The Panel resolved that listed building consent would have been granted.

The Inspector allowed the appeal and granted listed building consent

3.0 ANALYSIS OF THE MAIN ISSUES

a) Application 08/04214/OT - New residential development

3.1 The Inspector's view was that the proposal would have a significantly harmful impact on the character and appearance of the Headingley Conservation Area and the setting of Rose Court. His principal reasons for dismissing the appeal were:

- The likely loss of trees, which contribute positively to the character and appearance of the Conservation Area resulting from construction of the western access road. This issue was also relevant to application b) below.
- The poor relationship of Block 9 (see plan) to the main school building.
- The bulk, height (four storeys) and prominence of Block 15.
- The failure of Blocks 17-19 to do justice to the setting of Rose Court or maintain the perceived openness of the site.

3.2 However, the Inspector gave a clear indication that there were no planning reasons to refuse the application based on Leeds UDP policy N6 (protection of playing pitches) or PPG17 (protection of open space on health grounds). The Inspector also states that the principle of a housing development on the site (including that part of the site occupied by the former tennis courts) would be acceptable when considered against UDP Playing Pitches policy N6. The Inspector's reasoning however makes it clear that the potential for development would be limited on the area of the former tennis courts, and on which blocks 17 to 19 were proposed, because of the importance the Inspector placed on retaining the open character of this part of the site in relation to Rose Court and within the context of the wider conservation area

Tennis Courts

3.3 The Inspector determined that the first criterion of policy N6 of the Leeds UDP, which states that:

Development of playing pitches will not be permitted unless:

i) There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions

and the requirements of PPG17 had been met and as such the principle of a housing development on the site would be acceptable. In effect this means that there is no requirement for the tennis courts at the site to be protected for public or community use. The Inspector noted that the *"tennis courts were not of public value as a sports or recreational facility because there was no public access to them"* and that *"the recreational function, as it existed, has been satisfactorily replaced elsewhere"*. The Inspector also reported that even if he were to put to one side his conclusions on the N6 and PPG17 issues that he would consider *"there is not a clearly demonstrable need for tennis courts in the vicinity and there seems no reasonable likelihood of the courts on the appeal site being acquired for use for tennis or other forms of sport or recreation"*. On the health issues raised during the Inquiry the Inspector determined that *"the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community"*

The effect on the Conservation Area and the setting of Rose Court

The central access

- 3.4 Although it would breach the boundary wall and create a hard urban intrusion through the grounds of the school, it would enable a much better appreciation from public vantage points of the landscape quality of the grounds and would lead to amenity space which is accessible to the public, and is on balance acceptable.

The western access route

- 3.5 Although an existing route, to upgrade it to adoptable standards would involve the direct loss of some trees and jeopardise others and this would cause significant harm to the character and appearance of the Conservation Area.

Dwelling Blocks 2 and 3 (See attached block plan)

- 3.6 The Inspector noted that these houses would not themselves harm the character or appearance of the Conservation Area but the gardens were small and cramped and that this would lead to pressure for tree removal which would be harmful.

Dwelling Blocks 6, 7 and 8

- 3.7 The Inspector noted that these blocks are appropriate in principle

Dwelling Block 9

- 3.8 The Inspector noted that the illustrative designs do not persuade him that the right design quality could be achieved for the proposed 3/4 storey terrace. He goes on to state that there are *“too many imponderables to be able to accept an outline proposal with appearance reserved for future consideration”*.

Dwelling Blocks 10 to 15

- 3.9 The Inspector noted that these blocks pose a number of potential problems. Blocks 10-13 are very close to the canopies of important trees and could lead to pressure for their removal, or for lopping or pruning. The mass and height of Block 15 (4 storeys) would not be in keeping with the domestic scale of the housing on the opposite side of the street. The loss of trees would also leave this building very prominent in views from Victoria Road. The Inspector concludes that *“it seems inevitable that a building of this mass and height would detract from the character and appearance of the conservation area”*.

Dwelling Blocks 17, 18 and 19

- 3.10 The Inspector notes that the introduction of blocks 17-19 into *“what is a presently open scene would significantly alter for the worse the character and appearance of the Conservation Area and diminish the setting of Rose Court”*. The Inspector notes that although there have never been buildings in the original grounds of Rose Court this *“should not preclude development as a matter of principle – it does put constraints on what may be admissible”*.

Trees and Amenity Open Space within the scheme

- 3.11 The Inspector notes that *“there is no question that the retention of open spaces in front of the Main School Building, in front of Rose Court and to the east of Rose Court, and the retention of the important trees within those spaces, is a positive attribute of the proposals as a whole... So too is the public access to those areas and the ability to pass through the site between Victoria Road and Headingley Lane”*. In relation to the areas of open space proposed the Inspector was satisfied that this would satisfactorily cater for the residents of the development, but due to their limited size and intimate character would probably be perceived as semi-private, thus discouraging visits from further a field, and therefore afforded only

limited weight to the benefit of this, concluding that the benefits of the publicly accessible open space did not outweigh the other harm to the character of the Conservation Area resulting from blocks 17-19.

b) Application 08/04216/FU - Change of use and extension including part demolition of the main school building and stable block to 32 flats and 4 terrace houses

- 3.12 The Inspector concluded that Conservation Area Consent was not needed for demolition of the extensions to the school building (the reasoning behind this is set out in the commentary on Application c). In assessing the character of the existing buildings, however, the Inspector concluded that it was in fact only the main 1905 school which was of merit. *“It dates from 1905 and might be thought not untypical of school building of that era”*. The Inspector also noted that *“its merit as a building is inextricably linked with its prominent position in a sylvan setting, a combination that marks it out as a positive and important contributor to the character and appearance of the Conservation Area”*. The 1930’s extension he thought to be of limited merit, in part because of the unsympathetic third floor extension.
- 3.13 The Inspector concluded that the design of the extension to the main school building and the other elements of the scheme, such as the layout of car parking, were acceptable.
- 3.14 Whilst the Inspector thought the proposals acceptable in other respects, as with Appeal a), he concluded that the development would have a significantly harmful impact on the character and appearance of the Headingley Conservation Area by virtue of the loss of important trees which would be likely to result from the works to improve the western access road and dismissed the appeal on that basis.

c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building

- 3.15 The Inspector determined that Conservation Area Consent was not required for the demolition of the various extensions to the main school building. The Inspector cited the 1997 *Shimizu* House of Lords case as a result of which the demolition of an unlisted building in a conservation area is interpreted to involve ‘the total or substantial destruction of the building involved’. Although large parts of the school building were to be demolished under the appeal proposals, the Inspector held that *‘...conservation area consent is not required for the demolition of the various extensions to the main school building because they are parts only of the of the whole building and a large part of the original building would remain.’*
- 3.16 The Inspector did determine that conservation area consent was required for the demolition of the free-standing post-war school building immediately south of the lodge in the north west corner of the site. However, the Inspector noted that the building is of *“no architectural or historic interest, does not contribute in any positive way to the character and appearance of the Conservation Area and there can be no objection to its loss”*.

d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats and

e) Application 08/04220/LI - Listed Building application for alterations of Rose Court to form 12 flats

3.17 The Inspector noted that externally “*there would be no harmful alterations to the building*” and that internally “*the alterations would not significantly diminish the building’s interest*”. On balance he concluded that both appeals in relation to Rose Court should be allowed.

4.0 The appellant’s application for an award of costs

4.1 The appellant applied for costs from the Council on the basis that the City Council has acted unreasonably and caused the appellant to incur unnecessary and wasted expense. The appellant argued that officers had made a recommendation to approve the applications and Members were unable to articulated cogent reasons for refusal and putative reasons for refusal were thus trumped up (to substitute for the actual reason in Member’s minds for refusal i.e. loss of playing pitches which officers had advised could not be substantiated). In addition, the Council did not object to the Rose Court conversion proposals and should therefore have made an earlier decision to approve these. The case presented by the Council on tree loss had also altered from that set out in the Council’s reasons for refusal, causing additional work and expense.

4.2 The Inspector refused the claim for costs. He noted that although the tennis courts and UDP policy N6 were prominent in members’ minds, it is equally clear from the minutes of the meeting that members had other concerns about the proposals and that the reasons formulated by officers and put forward were not trumped up to substitute for a different objection.

4.3 It was only after the appeals had been lodged that members resolved that they would have approved the Rose Court proposals, furthermore it is also clear that members had concerns about the central access and that consideration of the proposals for the site as a whole was not unreasonable.

4.4 Whilst he thought that the Council’s reason for refusal as it related to loss of trees could have been expressed more specifically, he considered the concerns in this respect to be soundly based.

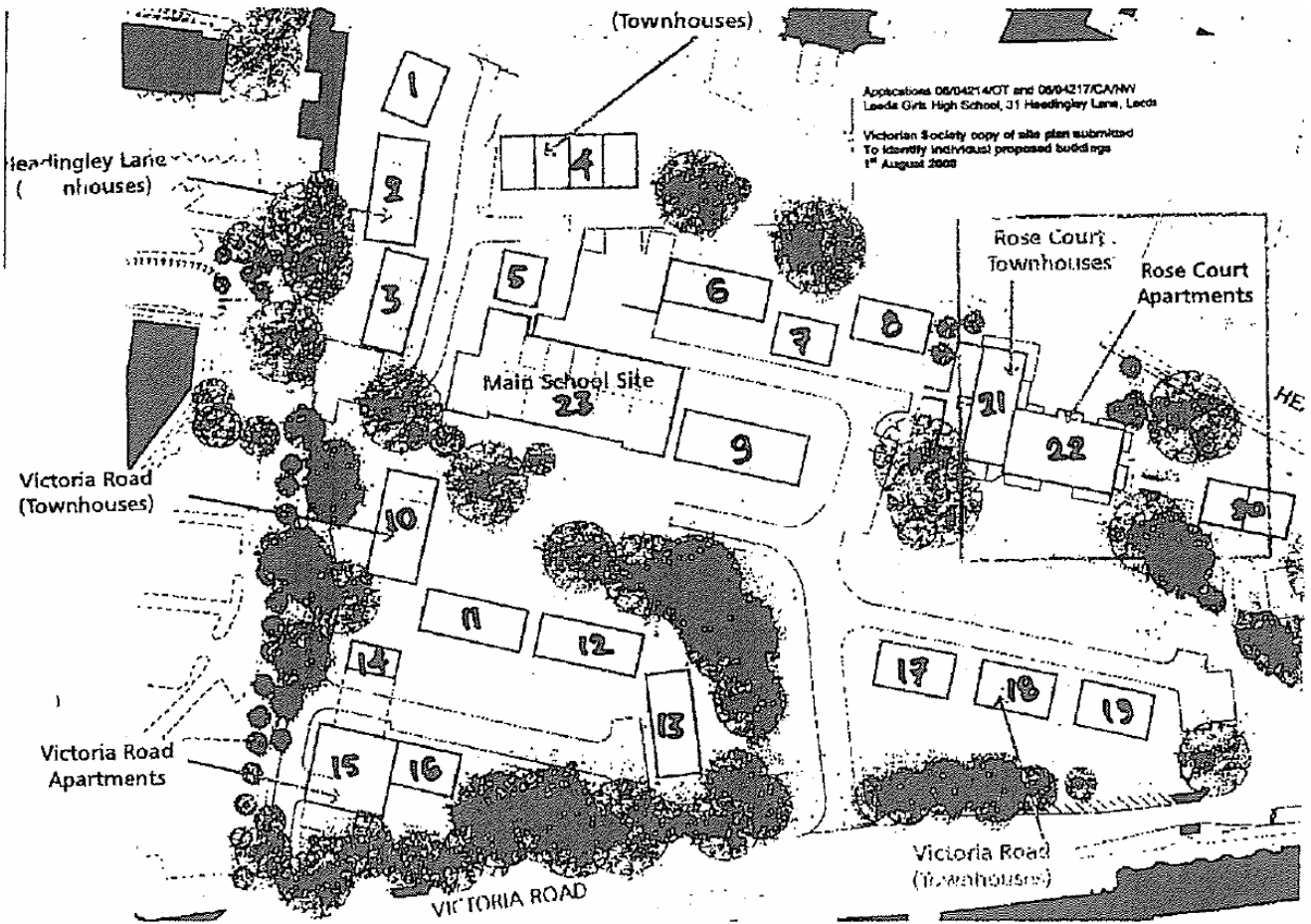
5.0 CONCLUSIONS

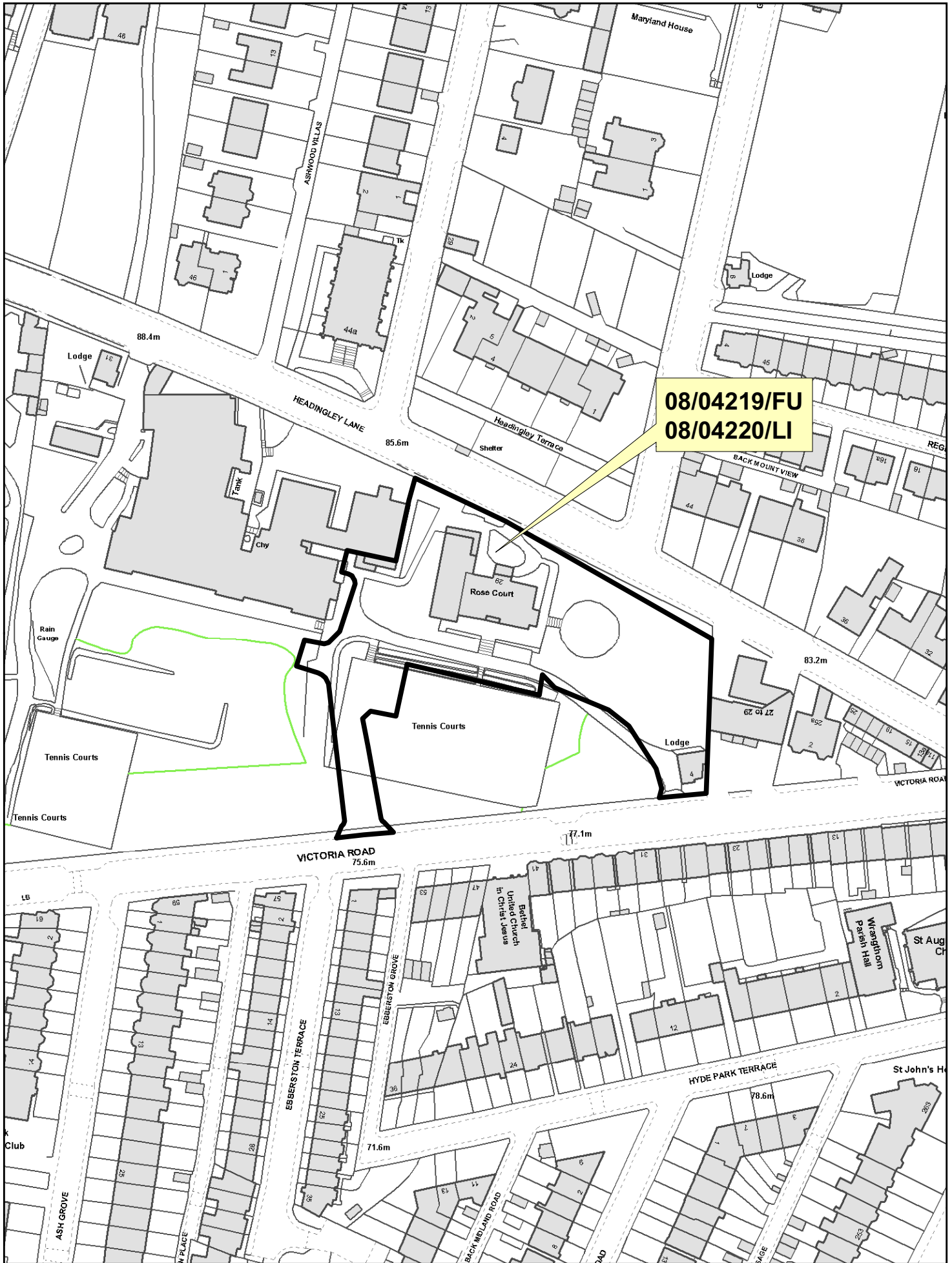
5.1 Overall, the principal of residential development of the site is accepted and the Inspector has supported the Council’s position in respect of this and the principal of development of a site partly allocated as N6 playing pitches.

5.2 It is clear however that the Inspector had very substantial reservations about the details of the scheme, in particular the impact of the bulk of development on views across to the listed building from Victoria Road, the scale of the 4 storey building, and the loss of trees entailed in bringing the existing western access up to an appropriate standard. It is inevitable that any scheme which seeks to overcome these significant objections will be very different from the refused scheme and would involve substantially less development of a very different character.

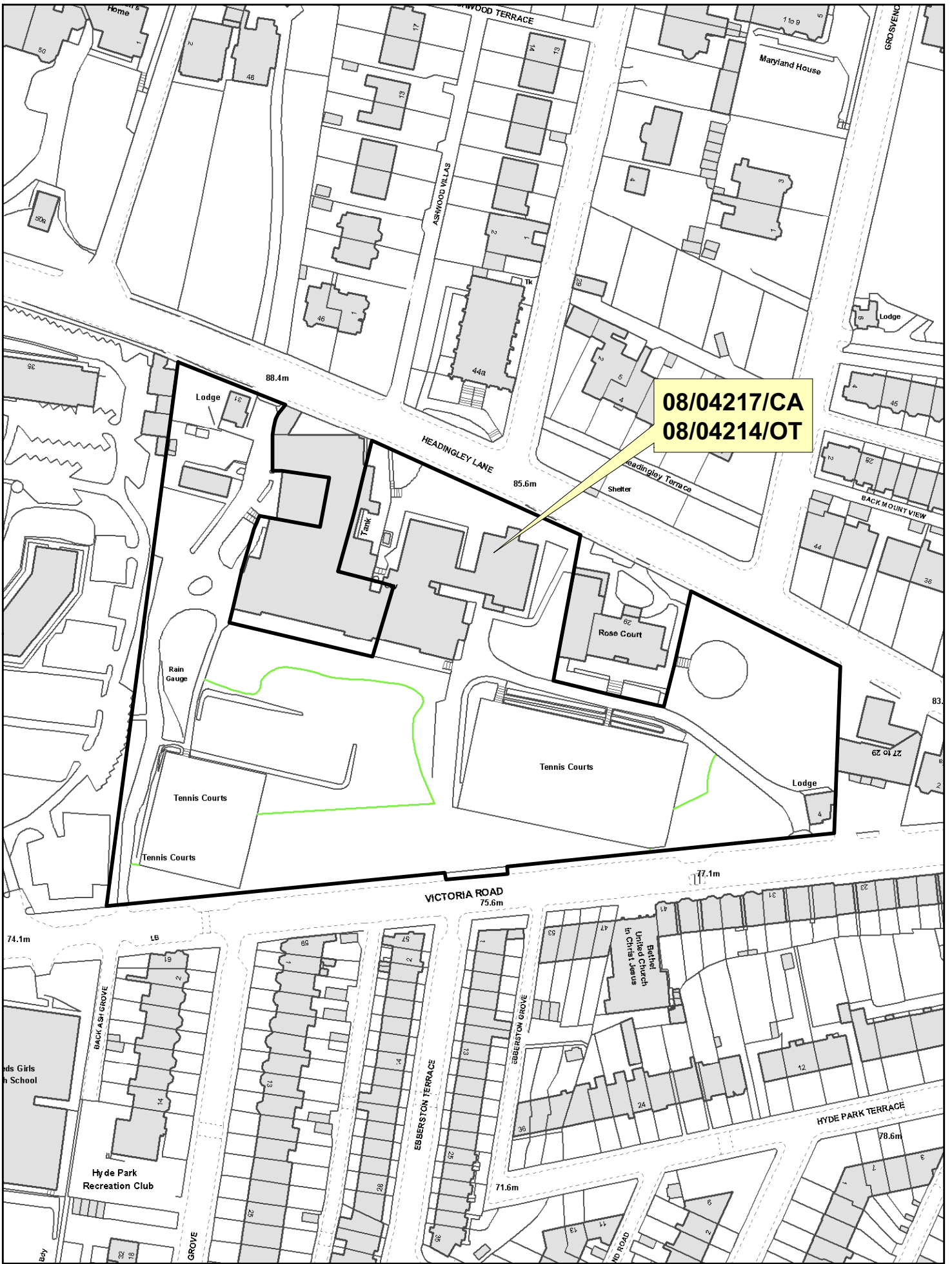
5.3 The Panel is advised that this report is a summary of the 19 pages of the Inspector’s decision and attempts to summarise the main issues. Some detail has to be omitted in a report of this length.

Block plan showing the main areas of proposed development





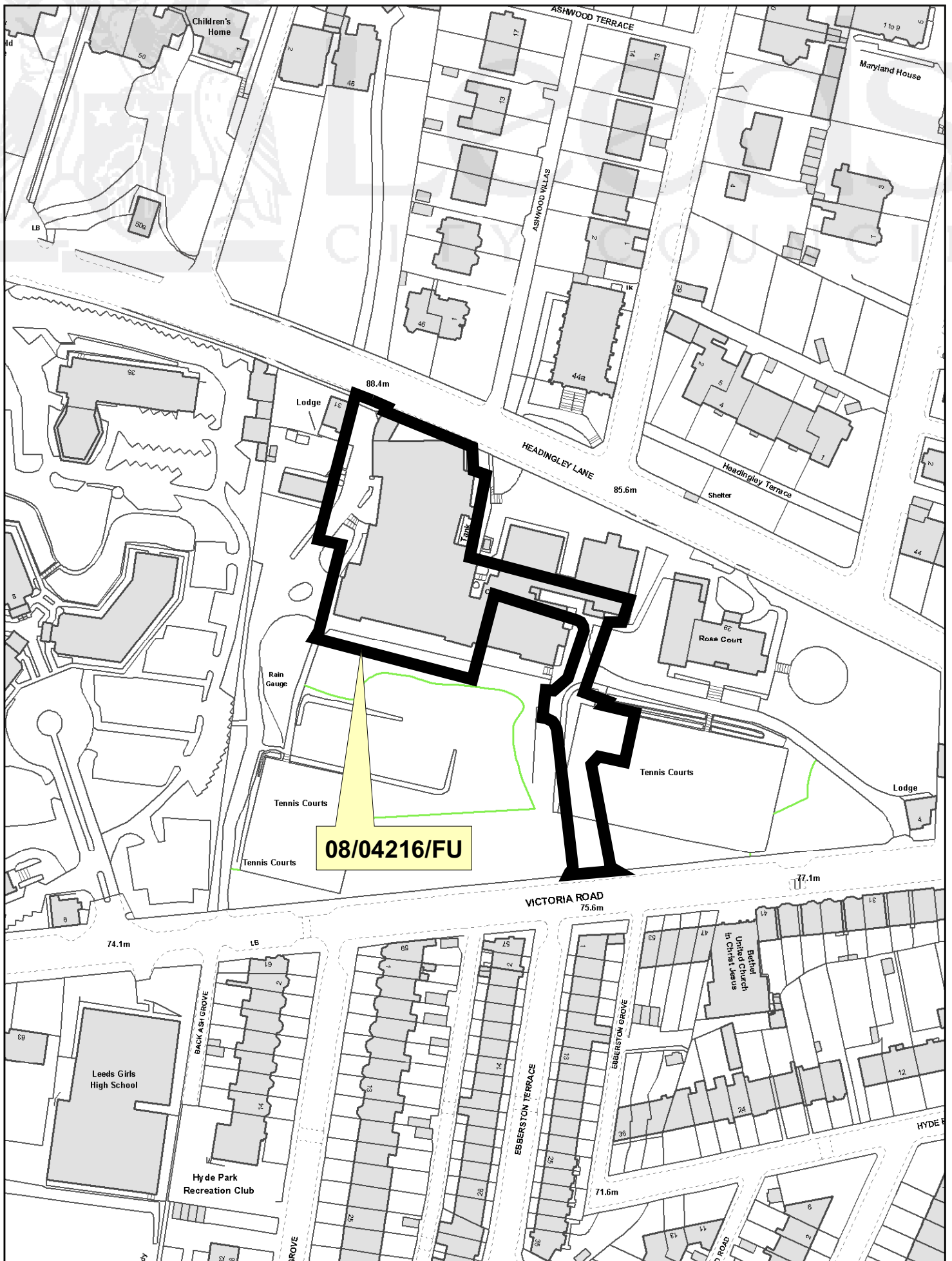
WEST PLANS PANEL



08/04217/CA
08/04214/OT

WEST PLANS PANEL



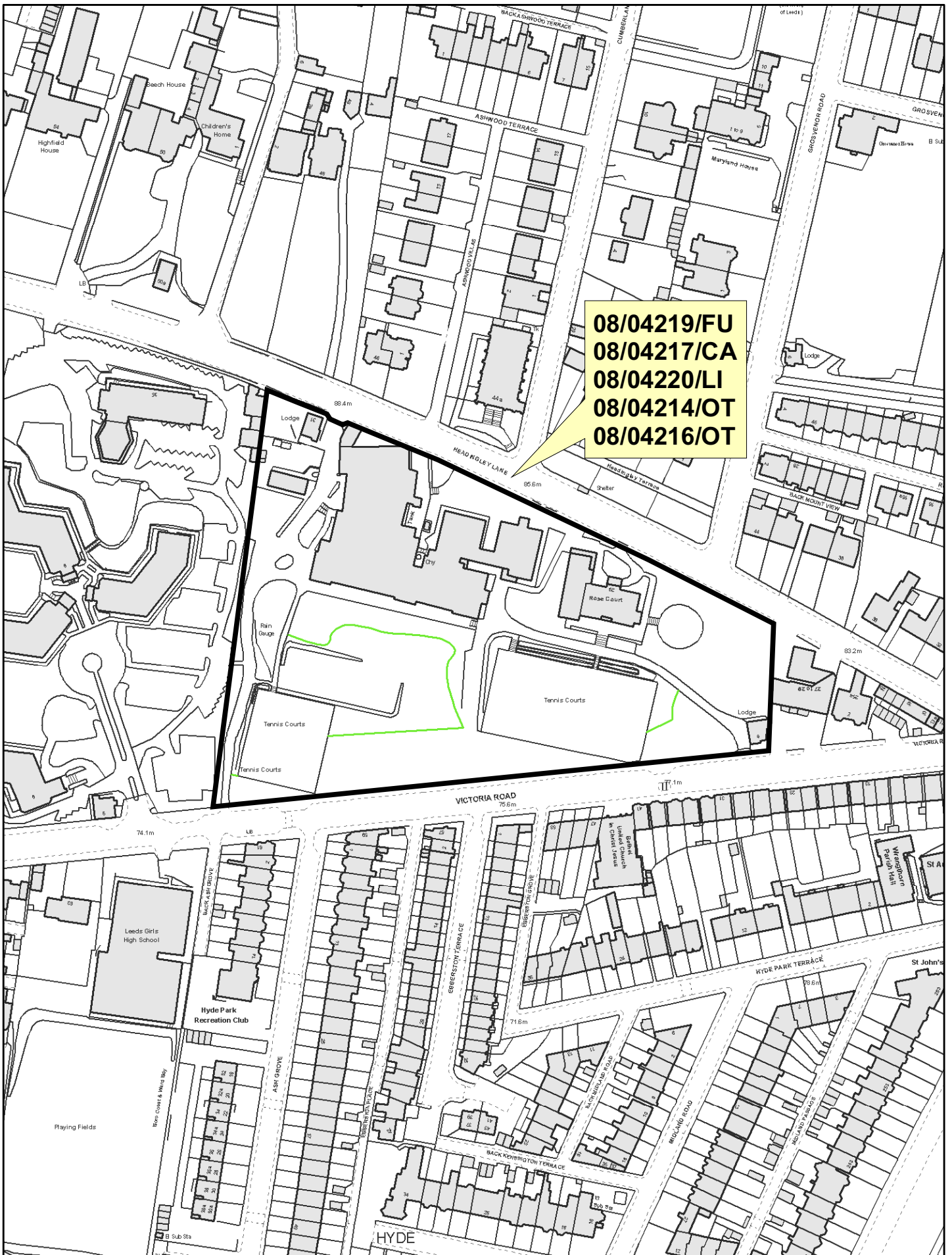


WEST PLANS PANEL

Scale 1/ 1500

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08/04219/FU
 08/04217/CA
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 08/04214/OT
 08/04216/OT

WEST PLANS PANEL



Scale 1 / 2000

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Report of the Chief Planning Officer

Plans Panel West

Date: 18th August 2011

Subject: APPLICATION NUMBER 11/02021/FU –DEMOLITION OF THE EXISTING SOUTH STAND AND SUPPORTERS CLUB AND ERECTION OF A REPLACEMENT COVERED SPECTATOR TERRACE WITH ASSOCIATED FACILITIES FOR FOOD AND DRINK CONCESSIONS, STORES, CAR PARKING AND TURNSTILES AT HEADINGLEY CARNEGIE STADIUM, ST MICHAELS LANE, HEADINGLEY LS6 3BR

APPLICANT

Leeds Football, Cricket and Athletic Co Ltd

DATE VALID

25th May 2011

TARGET DATE

24th August 2011

Electoral Wards Affected:

Headingley

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Standard 3 year time limit.
2. Details of approved plans
3. Hours of work during demolition and construction to be limited to 0800-1800hrs Monday to Friday and 0900-1300hrs Saturday with no bank holiday or Sunday working
4. Details of measures for dust suppression
5. Noise from fixed plant shall not exceed defined levels. Details to be submitted and approved in writing prior to first occupation.
6. Details of the lighting scheme to be submitted and approved in writing prior to first occupation.
7. Details of the tannoy system including, design, siting, hours of use, number of speakers and volume control mechanisms shall be submitted and approved in writing prior to first occupation.
8. All areas to be used by vehicles to be hard surfaced and drained.
9. Prior to the commencement of development a plan showing storage, parking and loading areas for contractors' vehicles is to be submitted and approved in writing.
10. Details of secure cycle and motorcycle spaces.
11. Details of bin storage.
12. Match day traffic and parking management plan
13. Walling and roofing materials to be approved

14. Submission and implementation of landscape details
15. Replacement tree planting
16. Survey of travel arrangements for mobility impaired fans and spectators and if required proposals for measures to improve access to the ground from transport hubs.
17. Staff travel plan to be submitted and approved
18. Bar facilities to remain ancillary to the main use of the stand as a sports venue and shall not be available to the public outside of matchdays and stadium events.
19. Hours of use of the bar facilities.
20. Submission and approval of a sound insulation scheme prior to the commencement of development

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 Planning Policy Guidance Notes and Statements, 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, T24, N12, N13, N6, N23, BD5, A4, GP2, GP11, SP3, LD1, SA2, SA6, LT4
 Neighbourhoods for Living
 Street Design Guide
 Headingley and Hyde Park Neighbourhood Design Statement

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.

1.0 INTRODUCTION:

- 1.1 Councillor Hamilton has objected to the application and requested that the application is determined by Plans Panel. His comments are copied later within the report.
- 1.2 The application was presented to the Plans Panel as a position statement at the 21st July panel. The scheme was explained with changes from the pre-application scheme being highlighted. Members comments were invited on issues ranging from the principle of the development, design and character, amenity issues and highways considerations.
- 1.3 Discussion then centred around a small number of main topics. These included concern on residents' amenity, both as a result of noise from the stadium and the impact of the large number of spectators travelling to the site on match days, the scale and massing of the new stand and its impact on neighbouring residents. Further details of the change in capacity of the stadium, improved visuals, a staff travel plan, a re-consideration of the design of the concessions area and the landscaping of the site were also discussed. Concern about the manner in which the applicant's public consultation had been undertaken was also raised. A response to all these matters can be found within the appraisal section of this report.
- 1.4 Since the 21st July panel, officers have met with the applicant to discuss the issues raised. Improved visuals have been received showing the existing and proposed stand from a variety of viewpoints along St Michaels Lane and the Turnways. A noise report has also been received and reviewed by Environmental Health officers. These documents have been made publicly available and a new 10 day consultation

has been undertaken with residents informed by site notice and email. Officers will be attending a match on Friday 12th August to see the stadium management plan in action.

2.0 PROPOSAL:

- 2.1 The proposal is for the demolition of the existing terrace stand and the erection of a replacement standing terrace stand for 7400 spectators as was seen previously at pre-application stage by Plans Panel West. The proposal is designed as a single tiered building, open on one side and with brick and cladding to match the other newer developments at the rugby ground. Side elevations will utilise glazed panels and much of the design follows that of the Carnegie Stand on the East side of the ground. The building is proposed to have a mono pitch roof with the pitch sloping upward to the pitch side. Underneath the roof is proposed to be a television gantry. The elevation of the stand facing the car park would project out at ground floor level to provide additional spectator facilities and amenities within the concourse area of the stand. The stand would measure 21m in depth increasing to 32m in depth at the widest part. The length alongside the pitch is 114m. The height to the eaves line facing the car park is 12m and 16m to the eaves line of the roof over the rugby pitch. At its closest point, the stand is approximately 7m from St Michaels Lane and between 9m and 11m from the footpath to the rear of properties on The Turnaways.
- 2.2 Improved facilities at the stand would include refreshment and drinks serving points, a first aid room for spectator use, a new TV camera gantry, new changing areas for the pre-match entertainment team, new referee changing rooms and new groundsman facilities. The proposal also involves the erection of a new turnstile entrance located at the southern end of the car park and accessed off St Michael's Lane.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is part of the Headingley stadium complex. The existing south stand is a single storey terrace building located off St Michael's Lane. The rugby ground has recently completed the redevelopment of the Carnegie stand at the eastern edge of the ground facing St Michael's Lane. The ground itself is located within the urban area and within a predominantly residential area. Although the south stand is separated slightly from the neighbouring residential properties, due to the siting of the parking area adjacent to the road, the siting of the stand and shape of the site result in the eastern-most corner of the existing stand being on the boundary with St Michaels Lane. The rugby stand is located on higher ground level than the adjacent properties on St Michael's Lane by 1.5m. The Headingley Conservation Area boundary is situated to the East of the cricket ground following a line along the rear of the properties fronting Cardigan Road.
- 3.2 The existing South Stand is in a poor state of repair and has, due to safety reasons seen its capacity reduced. It has a safety certificate for its current capacity of 6000 which is due for renewal next year. The rugby club have previously invested substantial funds in repairing the existing terrace stand just to maintain it at its current reduced capacity. It is recognised that the existing stand is in need of being replaced to afford spectators, fans and the ground with facilities that modern sporting stadia require. In addition the design and appearance of the existing stand is rather poor, particularly when it is viewed next to the new east stand.

3.3 The role of the rugby club is recognised as being an important asset to the City; both in its status as being internationally recognised due to the success of the team and hosting international fixtures that are viewed worldwide, but also in relation to the positive community work that the club does in relation to sports, education, cultural and social development enterprises throughout the City. Retaining and enhancing this is considered to be part of the aspirations of the City in relation to the core aims of the Vision Statement and the status of Leeds within the Regional Strategy.

4.0 RELEVANT PLANNING HISTORY:

H26/541/74: Replacement concrete approach steps to terraces to rugby ground. Withdrawn

H26/264/88: Erection of 4, 37m high floodlight towers, to rugby ground. Approved

26/185/95/OT: Outline application for new cricket and rugby stands and facilities – Approved August 2000.

26/304/99/FU: 2 additional roof mounted television platforms with external staircase and alterations to wheelchair viewing platform: Approved

26/12/01/FU: 4 storey stand with practice area bar restaurant and 36 bedroom/box hotel. Approved

5.0 HISTORY OF NEGOTIATIONS:

5.1 The developer engaged with officers and plans panel in a formal pre-application process presenting a scheme for discussion to Plans Panel West on the 18th March 2010. Since then further discussion with officers has occurred and a public consultation with residents and fans was held in April 2011. The scheme was brought to panel on July 21st 2011 as a position statement.

5.2 The scheme has been amended since the public consultation, the details of which can be seen in the table below. When officers became aware that the scheme had altered from that proposed in the public consultation they advised the developer that further consultation was advisable.

	Existing Stand	Plans Panel – Pre-application	Public Consultation	Current Application
Capacity (approx)	6,000 (restricted)	7,400	6,500	7,400
Maximum Height of Roof	12.8m	19.5m	15.5m	16m
Maximum Height of Superstructure	N/A	18.8m	15.3m	17.8m
Height closest to St Michaels Lane	10.3m	12m	12m	12m
Minimum distance to St Michaels Lane	0m	6.5m	6.5m	6.5m
Car parking spaces	102	90	130	102
Total gross	2,162m ²	unknown	unknown	2,413m²

internal floorspace				
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6.0 PUBLIC/LOCAL RESPONSE:

6.1 A new public consultation has been advertised since the receipt of additional plans showing the stand in context. The expiry date given for this consultation is the 14th August.

6.2 32 letters of objection from local residents have been received to date. These include Residents Associations from the Turnways and Laurel Bank, Cardigan Triangle, Ash Road and Becketts Park as well as the pressure group South Stand Alliance. They raise issues related to:

- Increased capacity and height from scheme shown at public consultation
- Loss of sunlight to properties on St Michaels Lane
- Problems with turnstiles and traffic on match days
- Improved tannoy system required – current system creates problems with excessive noise – request for a noise report
- Tree planting should be improved to screen stand from St Michaels Lane
- Lighting should be minimised – concern over light pollution
- Need a balance between needs of local residents and stadium
- Concern about design detailing of signage
- Height is excessive and over-dominant
- Needs to address issues outlined in Headingley Neighbourhood Design Statement
- Concern about disruption during construction
- Drainage concerns – no proposed use of SUDS
- Lack of an EIA
- Concern over noise from ventilation systems
- Proposal needs a more domestic, less industrial appearance in keeping with the residential area
- Increased anti-social behaviour as a result of the availability of alcohol on site

6.3 Leeds Civic Trust has also made representations as follows:

- Proposal should address the issues raised in the Headingley NDS
- The stand is higher than the existing stand
- The landscaping proposals are inadequate to soften the impact on the streetscape
- Measures should be taken to ensure noise is not funnelled between the gap between the stands
- The turnstiles appear inadequate to prevent queuing on to the street

6.4 The planning group of the Inner North West Area Committee also makes representations. They recommend that the proposal should refer back to the issues raised in the Headingley NDS.

6.5 Councillor Hamilton has made the following objection:

Could I please add my objections to this proposal to replace the existing stand with a new structure. My main concerns are:

1. The size of the structure is considerably higher than the existing building. This would provide a structure which was overbearing and which would create a greater degree of shadowing and intrusion than is the case with the existing stand. This is a matter of considerable concern to residents who overlook the stand.

2. Proposed landscaping. The proposed landscaping is completely inadequate and does little to mitigate the impact of the new stand on its surroundings. A much better tree-planting and general landscaping scheme is needed

3. Noise pollution. Before the application is determined, a proper noise-nuisance impact assessment should be carried out. The design of the existing stand contains (to an extent) noise from within the ground. This is a much more permeable structure and as such a proper assessment of the impact of match day noise on the immediate surroundings should be undertaken. This may lead to specific conditions, for example regarding the positioning of speakers. Noise attenuation may also be achieved by providing a softer perimeter landscape (maybe hedging or trees), this comment ties in with 2. above.

4. Signage. A comprehensive code should be agreed as part of any planning approval to ensure that inappropriate and garish signage is not permitted.

5. Light pollution. The lighting should be conditioned such that it is not intrusive for local residents; 24 hour lighting should not be needed on this site.

I should add that the Stadium is guilty of bad faith in presenting a stand with a lower capacity at the consultation events, but submitting an application for a larger structure. This does nothing to build trust between the Rugby Club and the local community.

7.0 CONSULTATION RESPONSES:

7.1 Highways officers have objected to the proposal as the applicant has not submitted a travel plan or matchday management plan for the increased crowds and consequent additional parking pressures on match days and how the new turnstile position will impact on traffic flows on the narrow bridge on St Michaels Lane. The new turnstile position will also result in spectators walking through the car park between cars with no designated pedestrian route – details of how this will be managed should be included in the traffic management plan. The traffic management scheme should also include a ban on vehicle movements on the bridge on match days as pedestrians are likely to congregate near this position due to the siting of the turnstiles.

Additional match day parking traffic management should be proposed and shown on a plan. The applicant should revise the HCS Event Plan 24.09.10 and join in the quarterly meetings with the highways authority.

7.2 The applicant has provided a response to Highways officers comments detailing how the car park and bridge on St Michaels Lane are managed on match days. They have also asked that the matters relating to a matchday management plan and staff travel plan can be dealt with via planning condition to give them sufficient time to develop a robust and meaningful document given the level of involvement and consultation required.

7.3 Highways have responded to this by requesting that a matchday management plan, similar to that at the cricket ground and to include closing of the bridge pre- and post-match, is developed. They have also asked the applicant to consider closing St Michaels Lane after matches for a suitable time frame. Motorcycle and bin storage should be included on the plans but officers would be able to consider a condition to ensure the matchday management plan is completed prior to first

occupation of the stand. Other conditions are recommended to cover disruption during demolition and construction, bin/ cycle/ motorcycle storage and the hard surfacing of the parking areas.

- 7.4 Environmental protection have recommended the need for planning conditions related to hours of work during demolition and construction, methods for suppressing dust, noise levels, details of the lighting scheme and operation of the tannoy system. Environmental health are currently reviewing the submitted noise report and a verbal update will be provided at Panel.
- 7.5 Access officers have raised concerns about the lack of any clear pedestrian route from the turnstiles to the entrance to the stand but have accepted that this reflects the existing situation. They have also requested that the applicant indicate the level of disabled seating/ viewing spaces across the site as the provision within the new stand is sub-standard. A verbal update will be provided on this at Panel.
- 7.6 Landscape officers have indicated that the scheme fails to take opportunities to improve the green environment along the street frontage or to respond positively to the public right of way to the western boundary. Further tree planting to screen views of the parking area is required along with planting within the car park.
- 7.7 A public transport contribution is not required as taking into account the previous capacity of the stadium, level of current usage and level of impact on the public transport impact is negligible.
- 7.8 The travel plan team have also requested that the event plan is updated to include spectator travel to the rugby, including consideration of closing the railway bridge to assist in pedestrian safety. A travel plan should be developed to cover staff travel and focus on minimising single occupancy car journeys.
- 7.9 Sport England raise no objections to the proposal as the stand is ancillary to the main purpose of the site as a playing field and does not affect the pitch at the ground.

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD5 –all new buildings should be designed with consideration given to their amenity and that of their surroundings.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 – parking provision requirements

N12 - development proposals should respect the main principles of good urban design
A4 - Refers to development and refurbishment proposals designed to ensure safe and secure environment
GP2 - Development on vacant sites where there is no specific allocation will be considered favourably in the context of other UDPR policies.
GP11 - Development to meet sustainable development principles.
SP3 - New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
N6 - Protected Playing Pitches and replacement of lost protected planning pitch provision in the locality
N13 - Building design to be of high quality and have regard to the character and appearance of their surroundings.
N23 - Incidental open space around new built development.
LD1 - Criteria for landscape design.
SA2 - Encourages development in locations that will reduce the need for travel, promotes the use of public transport and other sustainable modes of transport.
SA6 - Seeks to encourage the provision of facilities for leisure activities and promote tourist visits to Leeds.
LT4 – encourages development of cultural and sporting facilities in sustainable locations

Relevant supplementary guidance:

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.

Street Design Guide
Neighbourhoods for Living
Headingley and Hyde Park Neighbourhood Design Statement

Government Planning Policy Guidance/Statements:

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)

The Vision for Leeds II (2004-2020)

This document provides the strategic vision for Leeds and sets out the aspirations of the Leeds Initiative for the City. Two of the central aims are to move Leeds up a league as a city and make Leeds a major European City.

9.0 MAIN ISSUES:

- 9.1 The principle of the redevelopment
- 9.2 Design, scale and massing, landscape and character
- 9.3 Amenity issues
- 9.4 Highways considerations

9.5 Representations

10.0 APPRAISAL:

Principle of the redevelopment

10.1 The proposal is considered acceptable in principle and complies with the development plan. The site has a lawful use as a sports ground and the proposal is acceptable within this use and replaces the existing stand with a scheme accommodating similar numbers of fans but with improved facilities and design. It is considered the main issues of this application relate to the design, scale, massing, impact on the neighbouring properties and highway and pedestrian safety.

Design, scale, massing, landscape and character

10.2 Council policies positively encourage improvement and development of the stadium facilities. The current South Stand at the ground is antiquated and is not conducive to a major sporting arena of the 21st century. The proposal is considered a substantial improvement upon the existing spectator facilities that are provided at the club. The design and appearance of the scheme is of a modern design and can help to make a positive statement about both Headingley stadium and the City's commitment to good stadia design. Given the international nature of the game and the role of television media providing coverage the proposal is considered to positively enhance the image of the City in an international context.

10.3 The existing south stand is currently in a poor state of repair. The capacity has been reduced from 8,000 to 6,000 due to structural problems with the concrete base. The stand currently has restricted views for spectators as a result of the columns that hold the roof in position and due to the existing roof design and siting. In addition the external appearance of the current stand is visually poor within the street scene and is out of keeping with the style and appearance of new developments at the stadium complex, particularly those located along St Michael's Lane.

10.4 The safety certificate for the stadium currently operates on a capacity of 20000 with 6000 of these within the existing South Stand. If this application were to be approved then the new safety certificate would be for a capacity of 20850. It should be noted that as recently as 2008 the safety certificate for the stadium operated on a capacity of 22000, which would again be possible if the existing South Stand were renovated. It is essential for the stadium that a capacity above 20000 is retained so that they can continue to compete to host international games and the Rugby World Cup, if the bid is successful.

Current capacity for safety certificate	20,000
Current South Stand capacity	6,000
Proposed South Stand capacity	7,400
Approximate loss of spaces in Western Terrace (part demolished to facilitate development of new South Stand)	550
Anticipated new capacity	20,850
Typical attendance figures	14,500

10.5 The design submitted with the application is in line with that considered at pre-application stage. The maximum height of the structure is reduced from that seen previously but capacity remains the same. As has been previously stated the

submitted scheme is larger than that taken to public consultation following a number of representations which felt that the consultation scheme was not big or ambitious enough. Officers recommended that further consultation was undertaken following the amendments to this scheme but this has not been done.

- 10.6 The design essentially mimics that of the eastern Carnegie Stand with a monopitch roof with external supporting structure. The palette of materials also closely matches the nearby stand with low level brick work and higher level smooth white cladding. Clear panels will be used to the side elevations to reduce the visual impact of the building within the streetscene. It is noted that the principle entrance to the ground is via the main Gatehouse on St Michaels Lane where the eastern Carnegie Stand, hotel and corporate hospitality is located. The proposed South Stand would be a second entrance in this regard.
- 10.7 Currently the site presents a poor frontage to this part of St Michaels Lane and relates poorly to the residential character of the area due to the expanse of poor quality car parking to the front of the stand; the appearance of the existing stand; and the lack of soft landscaping on the frontage. The current scheme seeks to address these issues and much time has been spent in discussion with landscape officers to try to improve the environment of the stand.
- 10.8 The current landscape scheme shows increased tree planting along the boundary with St Michaels Lane and the footpath to the west. Tree planting is also proposed within the parking area and adjacent to the turnstiles. Special consideration has been made to ensuring the tree planting is viable and that appropriate measures are taken to ensure the trees make a significant impact on the streetscene. Discussions have taken place to secure further soft landscape improvements to include an enlarged planting bed to the western boundary of the car park, improved landscaping along the St Michaels Lane frontage and some visual softening of the turnstile area. It is considered that the landscaping works and the design of the stand overall is considered to represent an improvement to the visual amenity of the area and the street scene.

Amenity Considerations

- 10.9 The new stand is set back from the boundary with St Michaels Lane by approximately 7m which improves on the existing situation where the corner of the stand adjoins the boundary. While it is accepted that there is a small increase in height of 1.7m in the building at this corner, this is more than compensated for by the set back from the highway. The lighter weight feel to the design resulting from the clear side elevations and the monopitch roof further enhances the appearance of the building and reduces the over-bearing impact on neighbouring residents. There is a change in levels of approximately 1.5m between the site and St Michaels Lane but the set back of the new stadium will help to mitigate for this and ensure no significantly overbearing impact from the new stand.
- 10.10 Sectional drawings have been supplied which show the relationship between the new stadium and nearby residential properties. These clearly show the visual improvements from the setting back of the stand on the amenity of residents of St Michaels Lane beyond that currently experienced. The set back creates a greater feeling of space to the front of the dwellings and reduces the over bearing impact of the stand on neighbours. To the west the stand is approximately 7m closer to the properties on The Turnways than the existing stand. However at its closest point the stand will still be approximately 13m from the rear garden of the nearest property on The Turnways and 21m from the rear elevation of the nearest house at

No.41 The Turnways and is therefore unlikely to result in any significant loss of amenity.

- 10.11 Concern has been raised in relation to the impact of the new stand on overshadowing and loss of light to neighbouring properties. The applicant has produced plans showing the anticipated overshadowing from the new stand at various times of the day and of the year in comparison with the situation resulting from the existing stand. These show that there will be very little difference in overshadowing to neighbouring properties in general with only a small increase in overshadowing to a small number of properties to the east of the stand in the evening during the summer beyond that which they already experience and is considered acceptable in amenity terms.
- 10.12 The addition of turnstiles on the boundary of the site has raised a number of amenity related concerns with residents concerned about fans queuing to access the site. The applicant does not anticipate that there will be any significant increase in numbers of fans accessing the site at this point. A matchday management plan is to be developed in conjunction with LCC and in conjunction with the existing event plan for the stadium which will assess how this can best be managed. The applicant has made a commitment to commencing the process immediately although it is unlikely to be finished before the application date and would therefore need securing by condition.
- 10.13 During a meeting with officers, the applicant clarified the general match day arrangements. It was explained that there is a gradual filling up of the stand with turnstiles opening at 5pm (3 hours before kick off). There is frequently an academy game before kick off and so fans often arrive early. The 10 new turnstiles will each have a capacity of 600 persons per hour. Turnstiles are manned at all times up until half time, as are the gates along the perimeter
- 10.14 Other amenity issues related to lighting, noise from tannoy systems and signage and raised within representations can be controlled via planning conditions.

Highways matters

- 10.15 Parking provision for the new stand is considered acceptable. The stadium is sited within an urban area and historically high levels of parking were not required. The proposal is no different in parking provision to the existing situation and while obviously not providing sufficient parking for all spectators using the stand, it is no worse than the current position. Parking is currently provided only for VIP ticket holders within the car park on match days and this would not change. The applicant will need to consider other spectators' parking needs within the matchday management plan.
- 10.16 The main highways issues are in relation to matchday management and the functionality of the new turnstiles on the site boundary. Currently turnstiles are situated on the edge of the South Stand. These allow access for ticket holders of the south stand only. There is also turnstile access for spectators to the western terrace from a separate turnstile at the western end of the stand. Once within the stand there is no exit from the stand to other parts of the stadium without a 'pass-out'.
- 10.17 The new turnstiles will bring the south stand area in to line with the rest of the stadium as regards access arrangements. Any ticket holder will be able to use the new turnstiles and then circulate round the stadium to their allocated stand where

tickets are again checked. Current spectator movements have shown that the majority of fans will use the entry point closest to their stand and therefore the number of people using St Michaels Lane is not considered likely to significantly increase. This method of entry means that all spectators will have free access to circulate within the stadium and have use of the shop and refreshment facilities. The number of turnstiles provided on the boundary with St Michaels Lane are considered to ensure that no significant queuing takes place at the boundary and adequate space is provided for queuing spectators.

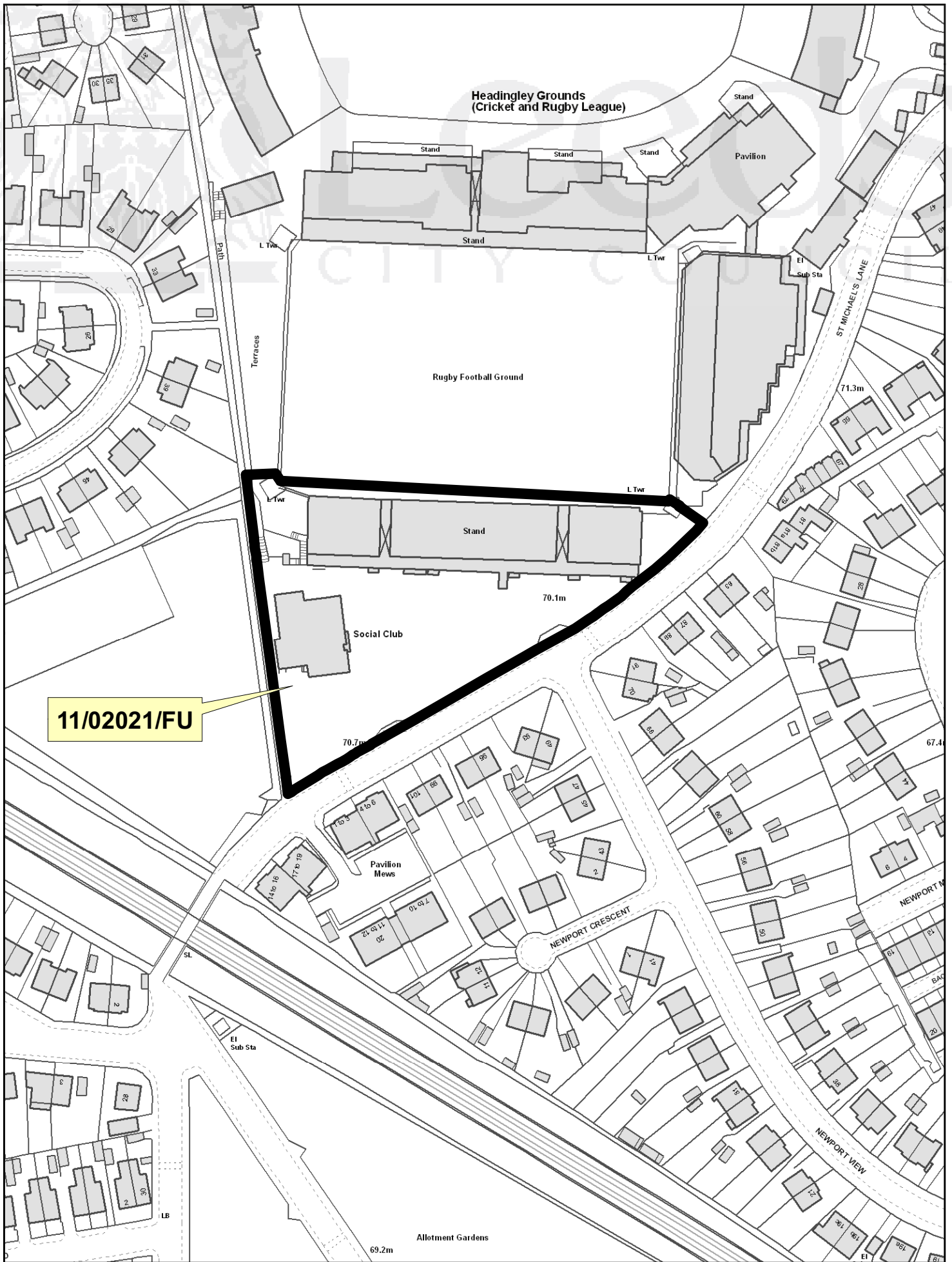
- 10.18 Concern has been raised about the conflict between pedestrians and vehicles in the car park area between the stand and St Michaels Lane. This is no different to the existing situation where fans cross the car park to the stand. The applicant has confirmed that the car park is shut from 1 hour before kick off. The car park is used by VIP ticket holders only and as their pre-match hospitality starts at 6pm the shutting of the car park is not considered problematic. This information will need including in a match day management plan.
- 10.19 Outside the site, concern has been raised about safety and traffic movements on the single lane bridge on St Michaels Lane. The applicant has confirmed that the bridge is closed 20 minutes before kick-off until the start of the match and then closed again at the final whistle for 20/ 30 minutes depending on match numbers. Again, these details would be included in the matchday plan.
- 10.20 The applicant has made a commitment to instigate a new fan survey regarding travel arrangements to inform any future match day event plan. They have also noted that the trains are already well used for fans' travel to matches but that they believe a park and ride scheme is unlikely to have a large take up given the short length of the event.

11.0 CONCLUSION:

- 11.1 On balance it is considered that the proposed replacement stand represents a significant visual improvement on the existing South Stand.
- 11.2 The proposal is considered acceptable in principle and this was confirmed by Panel following the 21st July position statement presentation. The impacts on neighbouring amenity are considered acceptable and not greatly altered from the existing situation with a small increase in height being proposed. This is balanced out by a set back from St Michaels Lane and improvements to the design which will ensure that the proposal is not significantly overbearing on neighbouring residents. The new design is also considered to result in a visual improvement within the streetscene of St Michaels Lane with its set back from the highway and improved planting scheme. Matchday arrangements are envisaged to be largely unchanged and not likely to harm amenity of local residents.
- 11.3 Overall the proposal complies with the relevant provisions of the Development Plan and will deliver on the objectives of the Vision. There are no other material considerations which outweigh this finding.

Background Papers:

Application and history files.



11/02021/FU

EAST PLANS PANEL

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Originator: Ian Cyhanko
Tel: 0113 247 4461

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: PLANNING APPLICATION 11/02338/FU – Two bedroom detached house to garden site (amendment to previous approval 11/00639/FU for detached house incorporating single storey front and side extensions).

at: 5 Caythorpe Road, West Park, Leeds, LS16 5HW

APPLICANT	DATE VALID	TARGET DATE
M Simpson	6 th June 2011	1 st August 2011

Electoral Wards Affected:

Weetwood

N

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Samples of walling and roofing materials
- 4 Surfacing materials
- 5 Soft landscaping details
- 6 Landscaping Implementation
- 7 Landscaping Maintenance and retention to front curtilage
- 8 Removal of PD rights
- 9 Boundary details to be submitted (not to be greater than 1m in height on site frontage)
- 10 Details of cycle and bin storage to be submitted

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 Planning Policy Guidance Notes and Statements, 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, N12, N13, BD5 and T2

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.

1.0 INTRODUCTION

- 1.1 The application is brought before Plans Panel due to the planning history of this site, and because the previous approval for a detached dwelling was considered and approved by Members at Plans Panel in March 2011.

2.0 PROPOSAL

- 2.1 The application is for amendments to a recently approved, two storey detached dwelling. The dwelling has not yet been constructed. The amendments include the addition of a single storey front projection which measures 0.5m x 3.5m, and a side porch which is 3.5m x 2.5m.
- 2.1 The approved dwelling has a first floor which is accommodated within the roof space of the dwelling. The approved dwelling has a living room and kitchen on the ground floor, with a side entrance, and 2 bedrooms and a bathroom at first floor level. The proposed dwelling has a footprint of 7.8m x 11.2m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is in the West Park area to the northwest of Leeds city centre, located on the south side of Caythorpe Road. West Park is an attractive residential area, which was mainly developed in the inter war period and is characterised by Arts and Craft architecture.
- 3.2 The neighbourhood is predominantly residential and of an attractive mature character. Dwellings are set within tree lined verges running the full length of the street frontage. The street scene contains differing dwelling types with varying designs and styles including detached and semi-detached. Whilst the character of the area is in part defined by the varied appearances of the dwellings, a consistent theme within the setting is the spatial distances to side boundaries which generally range from 3m to 5m. These visual gaps within the street scene form a regular and attractive pattern of development, augmented by landscaping and mature front gardens.
- 3.3 Housing is predominantly two storey with a number of bungalows interspersed within the grain of the area. The existing buildings to the north of Caythorpe Road are two

storey semi-detached and a mixture of detached and semi-detached to the south. The houses appear to have been built circa 1930's and materials are red facing brickwork, natural stone and painted sand and cement render under clay or concrete tiles. Both hipped and gabled roofs are evident with gables forming both side and front elevations. Off-street car parking is accommodated in driveways, integral garages and detached garages.

- 3.4 The dwelling is proposed to be within the side garden of 5 Caythorpe Road which is a detached bungalow constructed in rendered masonry under clay and concrete roof tiles. The plot also accommodates a flat roof single garage which is link-attached to the side of the bungalow via a flat roof porch. The plot has two notable trees within its curtilage, a white cherry located halfway along the south east boundary which has a small crown and an oak located halfway along the southwest boundary. The site in general is fairly flat.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The proposed dwelling which this application seeks to amend was approved at Plans Panel on 6th April 2011 (ref 11/0639/FU).
- 4.2 Prior to this application for a detached house, planning consent was granted on 7th January 2011 by Plans Panel (following an Officer recommendation for refusal) for a part two storey and part single storey side extension to the existing property at 5 Caythorpe Road (10/03747/FU). This extension was very similar in terms of form and design when compared to the detached dwelling which was later approved.
- 4.3 09/02260/FU - Application for a four bedroom house with integral garage – Refused 03.08.2009
- 4.4 09/03499 - Application for a four bedroom house with integral garage to garden Refused - 05.10.2009
- 4.5 Appeals were submitted challenging the decisions on the two aforementioned applications. Both these applications were refused on the same two grounds, design/ impact on the character of the street scene, and lack of private amenity space due to coverage of a large protected oak tree. Both appeals were considered together and were dismissed on the 23rd of June 2010

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant was advised that the proposed extensions could not be accepted as non material amendments to the recently approved application, and that a further planning application would be required.

6.0 PUBLIC/ LOCAL RESPONSE:

Letters of notification were sent out to the previous objectors, on 21st June 2011. To date 3 letters of objection have been received to the application, the points raised in these objections are highlighted below.

- The proposal is the fifth application upon this site in two years

- The applicant has 'played' the planning system through incremental applications to gain a large house upon this site
- The proposed porch adds 20% to the width of the property
- The proposed porch cannot be described as 'small'
- The proposal already consumes more garden area, which is limited in size
- The proposal is located too close with the boundary fence with 3 Caythorpe Road
- Porches are only characteristic upon semi-detached properties along Caythorpe Road not detached properties.

The issues raised in these representations will be assessed in the appraisal of this report.

7.0 CONSULTATION RESPONSES:

Highways: No objections subject to conditions.

Drainage: No objection

8.0 PLANNING POLICIES:

Local Planning Policies:

8.2 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.

8.3 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: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy H4 states that residential development on sites not identified for that purpose will generally be permitted provided the proposal is acceptable in sequential terms, and is within the capacity of existing and proposed infrastructure.
- UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
- UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
- UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.

- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

Relevant Supplementary Guidance:

8.4 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.

Government Planning Policy Guidance/Statements:

8.5 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.
PPS3 Housing.

9 MAIN ISSUES:

9.1 Having considered this application and representations, it is the considered view that the main issues in this case are:

- Principle of the Development;
- Design/ Appearance
- Amenity Considerations
- Highways/ Parking

APPRAISAL

Principle of Development

10.1 The principle of a dwelling upon this site has already been established through the previous approval (ref 11/0639/FU). This application is concerned with minor extensions to the approved dwelling. There are no issues with the principle of this development, and therefore the application will be assessed against normal development control considerations such as design, dominance, impact on adjacent occupiers and parking.

Design/ Appearance

10.2 The proposed front extension projects out from the approved building by 0.5m and avoids a flat front elevation. This proposed amendment is similar to a projection

which exists upon the adjacent property at no 5. It is considered this proposal will improve the appearance of the dwelling by adding a degree of visual interest and detailing to the proposed dwelling, whilst increasing the degree of uniformity with the adjacent dwelling. Others properties along Caythorpe Road have front projections such as bays/ porch etc, and as such it is considered the proposal does respect the character of the street scene.

- 10.3 The proposed side porch extension is set back from the front elevation by 3m. This set back ensures it appears subordinate to the appearance of the host property. This set back ensures the frontage (width) of the property is not enlarged. This proposal has a hipped roof which further minimises its dominance. It is considered the proposal follows the policy guidance of BD6 and N13 of the adopted Leeds UDP.

Amenity Considerations

- 10.4 It is not considered the proposed extensions would give rise to any amenity issues, in terms of the impact on adjacent occupiers in respect of over-shadowing, privacy and dominance. The proposed side porch lies opposite the side of 3 Caythorpe Road. The proposed porch is located between 1.8m and 2.2m from the boundary with this property and between 4.8m and 5.2m away from the side elevation of this property. The relationship between these properties is described as 'side to side' as the distances exceeds the minimum guidance as recommended through the adopted SPG 'Neighbourhoods for Living'.

- 10.5 Permitted Development rights were removed on the previous approval for a detached dwelling on site, and it is recommended that this condition is imposed again on the approval of this application. This is to ensure the site is not over-developed, to protect the character and visual appearance of the street scene, and to ensure adequate levels of off-street parking.

Highways

- 10.6 The parking layout was approved as part of the previous application. The proposal would not impact upon the parking facilities of the proposed dwelling. The driveway would be 10.5m in length which is capable of accommodating two cars.

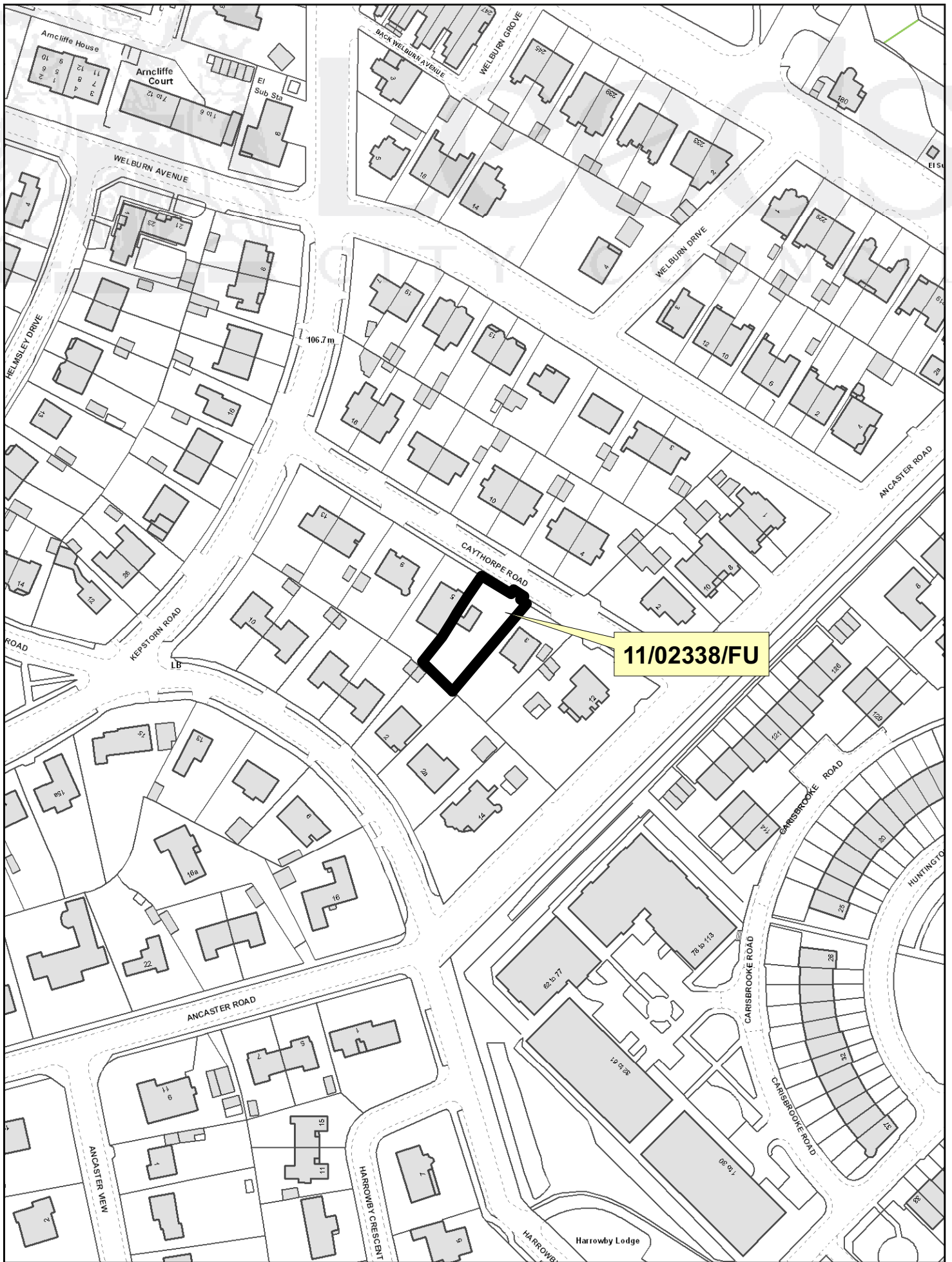
Other Issues

- 10.7 The sequence of applications relating to the site should not be a material consideration. This application should be assessed on its planning merits against normal development control considerations.
- 10.8 It is not considered the proposal would result in the over-development of the site. The proposal does not affect the rear garden area. The front projection of 0.5m has a negligible impact on the size and function of the front garden. The proposed porch is located to the side of the property, which is not considered to be a private usable garden area.

Conclusion

- 11.1 The amendments are not considered to harm the appearance of the previously approved dwelling, or have an adverse impact on the character of the street scene. Similarly it is not considered the proposal would have an adverse impact on the living conditions of adjacent occupiers, and therefore is recommended for approval.

Previous files 10/03747/FU, 09/03499/FU and 09/02260/FU



WEST PLANS PANEL



Originator: Patrick Bean

Tel: 0113 3952109

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: APPLICATION 11/02289/FU - 4 BEDROOM DETACHED HOUSE TO LAND ADJACENT TO 3 HILLCREST RISE, COOKRIDGE, LEEDS LS16 7DJ.

APPLICANT

Mr J Goodchild

DATE VALID

2 June 2011

TARGET DATE

28 July 2011

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 subject to the following conditions:

1. Time limit three years
2. development in accordance with plans
3. details and samples of walling and roofing materials to be submitted
4. details of boundary treatments to be submitted
5. details of landscape works to be submitted
6. retention of garage for parking of vehicles
7. area used by vehicles laid out, surfaced and drained
8. frontage boundary treatment to not exceed 1m height
9. removal of P.D. rights for dormers
10. 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 Planning Policy Guidance Notes and Statements, 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, N12, N13, H4, BD5, T2

SPG13 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.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Councillor Sue Bentley, who objects to the proposal for reasons related to visual amenity, residential amenity and highway safety.

2.0 PROPOSAL:

- 2.1 The proposal is a full application for the erection of a four bedroom detached house to a former garden site adjoining 3 Hillcrest Rise in Cookridge.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of a former side garden to no.3. This is presently mostly to grass, although there are some trees to the rear.
- 3.2 The boundaries of the site are identified by a mix of post and rail and close boarded fencing. Hillcrest Rise has a slope down to the junction with Tinshill Road, resulting in the site itself sloping down to the north and west.
- 3.3 To the immediate east of the site there is a two storey block of flats identified as Hillcrest Court. These are set back from the main road with rear access and gardens to the front. To the immediate west of the application site is the former host property, identified as no.3 Hillcrest Rise.
- 3.4 The local area is characterised by a mix of architectural styles, including detached and semi-detached properties of varying age, bungalows as well as flat blocks. Both brick and render treatments are evident in the locality.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/00293/OT – Outline application for erection of a detached house – approved 19.11.08 and still extant (3 year permission to submit reserved matters).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of negotiations aimed at reducing the size of the proposed dwelling and seeking modifications to the design. To this end revised plans were submitted on 12th July and 21st July.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices and neighbour notification letters; six representations have been received in response to the originally submitted plans which object to the proposal on the following grounds:

- The building would be too large for the plot and appear cramped
- The building would be sited too far forward and be too prominent in the street scene; the siting of the proposed dwelling would be forward of the established building line;
- The proposal would cause overshadowing and a dominating effect on properties to the north;
- The proposed design and materials would be out of character with the local vernacular;
- Vehicular access to the site would be hazardous due to the bend in the road;
- The proposal would set a precedent for much larger properties with bedrooms in the roof space.

6.2 Revised plans have also been publicised by means of neighbour notification letters which have been sent to neighbouring occupiers and objectors. This has resulted in a further four objection letters. These have originated from the previous objectors, and reiterate previous reasons, as summarised above including visual amenity, residential amenity and highway safety.

6.3 Objectors have also been notified electronically of a second set of revised plans. This has generated an additional six letters from existing objectors. These reiterate concerns summarised above.

6.4 Additionally, objections have been received from Councillors Bentley and Chapman as follows:

- The proposed house is much greater than that for which planning permission was granted in 2008;
- The proposed house is over dominant and bearing on the site;
- There is little ground around the house compared to other properties on this road;
- It therefore does not fit in with street scene or the general spaciousness around properties on this road;
- The proposed house is set forward of the flats on the adjacent plot of land and will cast shadowing on the closest properties thus deny light to their main living rooms and balconies;
- The wall adjacent to site at number five is overbearing and there has been no effort to soften the blank white wall;
- There are concerns regarding access to and from the garage on the corner of Hillcrest Rise which has a great deal of through traffic due to Cookridge Primary School at the far end of the road;
- Despite being at a lower level to the adjacent property at number 5 it is still higher than number 5;
- It will be a dominant feature on the corner of Hillcrest Rise due to its forward position and its height.

6.5 A letter has also been received from Greg Mulholland M.P. which states that residents living nearby have expressed concerns about the proposals, as identified above.

7.0 CONSULTATIONS RESPONSES:

Non-statutory:

Mains Drainage – no objections

Highways – no objections subject to conditions
Access Officer – no objections
West Yorkshire Police ALO – no objection

8.0 PLANNING POLICIES:

8.1 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 consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – general planning criteria
N12 – urban design
N13 – design of new buildings
H4 – residential development on non identified sites
BD5 – design of new buildings
T2 – highway access

8.3 Supplementary Planning Guidance:

- Neighbourhoods for Living (SPG13);

8.4 National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing;

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of development
- Visual amenity
- Neighbour amenity
- Highways

10.0 APPRAISAL:

10.1 The site is a former side garden to the adjoining property no.3 Hillcrest Rise. As identified above, this parcel of land was separated from the curtilage of the adjoining property and outline consent granted for its development for a detached house in 2008. The details approved under this consent are layout, access, scale and appearance.

10.2 While the current application is a full application rather than for reserved matters, the principle of the proposed development is established by the existing valid permission.

- 10.3 Of most relevance is the extent to which the current proposal differs from the existing approval in respect of visual amenity and street scene, the amenity relationship with neighbouring properties, and highway safety.
- 10.4 The proposed dwelling is shown to be sited approximately to the centre of the site. The property has been pushed back into the site as far as possible while maintaining a suitable level of private amenity space to the rear, in line with SPG13. The siting would be similar to the 'parent' property adjacent, and both would appear to have a similar degree of set back from the highway. However the proposed dwelling would be sited some 7m forward of the elevations of the neighbouring flats to the north, Hillcrest Court. These latter properties are in some regard 'back to front' as access is gained from the side and rear, while the front elevation is dominated by main elevations and balconies. These properties therefore have gardens to the front.
- 10.5 The proposal would sit approximately 8m from the back edge of the footway, measured to the main elevation, providing what would be a good degree of setback in most circumstances. However the neighbouring flats are sited approximately 15m from the footway.
- 10.6 While it is therefore noted that many of the properties along Hillcrest Rise enjoy significantly deeper front garden and driveway areas, there is not a clearly established building line. A number of properties further up Hillcrest Rise are sited 7m from the footway, however occasionally properties are situated over 30m from it. There is therefore a significant degree of variation in respect of this issue.
- 10.7 The significant slope to this part of Hillcrest Rise means that the site sits at a lower level than the flats adjacent, as evidenced by the retaining wall which part forms the eastern boundary. As a result the proposed property would be sitting at a lower level than the neighbouring flats by approximately a metre. This stepping down would mitigate the potential visual impact of the property when approaching down Hillcrest Rise from the north east.
- 10.8 The proposed property has been revised to bring it into line with the existing outline consent, as well as neighbouring properties. It is now shown to be of significantly reduced dimensions, making it of similar size and proportions to the adjoining property at no.3 Hillcrest Rise.
- 10.9 The 2008 outline approval depicts a two storey dwelling of approximately 7.5m width by 8.5m depth. Height to the eaves is shown as 6m, and 8.2m to the ridge. The proposal depicts a property of 9.8m width, and 7.75m depth of the two storey element plus a three metre single storey lean to. Height to the eaves is shown as 5.5m, and 8.4m to the ridge. The footprint of the approved property is approximately 63.75sq.m, while the proposal is shown as 64 sq.m. for the main body of the house, excluding the front projecting gable and the rear single storey element. Essentially therefore the main part of the house is of very similar dimensions to that previously approved, the key difference being the addition of the above elements.
- 10.10 While the proposed dwelling does have a significantly wider frontage, it does include an integral garage whereas the approved scheme includes an additional detached garage which would be sited to the front boundary of the site. This latter arrangement would be arguably more intrusive in the street scene than that which is currently proposed. Should Panel Members be minded to approve the application it may be appropriate to impose a condition requiring the retention of the garage as such for the lifetime of the development. This would address concerns regarding

the possible loss of the garage for additional accommodation, which could raise highway safety issues.

- 10.11 The current application is shown as a four bedroom dwelling, including one bedroom in the roof space. An additional room in the roof space would seem likely to be used as a home office or storage space as it includes the stair landing and as such lacks privacy. The proposal is therefore defined as a two and a half storey dwelling. While this is an increase over the outline approval for a two storey and three bedroom dwelling, as identified above the overall roof height of the proposal is almost the same. The rooms in the roof space are shown to be illuminated by roof lights, and the addition of dormer windows to the roof plane facing the highway would be controlled by the need for planning permission. The insertion of dormer windows to the side or rear facing roof planes could be controlled by the removal of permitted development rights should Panel Members be minded to approve the application. The increased impact of the proposed additional accommodation would therefore be marginal.
- 10.12 The proposed dwelling itself is shown to be constructed with mostly render finish on a brick plinth, with a tiled roof, and with a hipped roof form to the side and rear elevations. The hipped elements would help to reduce the bulk of the property, albeit there is proposed to be a central projecting gable to the front elevation to provide an architectural feature. A broad belt of landscaping is shown to the front of the site. This would be important to soften the impact of the proposal in the street scene. Additionally the distance shown to the side boundary treatment is a little under 2m; this would be sufficient to provide planting to soften the visual appearance of this side of the proposal. It is therefore considered appropriate that, should Panel Members be minded to approve the application, that landscaping be secured by condition.
- 10.13 While the overall architectural character of the proposal does not find direct resonance with neighbouring properties, as noted previously the character of the area is somewhat mixed. It is therefore not considered that the proposal would appear out of keeping with the vernacular architecture and character of the area.
- 10.14 Overall while the proposal would undoubtedly have some degree of impact upon the street scene; a number of factors such as the size of the property, site slope and landscaping would to some degree help to mitigate this. Additionally the existence of a fallback position of a very similar nature suggests that the additional impact of the current proposal would be minimal, if at all.
- 10.15 The property would enjoy a good degree of separation from neighbouring ones, in excess of such distances suggested by SPG13. The nearest neighbouring properties would be the Hillcrest Court flats, but these would be separated by a gap of 6m. The proposal represents an increase over the previously approved siting which depicted a gap of 5m. The nearest opposing property, no.10, would be some 28m away. SPG13 suggests a distance of 21m between main aspect elevations.
- 10.16 As referred to in paragraph 10.4, the proposed property would project some 7m beyond the front elevation of the neighbouring flats. While this would not be ideal it is not considered that this would be significantly detrimental to the occupation of these properties. A 45 degree line struck from the edge of the nearest habitable window would not bisect the proposed property. It is therefore unlikely that the proposal would have a measurable impact upon the flats by virtue of overshadowing or dominance.

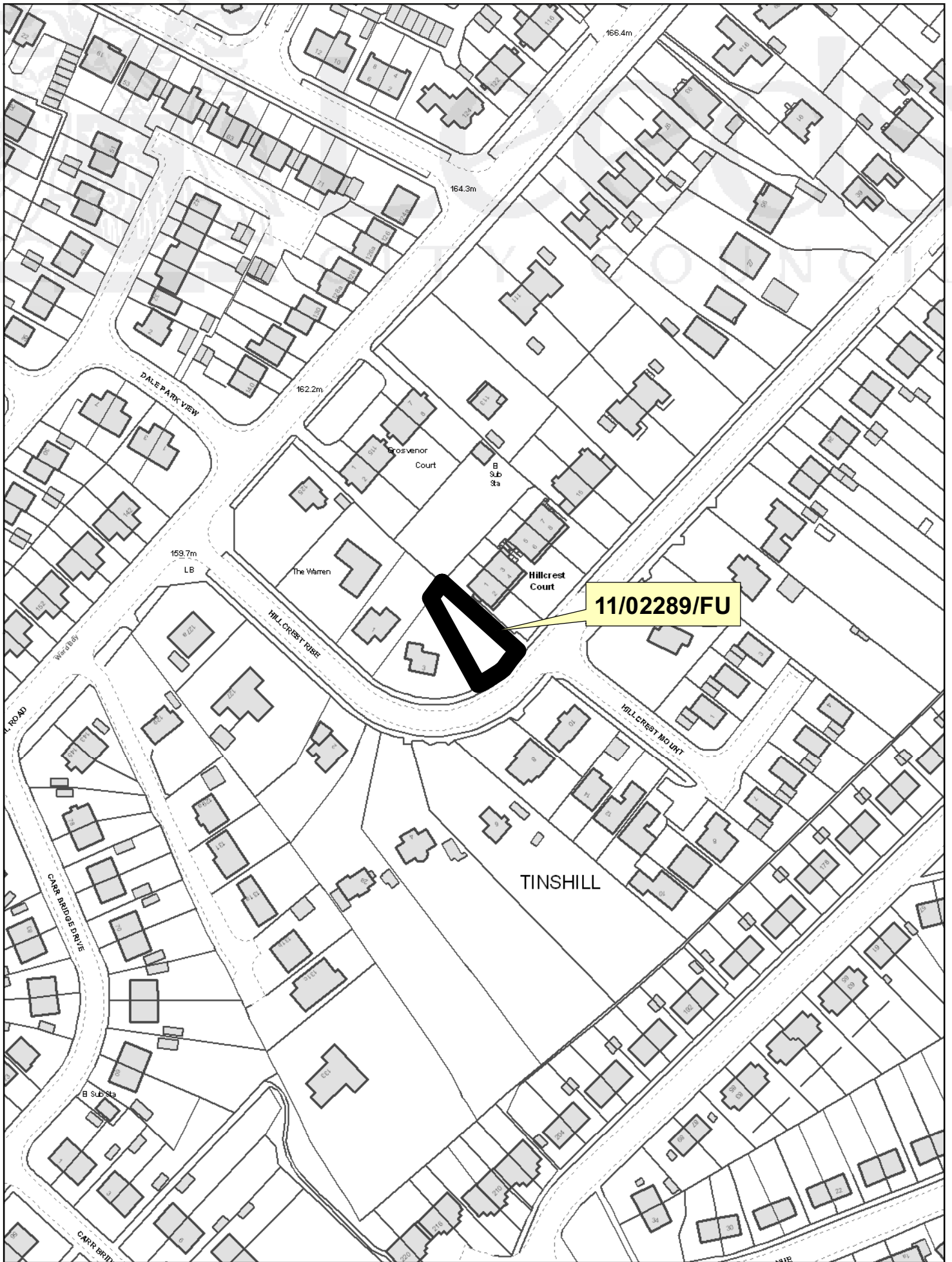
- 10.17 Consequently it is not considered that the proposal would have a significant measurable impact upon the amenity of neighbouring residents.
- 10.18 The proposed highway access to the property would be on a sloping bend in the access road. However in highway terms suitable visibility exists and as such an adequate safe access to the property can be accommodated, subject to restriction of boundary treatments to 1m height. The proposal includes an integral garage and sufficient hard standing area to the frontage for the parking of vehicles. The proposal is therefore not considered to be detrimental to highway safety.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable and complies with the planning policies set out in the Leeds Unitary Development Plan Review (2006), supplementary planning guidance and national planning guidance. The proposal is therefore recommended for approval.

Background Papers:

Application file;
Certificate of Ownership.



WEST PLANS PANEL



Originator: Terry Moran

Tel: 0113 39 52110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18 August, 2011

Subject: APPLICATION NUMBER 11/02420/FU – TWO DORMER WINDOWS TO REAR AND LIGHTWELL TO FRONT AT 53 ASH GROVE, HEADINGLEY, LEEDS. LS6 1AX

APPLICANT

Lingard Bell

DATE VALID

10 June 2011

TARGET DATE

05 August 2011

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Grant permission subject to the following conditions.

1. Standard 3 year time limit.
2. Details of approved plans
3. Materials to be submitted for approval – dormer cheeks to be slate hung
4. There shall be a maximum of six bedrooms in the property

1.0 INTRODUCTION:

- 1.1 This application is brought before Members at the request of Ward Councillor Gerry Harper due to the high level of local interest which the proposal has generated.

2.0 PROPOSAL:

- 2.1 The proposal seeks to erect 2 dormer windows to the rear and form a new lightwell to the front of a House in Multiple Occupation (HMO).

3.0 SITE AND SURROUNDINGS:

- 3.1 The property is a red brick house in a long terrace, currently occupied as a 6 bedroom HMO, forming part of a terrace of similar properties in a residential street.
- 3.2 The property has a central dormer window to the front with an unaltered roof to the rear and has gardens to front and rear.
- 3.3 The site is in Headingley Conservation Area and is within the Area of Housing Mix.

4.0 RELEVANT PLANNING HISTORY:

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

- 11/01928/FU - Change of use of 6 bed HMO to 8 bed HMO including extensions to form 2 rear dormer windows and new lightwell to front. Refused, 07/07/2011 on grounds that: -
 - 1) The Local Planning Authority considers that the proposed change of use to an 8 bedroom House in Multiple Occupation would lead to an unacceptable intensification of use of the site resulting in a significant reduction in amenity to local residents through increased noise and disturbance, comings and goings and on-street parking. The proposal is therefore contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Policies GP5, T2 and H15 of the Leeds Unitary Development Plan (Review 2006) and the Adopted Supplementary Planning Guidance documents 'Neighbourhoods for Living' and 'Headingley and Hyde Park Neighbourhood Design Statement'.
 - 2) The Local Planning Authority considers that the proposal to convert the property into an 8 bedroom House in Multiple Occupation is unacceptable in that it would result in the loss of a substantial family house in an area of Leeds which is over-dominated by flats and student housing, with a consequent impact on the vibrancy and sustainability of the community. As such it considered contrary to Planning Policy Statement 1: Delivering Sustainable Development, Policy H15 of the Leeds Unitary Development Plan (Review 2006) and Supplementary Planning Guidance 'Neighbourhoods for Living' and 'Headingley and Hyde Park Neighbourhood Design Statement'.

This application included the dormer windows and light well which are the subject of the current application,

- 26/713/04/FU – 55 Ash Grove – Dormer windows to front and rear. Approved 28/01/2005.

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application was submitted concurrent to a recent proposal to change the use of the property from a C4 HMO (up to 6 beds) to a sui generis HMO (8 beds), which has been refused for the reasons set out above.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This application was advertised by site notices. 11 letters of representation have been received, including one letter from Ward Councillor Gerry Harper. The letter from Councillor Gerry Harper is a request that this application be brought to Panel.

The remaining letters are all letters of objection, on the grounds that the proposed alterations are inappropriate and out of keeping with the character and setting of the Conservation Area and that the proposal is likely to increase the potential for the subsequent conversion of the property into a sui generis HMO.

7.0 CONSULTATION RESPONSES:

7.1 None.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy N19 seeks to preserve and enhance areas designated as Conservation Areas, in order to ensure that not only does no detriment result from any form of built development but also that such development should seek to improve and enhance its setting wherever possible.
- Policy H15 seeks to avoid any undue loss of family housing.

Supplementary Planning Guidance

Neighbourhoods for Living 2003

Headingley and Hyde Park Neighbourhood Design Statement 2010

National Guidance/Statements:

8.3 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 relevant, including;

- PPS1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- Planning Policy Statement 3 Housing aims to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.
- Planning Policy Statement 5 'Planning for the Historic Environment' sets out the Government's policy with regard to heritage assets.

9.0 MAIN ISSUES:

9.1 It is considered that the main issues is:

- Visual amenity and the character of the Headingley Conservation Area.
- Residential amenity.
- Area of housing mix.

10.0 APPRAISAL:

Visual amenity:

- 10.1 The application site lies within the Headingley Conservation Area. Conservation areas are areas of 'special architectural or historic interest, the character of which it is desirable to preserve or enhance'. As such any proposals for development need to preserve or enhance the character and appearance of such areas. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas
- 10.2 In this case, the application property is a mid terrace property in a row of attractive traditional brick built terraced houses.
- 10.3 In this instance, there are several properties in the immediate vicinity which incorporate front lightwells, including those on each side which have smaller lightwells and the lightwell proposed under this proposal would in any case have very limited visual impact in the street scene. A number of houses in the terrace also feature rear dormers including a large box dormer immediately adjoining which was granted planning permission in 2005. The proposed rear dormers are of fairly modest dimensions and are not considered harmful to the street scene or the wider Headingley Conservation Area.

Residential amenity:

- 10.4 A number of concerns have been raised by objectors that the proposal will result in a loss of residential amenity due to increased comings and goings due to an intensification of the use of the property. As the proposal does not increase the number of lettable bedrooms however, it is not considered that this is a likely impact of the development. A condition is recommended however, requiring that there shall be no more than six bedrooms.

Parking provision:

- 10.5 The property does not have any dedicated off-street parking provision. However, given that the number of lettable rooms does not increase there are no implications for increased on-street car parking.

Area of Housing Mix:

- 10.6 The site is in the H15 area; therefore the proposal must meet the criteria of that policy. These criteria state that.
- The quantity and variety of housing stock should not be reduced;
 - There should be no unacceptable impact on neighbouring amenity;
 - The scale of the development should be compatible with the area;
 - There should be adequate provision for car parking; and
 - The proposal should improve the quality or variety of student housing.
- 10.7 In this case, the proposal does not result in any increase in useable bedspaces, and in fact relates to an existing HMO as defined by Use Class C4. The proposal does not therefore result in the loss of a house suitable for single family occupation, as the dwelling remains within the same category and may therefore be so altered

without the need for formal planning approval. The stock of family housing will therefore not be affected.

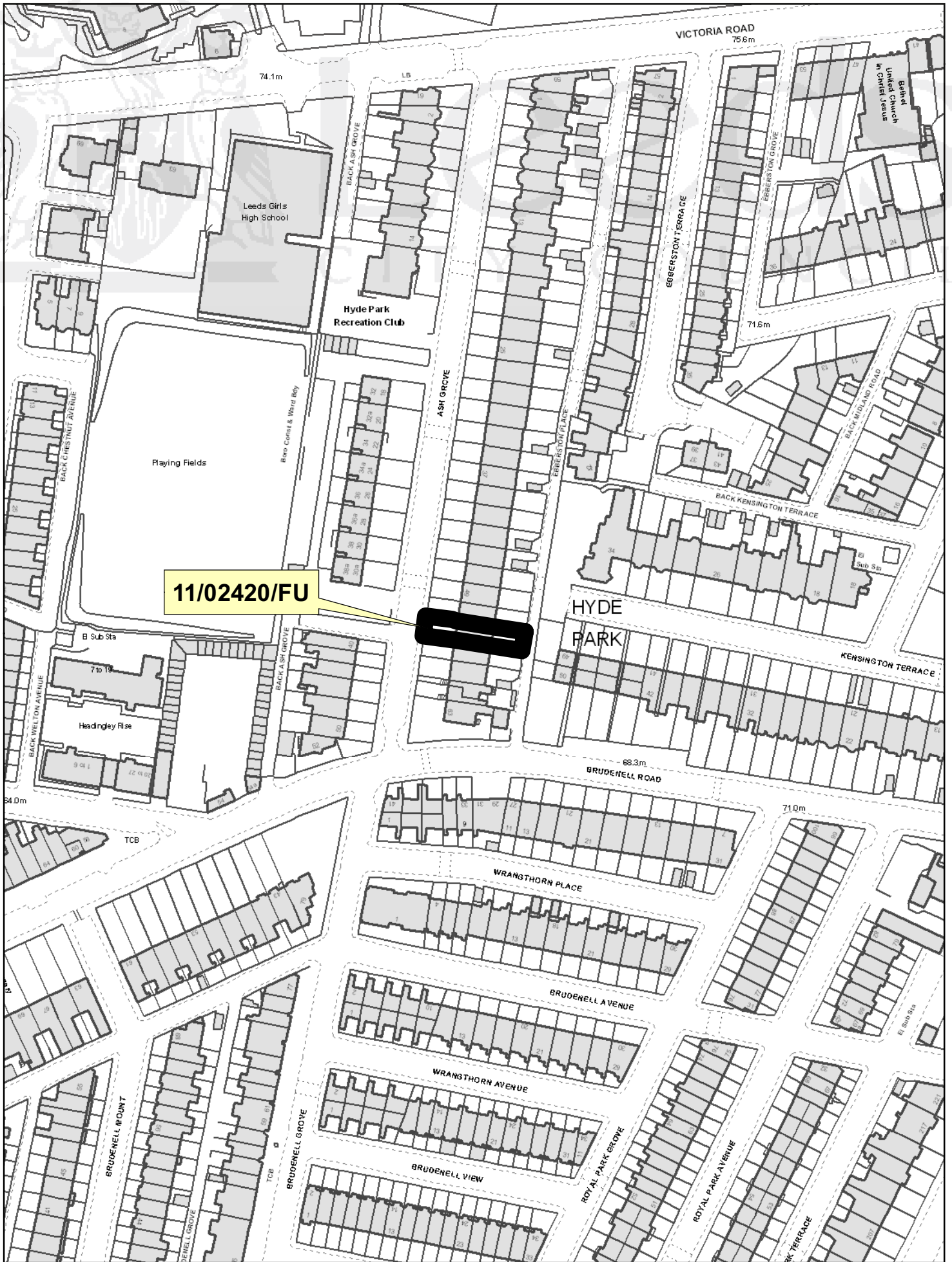
- 10.8 There is no increase in bedrooms, but the proposal does provide improved facilities for tenants with an increase in natural daylight to the upper bedrooms and basement area. As such, it is considered that the proposal will result in a modest improvement on existing levels of student accommodation. A condition is recommended which requires that there shall be no more than six bedrooms.
- 10.9 The proposal is therefore considered to comply with the requirements of paragraphs (i), (ii), (iii), (iv) and (v) of Policy H15 of the Adopted Unitary Development Plan.

11.0 CONCLUSION:

- 11.1 It is concluded that the proposed alterations and extensions to the property are acceptable in terms of their visual impact in the Conservation Area and would result in a modest improvement to the living standards of existing and/or future tenants. Approval is therefore recommended subject to the conditions outlined at the head of this report

Background Papers:

Application and history files.



11/02420/FU

WEST PLANS PANEL



Originator:	Peter Jorysz
Tel:	0113 247 7998

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: 10/04068/OT: CLARIANT SITE, CALVERLEY LANE, HORSFORTH – OUTLINE APPLICATION INCLUDING MEANS OF ACCESS TO ERECT RESIDENTIAL DEVELOPMENT FOR UP TO 400 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, PARKING, LANDSCAPING, ANCILLARY RETAIL UNIT, ALLOTMENTS, RETENTION OF SPORTS GROUND WITH PAVILION AND OFF-SITE HIGHWAY WORKS.

Subject: 10/04261/OT: RIVERSIDE MILLS, HORSFORTH – OUTLINE APPLICATION INCLUDING MEANS OF ACCESS TO ERECT RESIDENTIAL DEVELOPMENT FOR UP TO 150 DWELLINGS WITH ASSOCIATED OPEN SPACE AND OFF-SITE HIGHWAY WORKS.

APPLICANT	DATE VALID	TARGET DATE
Harrow Estates/Horsforth Riverside LLP	n/a	n/a

Electoral Wards Affected:
Horsforth (also affecting Calverley and Farsley)

Y Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Following refusal of both applications at Panel on 31st March 2011 and submission of subsequent appeals, Panel are requested to support a case at Public Inquiry which does not contest reasons for refusal 5 and 6 of both appeals and elements of reasons for refusal 2 and 3 of both appeals.

1.0 INTRODUCTION:

- 1.1 Members will recall a report considered at West Plans Panel on 3rd March 2011 recommending approval for both applications, subject to resolution of certain matters, conditions and a Section 106 agreement. After lengthy debate, Panel resolved to refuse both applications and requested that officers come back with suggested reasons for refusal.
- 1.2 Following West Panel on 31st March 2011 both applications were refused with the same reasons for refusal as follows.

1. The site lies outside the main urban area, in a location which is remote from local services. As such, the site is not in a demonstrably sustainable location for residential development and the sustainability measures promoted are considered insufficient to outweigh this locational disadvantage. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies H4, T2, T9; RSS (2008) policies YH7, LCR1, T1 and government guidance in PPS1, PPS3 and PPG13.

2. The site is poorly served by non car modes of transport. The proposed bus service is insufficient to meet the minimum standards suggested by the SPD "Public Transport Contributions" and proposals for Calverley Lane North result in disbenefits for cyclists. Consequently residents would be primarily dependent upon use of the private car. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies GP5, H4, T2, T2D, T5, T9; RSS (2008) policies YH7, T1, T3; SPD "Public Transport Improvements and Developer Contributions" (August 2008) and government guidance in PPS1, PPS3 and PPG13.

3. The submitted Travel Plan is unacceptable as regards baseline mode splits and targets, penalties and mitigation if targets not met, travel to school by sustainable transport and the form, timing and length of monitoring. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic aim SA2, policy GP5, para 6.3.9., 6.3.12, RSS policy T1, SPD "Travel Plans" (May 2007) and government guidance in PPG13.

4. The development is accessed from the A6110 (Ring Road) which is a high speed, heavily trafficked primary route. The access from Calverley Lane South onto the A6110 does not have adequate capacity to cater for the development and is considered unsafe. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2 and T5 of the and government guidance in PPS3 and PPG13.

5. The proposed access works to Calverley Lane North fail to take proper account of cyclists returning to the site, detrimental to their safety and convenience. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T5; RSS policy T1 and government guidance in PPG13.

6. The Transport Assessment is based on a VISSIM model which has a number of serious flaws, in particular the queue lengths in the existing situation do not validate which has implications for the fallback and development case results. This means that the model does not provide an acceptable representation of impacts on the local highway network and the Transport Assessment cannot be relied upon to make a sound planning decision. The application is therefore detrimental to highway interests contrary to adopted Leeds UDP (2006) policies GP5, T2, T2B and PPG13 para 23-25.

- 1.3 Both refusals were subsequently appealed on 13th June 2011. The Secretary of State has called in both appeals, to be co-joined and heard together at a Public Inquiry lasting 8 days, programmed for 8th November until 18th November 2011.
- 1.4 Since refusal of both applications the appellants have been seeking to overcome a number of reasons for refusal and elements of others to minimise Public Inquiry time. Revised highways modelling, revised plans for Calverley Lane North and a revised Travel Plan have been provided. This results in a situation where reason for refusal nos 5 and 6 could be overcome and elements of reasons for refusal 2 and 3 could also overcome.
- 1.5 Members are requested to support officer advice to agree these elements as part of a Statement of Common Ground, currently being prepared and due to be submitted to the Planning Inspectorate by 31st August 2011. These elements of the Council's case would then not be contested at the Public Inquiry.

2.0 PROPOSAL:

2.1 The revised proposals take the form of:

- A revised Travel Plan.

-A revised proposal for Calverley Lane North which provide a 2-2.5 m joint footway/cycleway (as opposed to a 2m joint footway/cycleway as determined).

-A revised VISSIM model following comments from the Council's consultants Mouchel's prior to determination.

3.0 PUBLIC/LOCAL RESPONSE:

3.1 The applications are no longer with the local planning authority to determine and rest with the Secretary of State. As such the planning authority has no statutory duty to consult on the proposed amendments. The appellant has therefore advertised the revised proposal for Calverley Lane North by letter to c 52 local businesses and residents as well as putting an advertisement in the Yorkshire Evening Post on 22nd July.

3.2 The local planning authority has only received one public comment (as at 4th August 2011) from 30/32 Calverley Lane that the verge in front of that property would be replaced by a footway where other existing verges would be retained. It should be noted that the local planning authority is not in position to respond to objections formally as these would be considered by the Planning Inspector holding the Public Inquiry.

4.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

HIGHWAYS: Revised Highway proposal for Calverley Lane North acceptable. As regards VISSIM it is agreed that the VISSIM model is fit for purpose in order to inform the engineering judgement of the network everywhere except in relation to Calverley Lane South, where an alternative form of analysis is required.

NON-STATUTORY CONSULTTEES

TRAVELWISE: Baseline mode splits and targets now agreed as well as form, timing and length of monitoring.

TRANSPORT PLANNING: Whilst the proposal remains substantially below the relevant Local Transport Notes it is an improvement on previous proposals. There does not seem to be a reasonable possibility of better alternative route and therefore no objection.

EDUCATION TRAVEL COORDINATOR: Revised plan now provides a segregated walking route to local schools by incorporating a dedicated footway along Calverley Lane North.

LANDSCAPE: Given the recent site meeting and subsequent revised layout, concludes that although the loss of trees along Calverley Lane North damages the character of the lane, on balance the proposal is acceptable subject to the submission of a combined arboricultural/highway construction statement as agreed on site.

5.0 PLANNING POLICY

The Planning Inspectorate: Planning appeals and called in planning applications 01/2009

- 5.1 Para 1.10.2 confirms that the main parties should work together during the application process to seek to ensure that the evidence before an appeal is that which was before the local planning authority. However para 1.9.2 notes that it is important for the applicant and local planning authority to maintain constructive dialogue. Para 1.10.1 also states that the Inspector can take into account material that was not before the local planning authority at the time of the decision.

6.0 MAIN ISSUES

Reason For Refusal Five (Calverley Lane North Footway/Cycleway)
Reason For Refusal Six (VISSIM Model)
Reason For Refusal Two (Sustainable Transport)
Reason For Refusal Three (Travel Plan)

7.0 APPRAISAL

REASON FOR REFUSAL FIVE (CALVERLEY LANE NORTH FOOTWAY/CYCLEWAY)

- 7.1 The Panel report of 31st March 2011 noted at para 1.5 that highway issues relating to the footway on Calverley Lane North were unresolved. The 2m footway was insufficient to be designated as a formal two-way cycleway. This was detrimental on highway safety grounds for pedestrians and cyclists.
- 7.2 Highways confirmed that a 2.5 m joint footway/cycleway would be acceptable. Following the refusal, a subsequent proposal has been submitted for discussion purposes that provide a 2.5m footway/cycleway, with localised narrowing to retain significant trees.

- 7.3 The works to Calverley Lane North, by providing a potential dedicated public footway/cycleway, will offer benefit in highway safety to cyclists and pedestrians that could use it in both directions that was not available at the time of the Panel decision. This would allow for cyclists returning to the site and would no longer be detrimental to their safety and convenience, hence overcoming the reason for refusal.
- 7.4 The applicant intends to submit the proposal to the Inspector and request that the drawings be considered as part of the appeal proposal. Officers recommend that this is agreed in the Statement of Common Ground and that this reason not be pursued at the Public Inquiry.

REASON FOR REFUSAL SIX (VISSIM MODEL)

- 7.5 The Panel report of 31st March 2011 noted at para 1.7 that the revised VISSIM modeling assessment submitted on 10th February had been assessed by the Council's consultants, who concluded that the model still contained a number of flaws. Accordingly an additional highways reason for refusal was added at Panel.
- 7.6 Following further discussion around validating the model and the submission of a further iteration of the model, Highways have now agreed that the model is fit for purpose in order to inform the engineering judgement of the highway network i.e. that the highway improvements to Horsforth and Rodley roundabouts are sufficient to mitigate the impact of development traffic. However this does not apply in relation to Calverley Lane South, where an alternative form of analysis is required. Officers therefore recommend that this is agreed in the Statement of Common Ground and that this reason not be pursued at the Public Inquiry (although the highway reason for refusal relating to Calverley Lane South remains).

REASON FOR REFUSAL TWO (SUSTAINABLE TRANSPORT)

- 7.7 The provision of a 2-2.5 m joint footway/cycleway to overcome reason for refusal five also has implications for reason for refusal two; in that the proposals for Calverley Lane North no longer have disbenefits for cyclists.
- 7.8 Whilst the remainder of the reason for refusal remains valid, officers recommend that this element is agreed in the Statement of Common Ground and that this element of the reason is not pursued at the Public Inquiry.

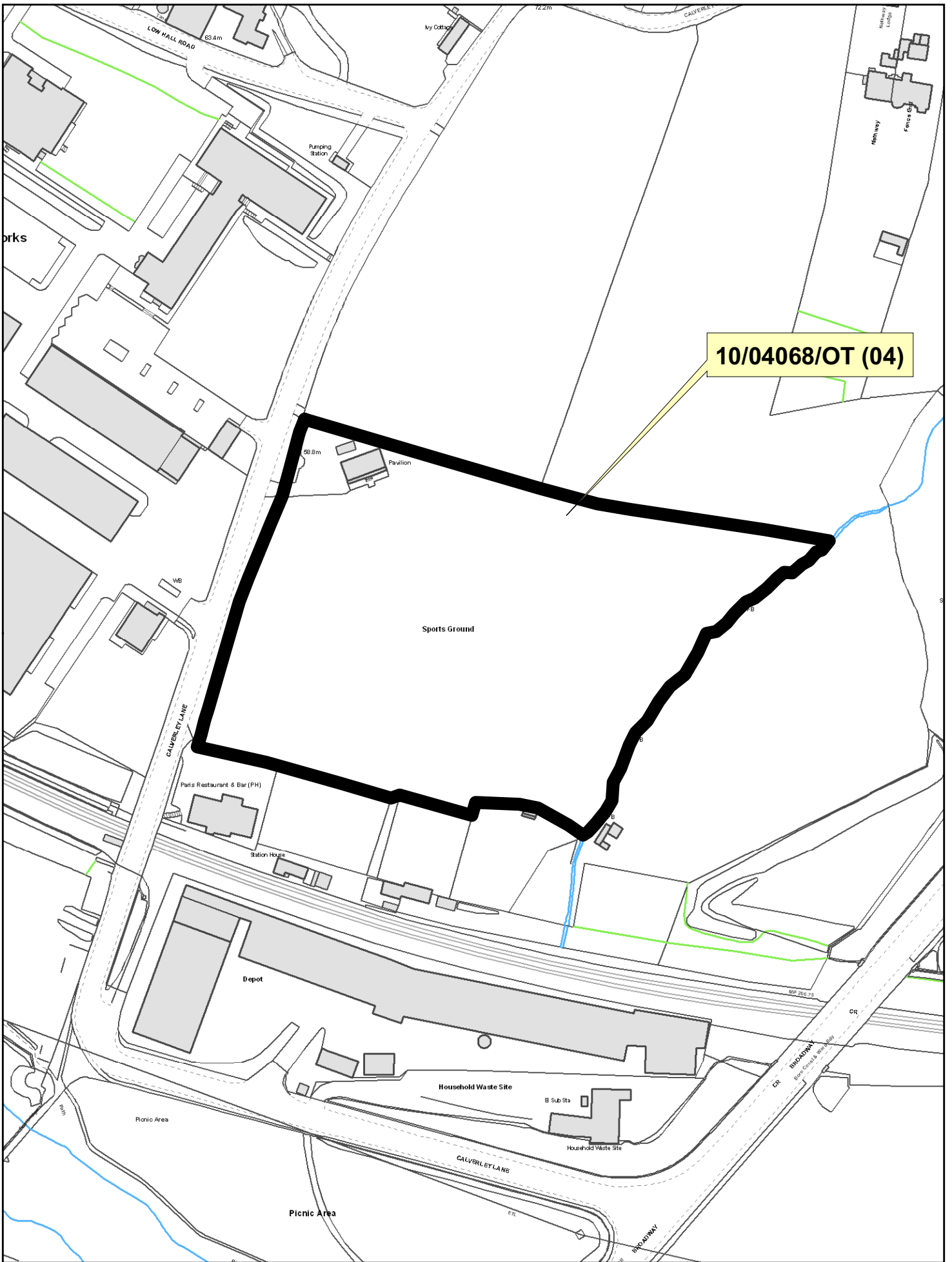
REASON FOR REFUSAL THREE (TRAVEL PLAN)

- 7.9 The Panel report noted that a revised Travel Plan had only recently been submitted and that Travelwise comments would be reported to Panel. Travelwise subsequently commented that the Travel Plan remained unacceptable. Following the refusal discussions have resulted in agreement over baseline mode splits and proposed targets as well as the proposed form, timing and length of monitoring. A further version of the Travel Plan has been submitted with these revisions.
- 7.10 Whilst the Travel Plan remains unacceptable and remainder of the reason for refusal remains valid, officers recommend that these elements are agreed in the Statement of Common Ground and that these elements of the reason are not pursued at the Public Inquiry.

8.0 CONCLUSION

- 8.1 Whilst good practice suggests matters should be resolved prior to determination, the applicants late submission of VISSIM modeling, proposals for Calverley Lane North and a revised Travel Plan did not allow for resolution of outstanding issues within the agreed PPA timescales. As such the appellant is seeking to remedy this post decision.
- 8.2 Good practice suggests that parties should work positively together post decision to seek to reduce Public Inquiry time wherever possible. On the basis that the above matters are acceptable to Council officers, it is recommended that the Council agree these elements as part of the Statement of Common Ground and agree that they will not form part of the Council's case at the forthcoming Public Inquiry.

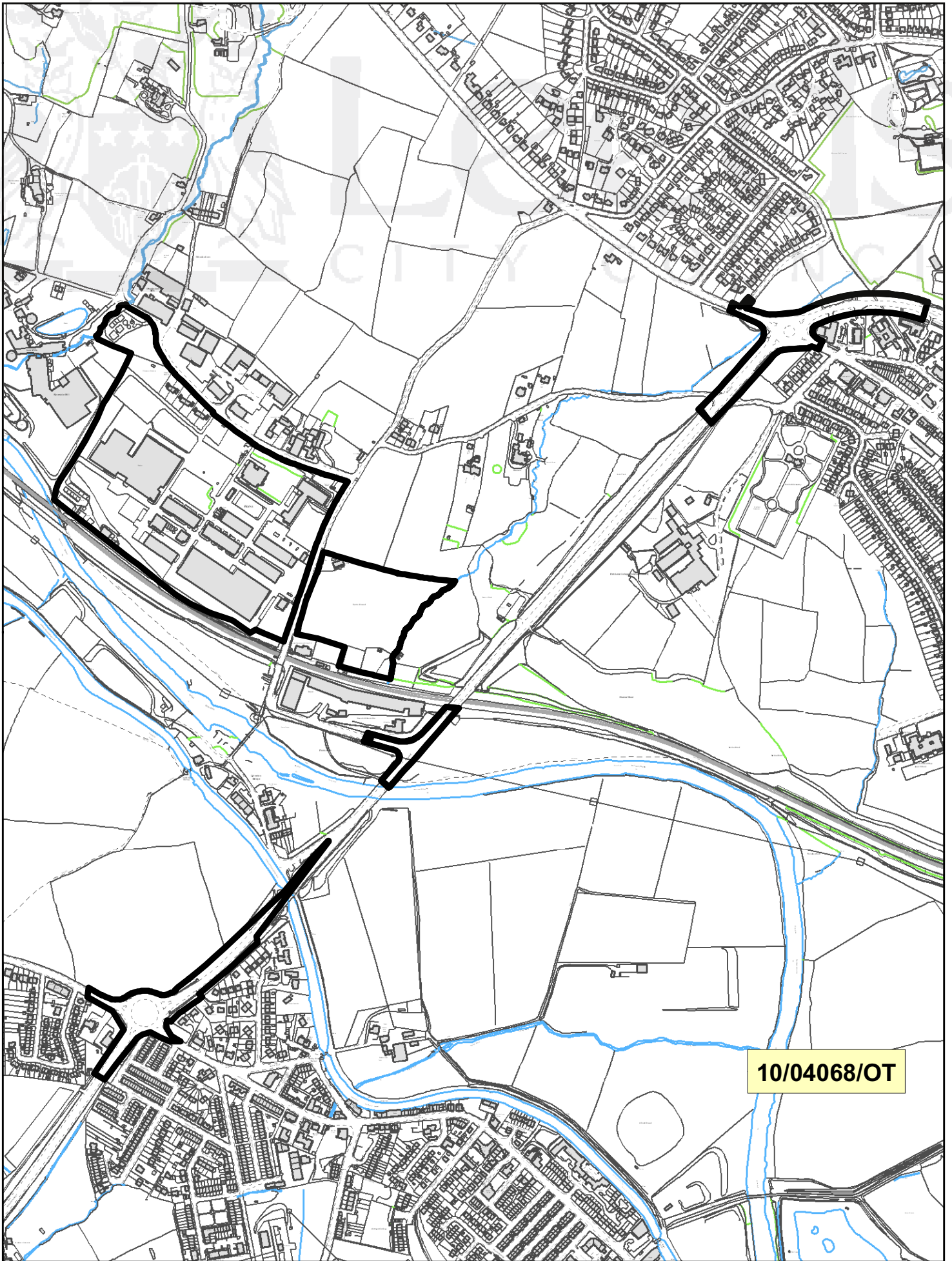
Background Papers: Panel Papers for 31st March 2011.



10/04068/OT (04)

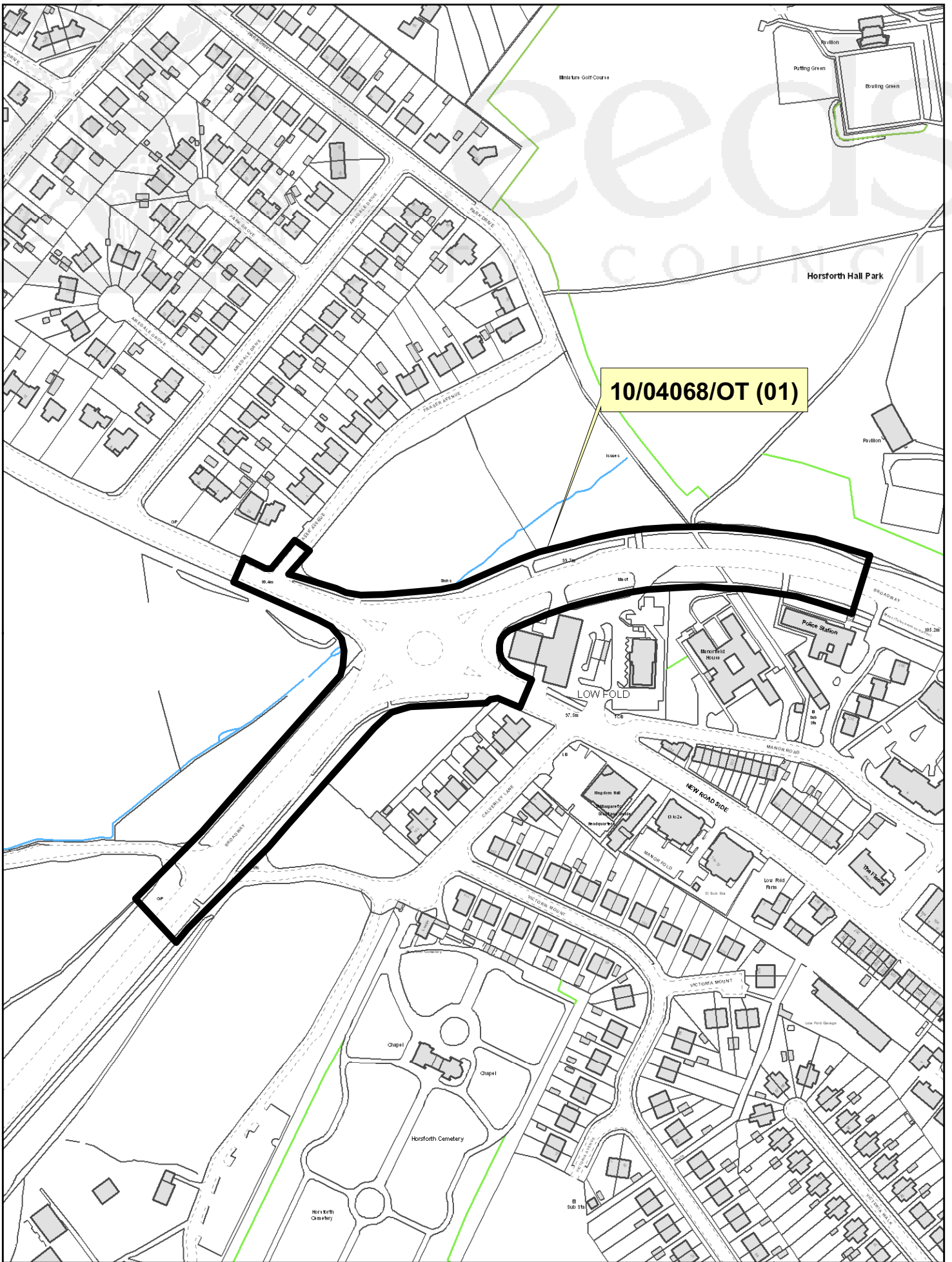
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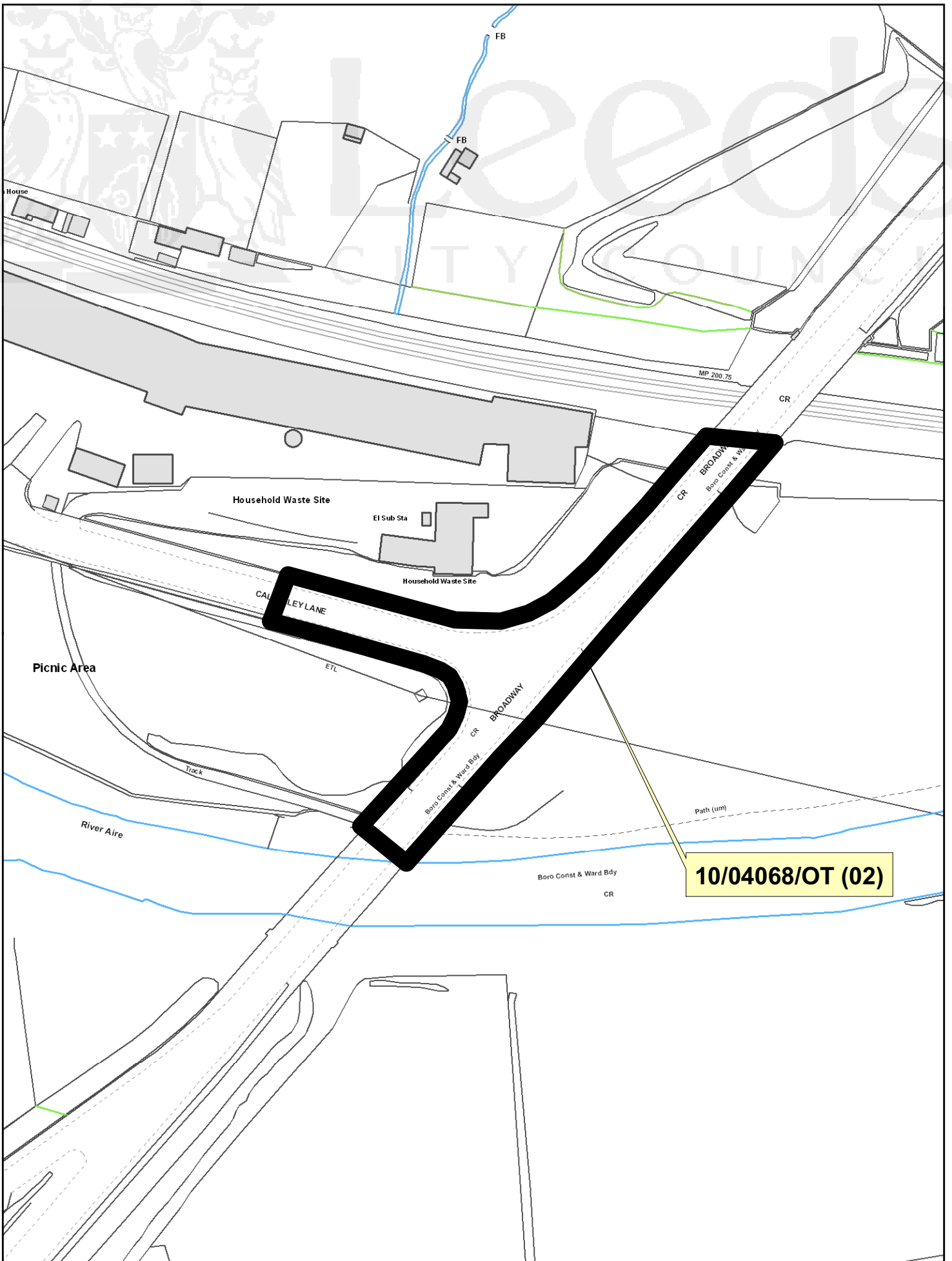


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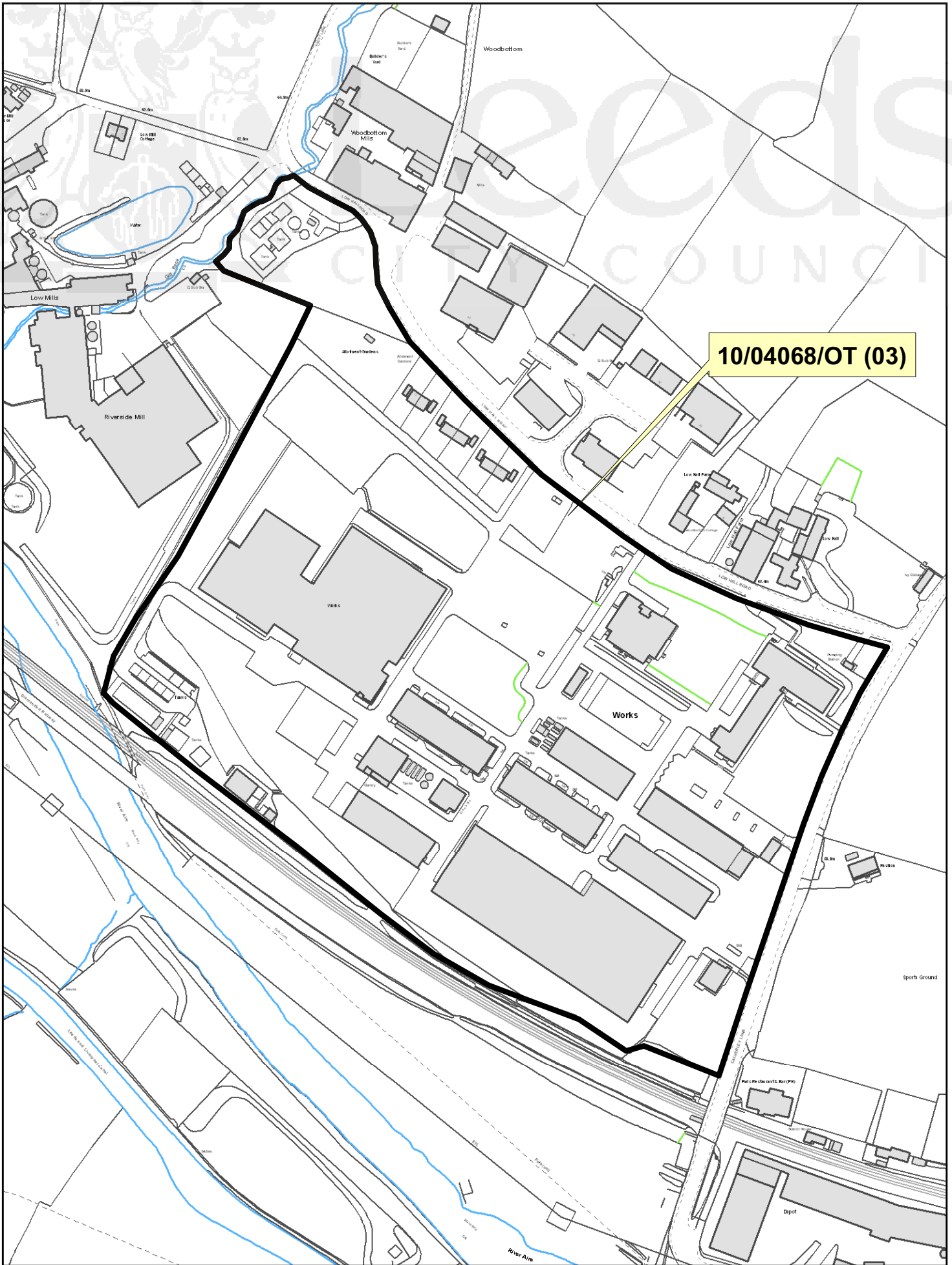


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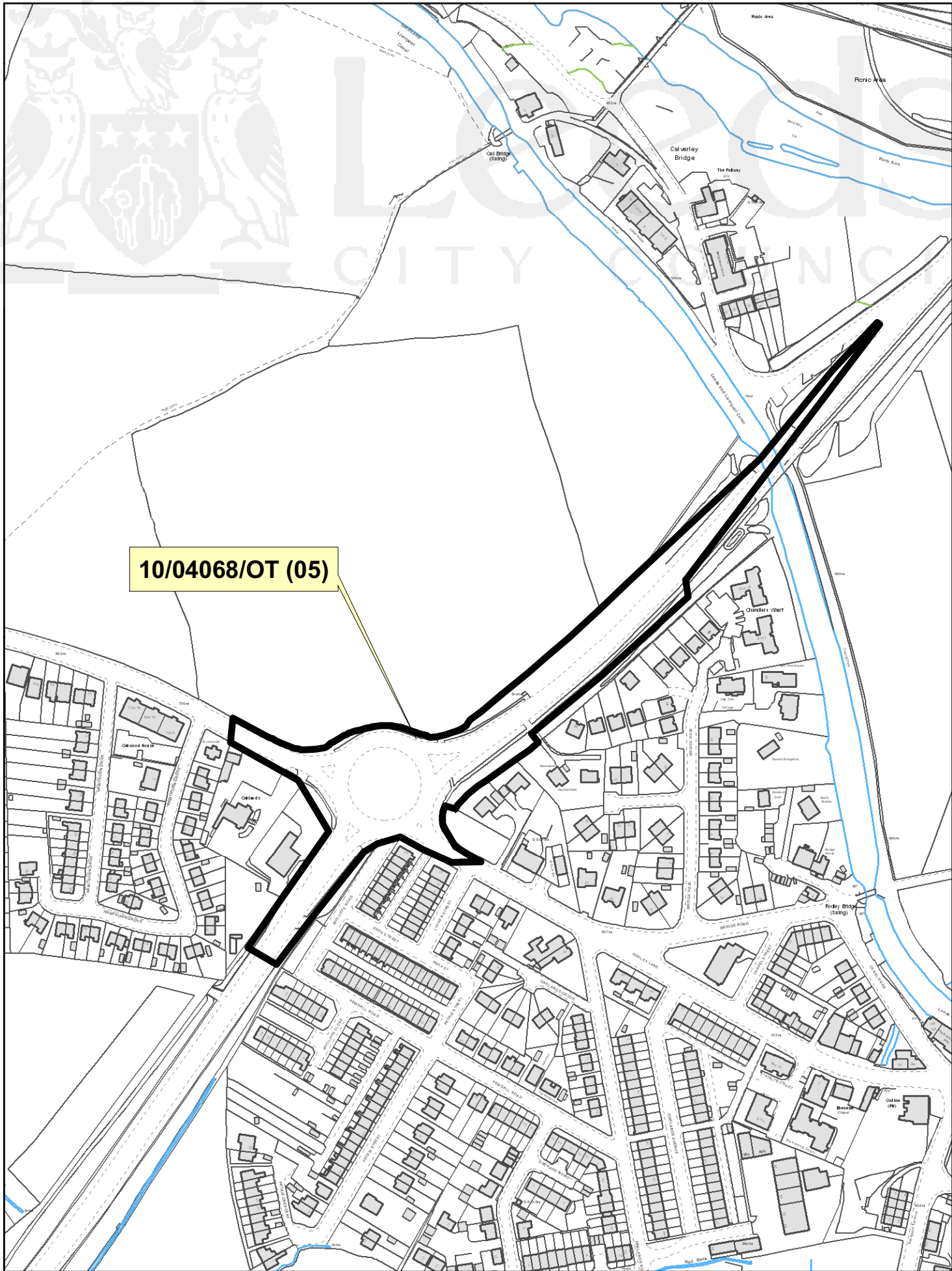
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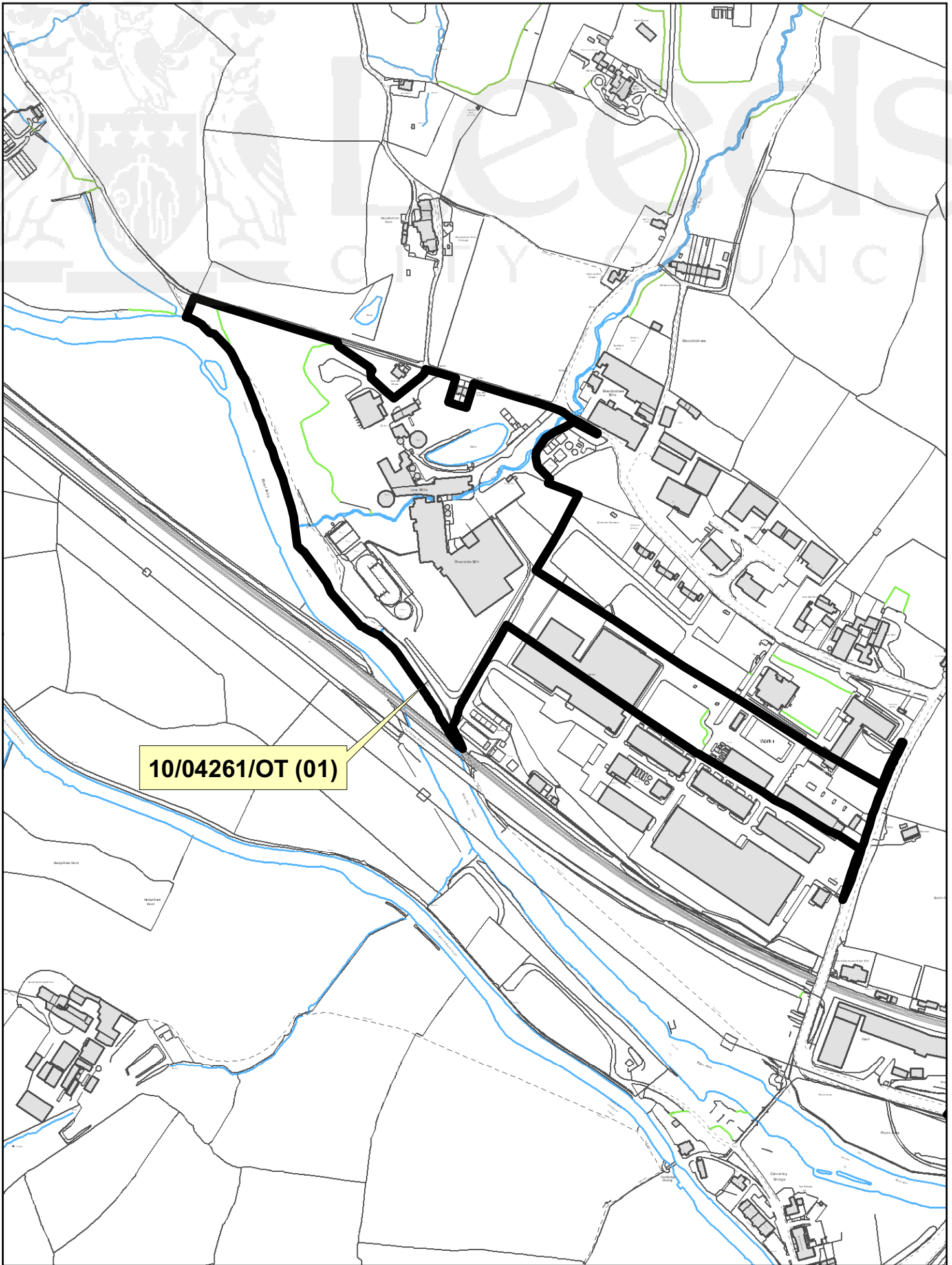




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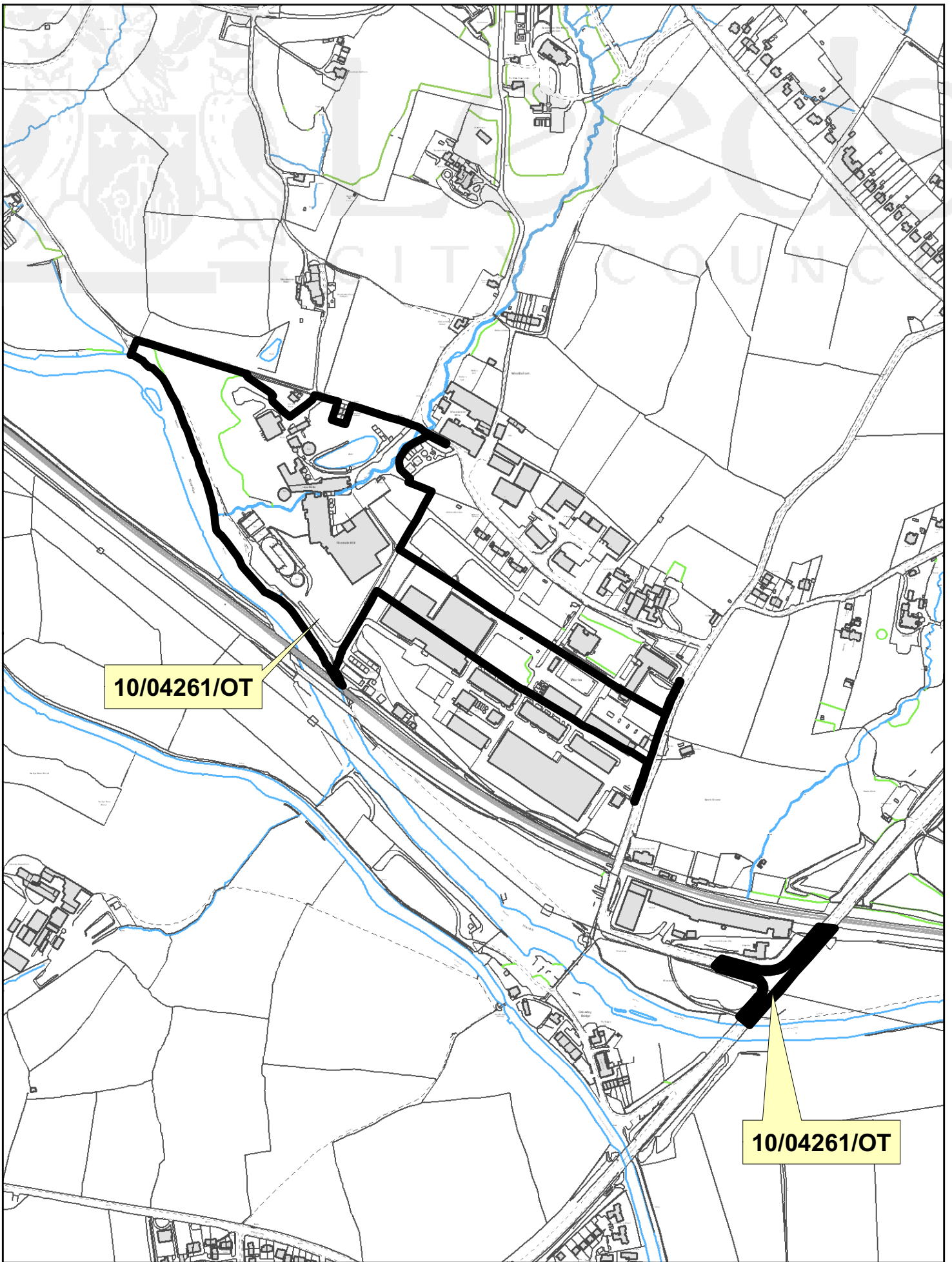




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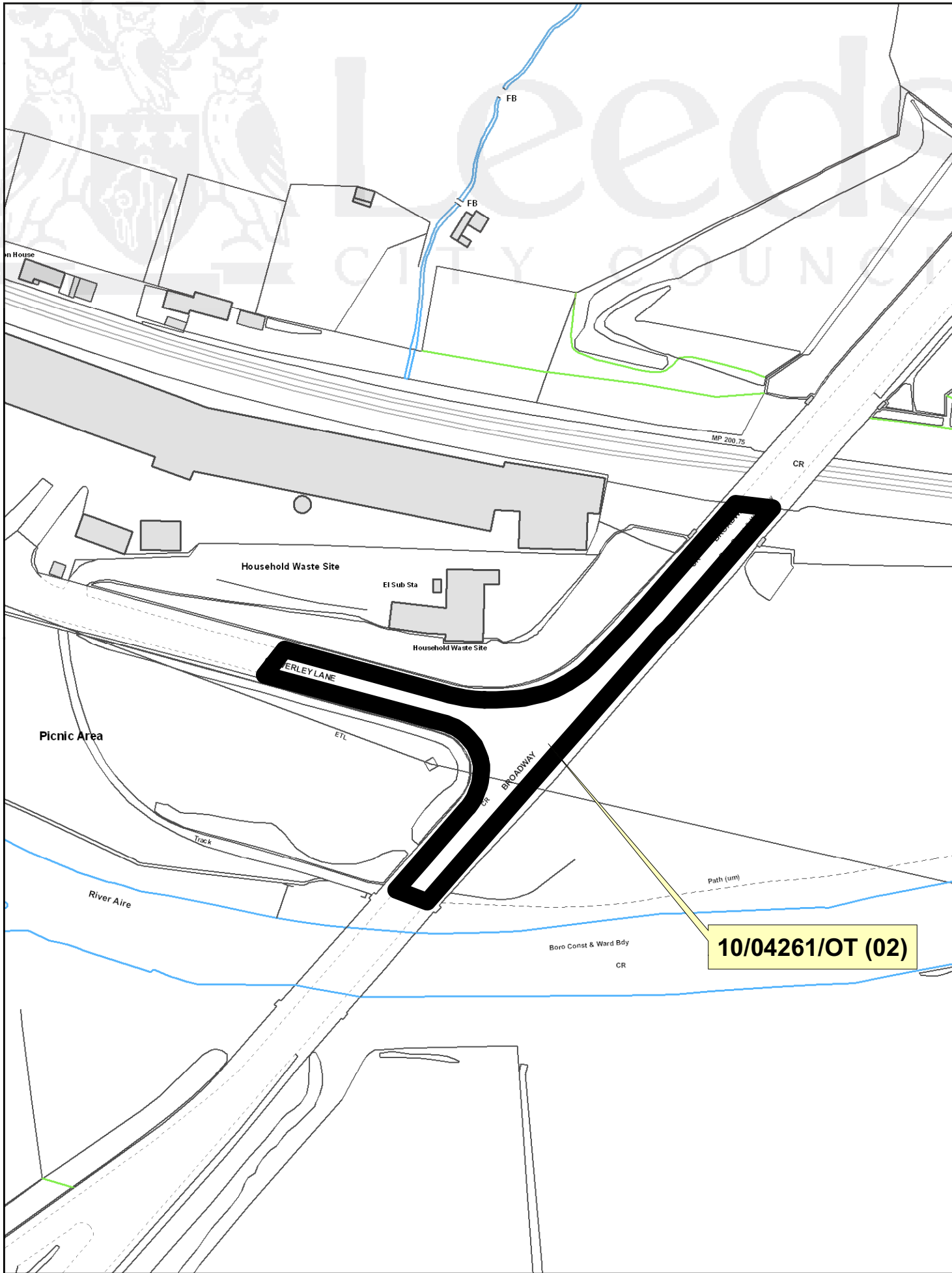
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Originator: Peter Jorysz
Tel: 0113 247 7998

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: 11/01400/EXT; EXTENSION OF TIME FOR 24/96/OT FOR MIXED DEVELOPMENT COMPRISING RESIDENTIAL, OFFICES, LEISURE, HOTEL, RETAIL, BAR/RESTAURANTS, ACCESS, SITE REMEDIATION, BRIDGE WORKS, RIVER WORKS, CAR PARKING AND LANDSCAPING; KIRKSTALL FORGE, KIRKSTALL.

APPLICANT	DATE VALID	TARGET DATE
Commercial Estates Group	5 TH April 2011	31 st August 2011

Electoral Wards Affected:
Kirkstall, Horsforth and Bramley & Stanningley

Y Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate to the Chief Planning Officer to approve subject to the same conditions as planning permission 24/96/05/OT (with the exception of revisions to conditions 11, 12 and 14 and deletion of condition 13 as set out in this report) and a variation to the original Section 106 agreement to include:

- recession proof clauses for reassessment of viability,
- a revised capped contribution of minimum £9,973,071 and maximum of £13,009,606 (index linked) towards the train station, affordable housing, primary and secondary education, off-site highway works at Horsforth roundabout, footpath/cycleway links to Kirkstall Abbey and the canal towpath, Travel Plan monitoring and community benefits,
- commitment to phase 1 (comprising road/bridge infrastructure to serve the train station and either 100,000 sq ft of office and 10,000 sq ft of supporting retail or temporary car park to serve the train station) within the life of the original outline,
- revisions to the original triggers for payment of the commuted sums to allow for early funding of the train station and commercial development in the first phase.

1.0 INTRODUCTION:

- 1.1 Panel will recall consideration of a Progress Report at West Panel on 25th May 2011 regarding Kirkstall Forge. The report updated members on Commercial Estates Group (CEG) plans for Kirkstall Forge.
- 1.2 CEG is the landowner/developer for the site. CEG have submitted an application to extend the life of the original outline permission via a new a new outline permission for 15 years. The application has been prompted by the slowdown in the economy and changing circumstances regarding funding of the associated train station on the adjoining site. Revisions to the S106 and conditions are proposed to increase the proportion of funding for the proposed train station and enable flexibility with access improvements and bus services.
- 1.3 Members views were invited on 25th May. Members commented that general support could be given to:
- the principle of the development,
 - revisions to the S106 to enable additional early funding for the train station by re-apportioning existing contributions,
 - amendments to highway conditions 11 and 14 regarding the timing of construction of the accesses and trigger for the bus service,
 - assessing recession proof clauses in a revised S106 given the proposed 15 year permission.
- 1.4 Further to continued discussion and in accordance with agreed Planning Performance Agreement timescales the application is now brought before Panel for determination.

2.0 PROPOSAL:

- 2.1 The original outline planning permission (24/96/05/OT), including details of access only, was granted on 20th July 2007. This required submission of reserved matters within 10 years. The description of development comprised:
- “Residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping.”
- 2.2 The indicative development at that time comprised the following elements:
- 1,355 dwellings (1,109 apartments and 246 townhouses/ maisonettes);
 - 146,000 square feet of offices;
 - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, hotel, a creche and accommodation for social community uses totalling 104,000 square feet;
 - Preservation and change of use of existing grade 2 listed lower forge building to provide food and drink uses;
 - Change of use grade 2 listed stables to residential;

- Areas of amenity green space;
- Wildlife and ecological enhancements;
- Park and ride for approximately 150 cars;
- Improvements to vehicular junctions, allowing access to the A65;
- Internal access roads, catering for new bus services;
- Network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths alongside the former abbey mill race;
- New pedestrian and vehicular bridge across River Aire;
- Site remediation works;
- Riverside improvement works and creation of flood relief channel.

The development was predicated on delivery of a new railway station on adjoining land.

- 2.3 The current application documentation is identical to the original outline (bar a new supporting statement and a revised Flood Risk Assessment), as the application simply seeks to extend the life of that original permission in line with government guidance in “Greater Flexibility for Planning Permissions.” The supporting statement seeks to justify the extension of time arguing that the viability of the scheme has changed and seeks an amendment to the S106 to provide additional funding for the train station.
- 2.4 The proposed train station, which already has planning permission (10/01211/FU), is fundamental to a successful, sustainable development at Kirkstall Forge. The original intended construction date of 2011/12 has been deferred due to the Coalition government spending review and is now looking likely to be 2015 at the earliest. The scheme is one of many that are competing for Department of Transport (DfT) funding; DfT have now stated that funding for outstanding schemes may still be forthcoming; but only if the extent of local funding is significantly increased. Although there is no fixed percentage which would make the scheme acceptable DfT have advised METRO that there are a number of schemes now achieving 40% and one achieving 60% at the local level.
- 2.5 Accordingly METRO are looking at providing additional funding of £1.3 million, which CEG are looking to match. This would result in 40% funding at local level helping Kirkstall Forge Train Station (along with Apperley Bridge Train station which is in the same package) to compete effectively against other schemes nationally.
- 2.6 CEG originally requested that funds be re-apportioned and the original S106 be revised as follows.

ORIGINAL S106		REVISED S106	
Train Station	£4,000,000	Train Station	£5,300,000
Affordable Housing/ Offsite highway works/	£3,500,000	Affordable Housing/ Offsite highway works/	£2,200,000

Footpath Improvements/ Community Benefits.		Footpath Improvements/ Community Benefits.	
Education	£100,000	Education	£100,000
TOTAL	£7,600,000	TOTAL	£7,600,000

Subsequent to consideration of the progress report this offer has increased and this is covered in the “Appraisal” section.

- 2.7 The application also seeks to amend some of the original conditions to allow for the western access to be completed first and introduce revised triggers for provision of a bus route through the site, taking the increased commercial floorspace into account. This is covered in the “Appraisal” section.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises the former Kirkstall Forge site. This totals c 23 hectares, located off the A65, about 6km (3.7m) from the city centre. The former commercial buildings have now been fully cleared with the exception of the listed buildings. Archaeology work and remediation work in accordance with the original outline permission are largely complete.

- 3.2 The site is surrounded by the A65, Hawksworth Wood and post-war residential development to the north, Bramley Fall Woods and the railway line/Leeds Liverpool canal to the south, open land and the Newlay Conservation Area to the west and open land leading to Kirkstall Forge to the east.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The original outline permission (24/96/05/OT) was granted on 20th July 2007. The original officer reports dated 26th January 2006 and 20th April 2006 are attached at Annex B and C to this report.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions with CEG have focussed on material changes of circumstance since the original outline permission, the difficulties in funding the train station and necessary revisions to the S106 agreement/conditions.
- 5.2 As a separate exercise, CEG is proposing revisions to the illustrative Masterplan considered at outline stage. These revisions were initially brought to Panel as a pre-application presentation on 21st January 2010. Whilst these do not affect consideration of this application to extend the original permission, they will affect the form that subsequent applications for reserved matters will take. Panel were supportive of the principle of the changes.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice on 15th April 2011 and advertised in the press on 18th May 2011. No public representations have so far been received (9th August 2011).
- 6.2 One representation has been received from Councillor Illingworth who has commented that the S106 should be renegotiated and expressing discontent with the lack of public consultation about the original S106. Councillor Illingworth in

particular would like to see some specific commitment to the Hawksworth Wood Estate, to the main Kirkstall gyratory and to active travel along the valley floor. He does support the railway station on site but does not consider any expenditure from this site should be spent at Horsforth roundabout.

6.3 The Kirkstall Forge Community Liaison Group (inc Kirkstall ward members) also meets every 4 months to discuss progress and ensure local community engagement. The most recent meeting was on 11th May at which general support was expressed for both the scheme and the train station.

6.4 Horsforth Town Council have responded that they have no comment to make.

7.0 CONSULTATIONS RESPONSES:

Statutory

Network Rail: Support the application. Delivery of the station would be seriously jeopardised if extension of time not granted. A fundamental element of the application is to deliver significant improvement to public transport in the Aire Valley and recognition should be given to difficult financial pressures on delivery of such infrastructure projects.

METRO: Support the application. If extension of time not granted the funding arrangement for the train station would be put in serious jeopardy.

Environment Agency: No objection, subject to conditions.

British Waterways: No objection.

Highways: No objection, subject to conditions. However 15 years not recommended without the ability to address future highway impacts as scheme built out.

Yorkshire Water: No objection, request imposition of conditions as originally suggested.

National Grid: Comments awaited.

Civic Trust: Comments awaited.

West Yorkshire Archaeology Service: No objection, subject to conditions.

Non Statutory

Asset Management: Consider that the conclusions of the applicant's original viability assessment in relation to the original outline are reasonable. Although showing a 10% profit this would not have been viable at that time and would be significantly less viable now. As regards the current proposed scheme, on which the new viability assessment is based, although showing a 12% return this similarly is not viable in the current market.

To be viable in the current market any scheme would need a 20% return; neither the original proposal or current proposal would meet this. The reasons for the lack of viability are considered to be:

1. Current and ongoing depressed state of the property market.

2. Substantial proportion of residential accommodation.
3. Substantial costs associated with demolition, site clearance, treatment of contamination, ecological and environmental issues etc.
4. Continued limited bank funding availability.

Asset Management comment that:

“The risk to the Council, which grows with the length of the consent period, is that it commits itself too soon and too remotely from the circumstances of actual development and misses out on the opportunity to secure these benefits but similarly the developer risks committing to requirements which are not deliverable at the moment on the assumption that at some undefined points over the life of the renewed consent viability will improve sufficiently to make them deliverable.”

Asset Management comment that the proposed development, in 8 phases over 15 years, would allow the developer to optimise on timing. In this context a snapshot viability assessment is of limited value and profitability could vary significantly over this time period. Asset Management’s “strong view” is that further assessments of viability are best deferred to pre-determined trigger points such as reserved matters and recession proof clauses should be introduced into the S106.

Contamination: No objection subject to repetition of original conditions.

Environmental Health: Comments awaited.

Rights of Way: Comments awaited.

Nature Conservation: No objection in principle but updated otter survey will be required which should include details of mitigation and enhancement measures to be implemented as part of the development.

8.0 PLANNING POLICIES:

- 8.1 A full list of relevant policies was contained in the original officers report at Panel dated 26th January 2006 (attached at Annex A). Since determination there have been material changes and additions to planning policy at national, regional and local levels that are relevant to the extension of time application (and any future reserved matters). These changes are as follows.

Leeds Unitary Development Plan Review (UDP) (2006)

- 8.2 The adopted Leeds UDP (2001) and UDP Deposit Draft (2003) have been replaced by the adopted Leeds UDP Review (2006). In the Leeds UDP Review (2006) the site comprises land within the main urban area. A small part of the western site is allocated as part of the existing employment supply under policy E3A:28 and designated as policy N38 Washland. The southern part of the site (south of the river) is also designated under policy N8 as urban green corridor. The previous forge building is designated as a grade 2 ancient monument (nos137) under policy N29.
- 8.3 A small part of the site (comprising the former cafeteria on the A65 frontage) is designated as green belt and the site is surrounded by designated green belt on the western, northern and southern boundaries.
- 8.4 To the south of the site lie designated nature reserve LNA 020 (Bramley Fall & Newlay Quarry) and designated SSSI 009 (Leeds/Liverpool Canal).

8.5 Relevant policies include:

- GP5: Detailed planning considerations to be taken into account.
- GP7: Where development not otherwise acceptable and a condition not effective, a S106 will be necessary.
- GP11: Development must meet sustainable design principles.
- GP12: Major applications must include a Sustainability Assessment.
- SP3: New development concentrated within or adjoining main urban areas on sites well served by public transport.
- SP4: Priority to supporting public transport.
- SA6: Promotion of leisure and tourism.
- N2/4: Residential development will be required to provide on or off-site greenspace.
- N13: Design to have regard to character and appearance of surroundings.
- N24: Where development abuts the green belt assimilation into the landscape must be achieved.
- N29: Sites of archaeological importance will be preserved and appropriate investigation required.
- N32: Land shown on Proposals Map as Green Belt.
- N38B: Flood Risk Assessment in certain circumstances.
- N51: Development, including landscaping should enhance existing wildlife habitats.
- H1: Provision of housing in line with RSS targets.
- H3: Housing Land Release (inc. Phase 2 to 2010-2012).
- H4: states: "Residential development on sites not identified for that purpose in the UDP but which lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP."
- H11/12: Council will negotiate for appropriate affordable housing.
- T1: Transport investment directed towards improving public transport.
- T2: New development should be capable of being served adequately by:
- existing/programmed highways or improvements to the highway network,
 - public transport,
 - cycling,
 - convenient walking distance to local facilities.
- T2B/C: All planning applications of significant traffic generation must be accompanied by a Transport Assessment and Travel Plan.
- T5/6: Satisfactory safe and secure access for cyclists and pedestrians.
- T9: Effective public transport service encouraged and supported.
- T15: Measures giving priority to bus movements will be supported.
- T16: Criteria for suitable park and ride facilities.
- T24: Parking provision guidelines.
- N2/4: Hierarchies and provision of greenspace.
- N8: Development affecting urban green corridors
- N12: Priorities for urban design.
- N13: Design of all new buildings to be of high quality and have regard to character and appearance of surroundings.
- N14: Presumption in favour of retention of listed buildings.
- N23: Incidental open space.
- N24: Assimilation of development abutting the green belt.
- N29: Sites and monuments of archaeological importance to be preserved.
- N32: Areas designated as green belt.
- N38A: Development not allowed in the functional floodplain.
- N38B: Planning applications to be accompanied by a Flood Risk Assessment.

N49: Development not normally permitted if net depletion of wildlife.
 N50: Impact of development on local nature reserves.
 N51: Design of new development to enhance existing wildlife habitats.
 E3: Existing supply of employment land.
 E5: Employment uses on non-identified sites.
 E7: Non-employment use will not be permitted unless:
 -site is not reserved for employment use,
 -sufficient alternative sites district wide/in locality,
 -no resultant environmental, amenity or traffic problems.
 S9: Non major retail proposals outside centres.
 LT6: Leisure potential of waterways corridor will be recognised.
 LT6B: LCC will seek to secure footpath access to the River Aire and canal system.
 ARC4: Confirms there will be a presumption in favour of the physical preservation of class 2 areas and their settings.
 ARC5: Informed planning decisions to be made where development may adversely affect a class 2 area or setting.
 ARC 6: Archaeology preservation by record by condition or S106.
 LD1: Requirements for landscape schemes.

Regional Spatial Strategy (RSS) (2008)

8.6 The RSS (2004) has been replaced by the adopted RSS (2008). A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.
 YH7: First priority to re-use previously developed land and existing developed areas within town and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.
 LCR1: Focus most development in Leeds and Bradford.
 ENV5: Reduce greenhouse gas emissions, improve energy efficiency, developments over 10 dwellings to secure at least 10% renewable or low carbon sources.
 ENV8: Maintain, enhance and restore natural environment.
 H2: Prioritise development of brownfield land.
 H4: LDF's to set affordable housing targets 30%-40%.
 Table 12.3: indicative gross build rate 4,740 pa.
 T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

Local Development Framework (LDF)

8.7 Initial consultations on "Issues and Allocations" were carried out in October 2007 followed by consultation on the "Preferred Approach" in October/December 2009. The formal publication of the Core Strategy however will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

Draft National Planning Policy Framework (July 2011)

8.8 The Coalition government has just released this consultation draft aimed at replacing all existing Planning Policy Statements and Planning Policy Guidance Notes. Guidance given to Inspectors by CLG is that the draft NPPF is capable of

being a material consideration which can be taken into account by decision makers. Para 39 notes that to ensure viability, S106 costs should provide acceptable returns for developers to enable development to be deliverable. Para 53 states that the primary objective of development management is to deliver sustainable development, to approach decisions positively looking for solution to enable applications to be approved and to attach significant weight to the benefits of economic and housing growth.

PPS3 “Housing” (2010)

- 8.9 Para 40 states the key objective of making the best use of previously developed land. Para 57 states that the supply of housing land should be managed so that a 5 year supply of deliverable sites is maintained. Para 69 states that local planning authorities should have regard to:

- achieving high quality housing,
- good mix of housing,
- suitability of site given environmental sustainability,
- using land effectively and efficiently
- ensuring development in line with planning for housing objectives.

PPS4 “Planning for Sustainable Economic Growth” (2009)

- 8.10 PG4 (1992) and PPS6 (2005) were replaced in 2009. Policy EC10 states that:

“Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”

PPS5 “Planning for the Historic Environment” (2010)

- 8.11 PPG15 (1994) and PPG16 (1990) were replaced by PPS5 in 2010. This advises on the approach to heritage assets.

DCLG Guidance “Greater Flexibility for Planning Permissions”(2010)

- 8.12 Para 21 confirms procedures for extending the life of outline permissions. Para 23 states that:

“In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.”

- 8.13 Para 28 confirms that there may be a need for a supplementary deed to update S106 agreements.

Ministerial Statement “Planning For Growth” (March 2011)

- 8.14 This notes that the planning system has a key role in helping to secure a swift return to economic growth. In determining planning applications local planning authorities should:

“ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably...” and

“..reconsider, at developers request, existing S106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed...”

Adopted SPD “Public Transport Improvements and Developer Contributions” (2008)

- 8.15 Para 4.3.2 states that the minimum level of accessibility to public transport should be 400m walking distance to a bus stop and 800m walking distance to a rail stop. Section 5 sets out the methodology for calculating S106 contributions.

Adopted “Interim Housing Policy” (2008)

- 8.16 Introduced in 2008 this requires 30% in the inner suburbs in accordance with the latest Strategic Housing Needs Assessment 2007.

Adopted “Interim Housing Policy” (2011)

- 8.17 Executive Board considered an item on 11th February 2011 proposing revisions to the Interim Housing policy. This follows receipt of a LCC commissioned report from DTZ undertaking an Economic Viability Assessment of affordable housing targets across Leeds. This report identifies that because of the economic downturn existing targets are not viable and should be reduced to be deliverable. The site would be categorised as Inner Suburb where 20% affordable housing was previously required at the time of the outline, but 15% is now suggested. Following public consultation, the policy has been formally adopted.

Draft SPD “Travel Plans” (2007)

- 8.18 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan. Table 6 lists the process for speculative outline applications.

Adopted SPD “Biodiversity and Waterfront development” (2006)

- 8.19 Provides guidance on biodiversity interests for developments adjacent to rivers, canals and becks.

Adopted SPD “Street Design Guide” (2009)

- 8.20 Provides guidance on the Council’s current standards for adopted road design and parking requirements in residential areas.

Draft SPD “Sustainable Design and Construction” (2010)

- 8.21 Provides guidance on eco-standards in design.

Adopted SPD “Tall Buildings Design Guide” (2010)

- 8.22 Provides guidance on appropriate locations/design for tall buildings.

9.0 MAIN ISSUES

1. Principle of Development.
2. Material Change of Circumstances
3. Timescales/Phase 1
4. Section 106 issues
5. Highways Conditions

10.0 APPRAISAL

1. Principle of Development:

- 10.1 As an application for an extension of time, the description of development remains the same as the original, extant, outline permission. The principle of development was established as acceptable by that planning permission (24/96/05/OT).
- 10.2 The site remains a substantial brownfield site and development would comply with policy H4 of the adopted Leeds UDP (2006) by comprising development within the main urban area, acceptable in sequential terms and within the capacity of existing or proposed infrastructure. Development would contribute towards brownfield regeneration targets, the Council's Housing Land Supply and provide the *raison d'être* for development of the train station on adjoining land as a significant sustainability benefit. The development will also lead to significant investment in west Leeds, with associated job creation. By providing a new community and new employment centre it would meet current government policy aspirations around encouraging sustainable development that fosters economic recovery.
- 10.3 As such it is considered that the principle of the development remains acceptable.

2. Material Change of Circumstances:

- 10.4 There have been a number of material changes of circumstances since the original permission as follows:
- a) The Leeds UDP Review (2006) has been adopted.
 - b) Regional Spatial Strategy for Yorkshire and the Humber (RSS) was approved in 2008. However on the 6 July 2010, the Secretary of State for Communities announced revocation of the Regional Strategies, which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision was unlawful, the coalition government has confirmed that it will still seek to remove Regional Strategies through the Localism Bill.
 - c) National Policy and Supplementary Planning Guidance has been updated since 2007 as listed above.
 - d) On site all buildings (bar the listed buildings and former cafeteria) are now demolished and remediation/archaeology work has been undertaken and relevant conditions discharged.
 - e) Off-site the train station now has planning permission (10/1211/FU) but the DfT has stated that in the current financial climate it is not able to fund the station without an increase in the percentage of local funding.
- 10.5 Having identified these material change of circumstances, the key question is what bearing and weight they have on this application. Officers consider that:
- a) The general thrust of development plan policy has not changed since the Panel decision in April 2006, despite the adoption of the current Leeds Unitary Development Plan in July 2006 and RSS in 2008. Many of the original Leeds UDP(2001) policies were carried over into the Leeds UDP (2006) which constitutes a Review, rather than a new UDP. The overall approach of focusing development in the main urban areas, in sustainable locations, utilising brownfield land where possible, and reducing the need to travel all remain within current policy.

- b) RSS remains but with reduced weight. There are no policies that would significantly count against the current proposal and most would count in favour.
- c) Changes to national policy in PPS3 and PPS4 (and their proposed replacement in the draft National Planning Policy Framework) count in favour of proposals such as this that result in sustainable economic development and contribute to housing choice (particularly where a 5 year Housing Land Supply cannot be demonstrated). A positive and constructive approach is advised so that planning applications that secure sustainable economic growth should be treated favourably. DCLG Guidance and Ministerial Statements are advising local planning authorities to support economic recovery and show flexibility in reviewing S106's.

Revised guidance in adopted SPD "Public Transport Improvements and Developer Contributions" (2008) and the adopted "Interim Housing Policy" (2011) are of particular relevance. The application meets the aspirations of the SPD through providing the *raison d'être* and funding for the train station which is significantly funded by this development. The Interim Housing Policy would reduce the amount of affordable housing required from 20% (in 2006) to 15%.

- d) The on-site works do not affect the acceptability of the principle of development or the proposed Section 106 package.
- e) Whilst the funding of the proposed train station is a financial matter, the off site train station affects the potential mix and quantum of development on the application site, as well as delivery. In addition recent government guidance stresses the need to take viability into account, secure economic recovery and be flexible with Section 106 packages. Hence the funding of the train station is concluded to be a material planning consideration in this case. The revisions to the proposal, by supporting the likely delivery of the train station and hence sustainable development of Kirkstall Forge are therefore to be supported.

3. Timescale/Phase 1

- 10.6 The applicant is seeking a 15 year timescale for the submission of reserved matters, on the basis that the earliest delivery of phase 1 would not be prior to construction of the train station (provisionally 2015).
- 10.7 The existing outline permission does not require submission of final reserved matters until 2017 (i.e. a further 6 years from now). A further 15 years as requested would give the developer 11 years (after provisional construction of the train station in 2015) to submit final reserved matters. Officers have questioned whether extending the outline permission a further 15 years offers the certainty the local planning authority want in terms of:
 - a) understanding highways impacts over the timescale of development and
 - b) initiating development in accordance with the "Planning for Growth" Ministerial Statement, which encourages flexibility on S106 agreements to "allow development to start on stalled schemes."
- 10.8 In similar cases the local planning authority has requested that developers commit to implementation of the first phase within the life of the original permission. Other developers have agreed to this (e.g. Keyland Developments in relation to a warehouse distribution development at Temple Green, East Leeds). Subsequent to consideration of the progress Report at Panel CEG has confirmed that it is willing to

commit to the first phase of development within the life of the original outline permission comprising road/bridge infrastructure to serve the train station and either 100,000 sq ft of office with 10,000 sq ft of supporting retail, or a temporary car park to serve the train station.

- 10.9 At Progress Report stage members indicated general support for the proposed 15 year timescale, given the delays in the train station funding and the need to bring the site forward in a series of construction phases over time.
- 10.10 There are substantial upfront abnormal costs of bring this site forward for development (£19,163,000 so far as shown in Annex A) and train station timing issues. In total there is a projected spend of £69,800,000 for the developers on the site before any revenue is received. In this context planning officers conclude that the level of proposed phase 1 works noted above are sufficient to satisfy planning objectives about delivery.
- 4. Section 106 issues**
- 10.11 The application seeks to vary the original Section 106. The S106 package agreed in relation to the extant outline permission totalled £7.6 million and the current application originally suggested that this remained the same, but with £1.3 million diverted from the wider planning benefits (namely affordable housing, off-site highway works at Horsforth roundabout, footpath improvements and community benefits) to the train station to minimise necessary DfT funding.
- 10.12 A revised business case for the Train Station (“Best and Final Bid”) has to be made by METRO to the DfT by 9th September 2011 with a final decision due by December 2011. Further information specific to funding of the Kirkstall train station has been received from METRO which confirms that DfT’s informal advice is that the higher the proportion of funding the more likely bids will be successful and that a number of other schemes have reached 40% local funding. On this basis METRO and CEG have sought to achieve 40% local funding. It is agreed that successful delivery of the train station is fundamental to the overall development of Kirkstall Forge.
- 10.13 Since consideration of the Progress Report by Panel on 25th May 2011 CEG has revised it’s application by offering to increase their minimum S106 package by £1.3 million to provide additional train station funding themselves (to match the £1.3 million provided by METRO), with payment of some of the remaining commuted sum for other planning obligations deferred to later phases of development. This offer is significant and positive in that it would avoid the local planning authority having to consider any potential reduction in funding for the other legitimate planning benefits though the life of the development as previously suggested.
- 10.14 This will ensure that the additional funding for the train station is secured early to give the DfT certainty over local funding in its consideration of METRO’s “Best and Final Bid” in September.
- 10.15 Panel should note that a calculation has been done of the current legitimate planning benefits that would be sought to meet current policy. The overall total substantially exceeds what can be afforded by the delivery of this scheme, given the level of up front infrastructure works which have to be funded and provided before any revenues are generated in return.
- 10.16 Panel did accept with the original outline and in the light of the viability work done at that time that the scheme could only deliver a proportion of the required policy

requirements via the Section 106 agreement and took into account and recognised the substantial up-front costs of remediation, contamination works, infrastructure provision and public transport benefits. An updated table is provided at Annex A which demonstrates that the developer has already invested £19,163,000 and anticipates investing £69,800,000 before any revenue is received.

- 10.17 Asset Management has confirmed that neither the original indicative outline scheme or current indicative outline scheme would be viable at this time due to the recession. In this context it is concluded that any increase in S106 contribution above the original outline to meet these current circumstances would not be viable at this time.
- 10.18 Asset Management’s advice is that over the proposed 15 year time period however the viability position is likely to change. In this context it is planning officers view that other legitimate planning benefits may well become viable in that time frame. As such recession proof clauses have been suggested for the S106.
- 10.19 The Council’s planning policy section and planning solicitors have been working on recession proof clause wording for S106’s to enable a flexible approach to S106’s in line with government guidance “Greater Flexibility for Planning Permissions” and the Ministerial Statement of March 2011. Panel commented at Progress Report stage that they wanted the potential for this to be assessed.
- 10.20 Planning Officers have therefore been exploring potential S106 wording that could allow for re-assessment of viability at future set times. Given that the time period requested is 15 years, this re-assessment may well require increased commuted sums above the original S106 package to contribute towards legitimate planning benefits in later phases.
- 10.21 Such an approach provides a flexible solution that offers the DfT certainty on additional train station funding upfront; but also protects the Council’s position re additional contributions to planning benefits above the original outline permission in later phases, if the economic situation improves and viability increases. This would be in line with the positive approach to development management advocated in PPS4 and its proposed replacement in the draft National Planning Framework.
- 10.22 It is planning officers view that seeking a total Section 106 package based on the total current policy requirements would not viable and would be unreasonable given the approach already adopted with this site when outline approval was originally given. However it is considered reasonable that an increased sum should be capped to provide certainty for the developer and aid deliverability. As such it is considered that the total S106 package cap should be a maximum of £13,009,606. This is based on the following calculation. The original outline permission had an overall S106 package of £7.6 million (inc. the side agreement with METRO for £4 million). This is four years old. Index linked (based on the RPI) that sum would now be worth c £8,673,071. On the basis that this covers 10 years (i.e. average £867,307 pa) if one took that annual allowance x 15 to reflect the nature of the new permission for 15 years, a total cap would be £13,009,606.
- 10.23 Accordingly the current S106 offer comprises:

MINIMUM S106

MAXIMUM S106

Train Station

£5,300,000

Train Station

£5,300,000

Affordable Housing/ Offsite highway works/ Footpath Improvements/ Community Benefits/ Education	£4,673,071	Affordable Housing/ Offsite highway works/ Footpath Improvements/ Community benefits/ Education	£7,709,606
TOTAL	£9,973,071	TOTAL	£13,009,606

10.24 In the context of the substantial up-front costs the proposed capped S106 package of between minimum £9,973,071 and maximum of £13,009,606 (dependant on revised viability testing) is considered acceptable. The developers have also confirmed their agreement to these figures for inclusion in the revised Section 106 agreement.

5. Highways Conditions

10.25 The supporting documentation seeks to revise some of the highway conditions on the outline (namely conditions 11,12 and 14) with deletion of one condition (condition 13). The suggestion is:

-Condition 11- revisions to ensure that use of the western access by construction traffic would only be permitted following completion of access improvement works and that no part of the development could be occupied until access improvement works had been constructed for the western or eastern access.

-Condition 12- revisions to the trigger for completion of the western and eastern access works to allow for potential commercial development within phase1.

-Condition 14- revision to the bus service triggers taking account of potential commercial development within phase1.

10.26 The wording follows pre-application discussions and is broadly in line with those discussions. Following the formal Highways consultation the wording has been agreed with Highways.

11.0 CONCLUSION

11.1 Kirkstall Forge is one of the key regeneration sites in the city with outline permission for mixed use redevelopment. The delivery of the new railway station is significantly financed by this development. Long and complex negotiations with Network Rail, the Strategic Rail Authority and METRO have been ongoing to realise the delivery of the station. It is considered that the delivery of this major brownfield site in this sustainable location, supported by rail infrastructure, must remain a key objective given the pressure on greenfield sites around the city.

11.2 The project has been delayed due to the economic downturn and the applicant has applied to extend the life of the outline for a further 15 years and revise the proportion of S106 funding between the different planning benefits.

11.3 Planning officers conclude that:

a) the principle of development remains acceptable and that that the material change of circumstances since the previous decision would increase support for the principle of development,

b) the fifteen year period is acceptable subject to a Section 106 agreement that confirms the development of phase 1 within the life of the original outline permission and includes recession proof clauses,

c) the developer's offer enables METRO to provide DfT certainty with an additional £1.3 million funding towards the train station (on top of the existing S106 package) to match METRO's additional £1.3 million,

d) the applicant's proposed alteration to highways related Conditions 11,12 and 14 offer flexibility in delivery and are acceptable in planning and highways terms.

11.4 Overall planning officers conclude that the application is acceptable in planning terms subject to a variation to the existing Section 106 agreement and conditions noted above. Accordingly the recommendation is for approval.

Background Papers: Outline permission ref 24/96/05/OT

Key Milestones	£
Land purchase price – Feb 2003	8,853,000
Additional expenditure between Feb 2003 - Aug 2011	
- Planning/Legal Fees	
- Legal/Agents Fees	
- Architects Fees	
- Landscape Architects Fees	
- Civil Engineers Fees	
- Structural Engineers Fees	
- QS Fees	
- Project Management Fees	
- Reports & Surveys	
- Archaeology	
- Marketing/PR Fees	
- Demolition	
- Remediation (Part)	
- S106	
- S278	
- Security/Maintenance/Misc.	
- TOTAL	10,210,000
Expenditure prior to first revenues	69,800,000
Peak expenditure exposure	106,000,000

PLANS PANEL WEST 26 JANUARY 2006

REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER

WARD: Kirkstall, Horsforth,
Bramley and Stanningley

Application: 24/96/05/OT

Address: Kirkstall Forge, Abbey Road,
Leeds 5

Applicant: Commercial Estates Group

Proposal: Outline Application to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants to industrial site

RECOMMENDATION:

Members are requested to note the report , support the principle and scale of this development and defer the application for further consideration and resolution of outstanding issues and Ward Member briefings. Members are particularly requested to indicate if there is any further information that is needed which is not highlighted in the report to enable a determination to be made at a future Panel meeting.

1.0 Introduction:

- 1.1 Members will be aware that plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17th February 2005. The receipt of the application followed a lengthy period of pre-application discussion and community involvement. The site was acquired by the Commercial Estates Group (CEG) from the Dana Corporation back in 2003. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view an exhibition at the site, and also visited Kirkstall District Centre and the former Alders site on Bridge Road.
- 1.2 An update report was noted by Panel Members on 6th October 2005.
- 1.3 A full briefing for Panel Members has been arranged at the site on Thursday morning 19th January, a week prior to Panel, so that Members are given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration.

- 1.4 The site extends to a total area of about 23 hectares (56.7 acres), much of it previously developed for industrial purposes. It is therefore a major brownfield site which offers substantial opportunity for a high quality development within the main urban area and only some 6 km (3.7 miles) to the west of the City Centre. The site is complex because of the number of issues involved and has posed a substantial challenge to the development team and officers. The processing of the application and its consideration has therefore been protracted. Whilst not all issues have yet been fully resolved and work is ongoing on a number of fronts, this report seeks to update Members with the latest information available and then appraise the application to narrow down the areas where further work is necessary before a formal resolution of the application can be made.
- 1.5 Substantial pre-application discussion and community consultation has culminated in the submission of this outline application which seeks to establish the principle of development on the site within which detailed reserved matter applications for different phases will be considered. CEG have made it clear that they have a long term interest in the site and that community involvement will continue and be ongoing through the detailed planning and implementation of the development. At this stage it is anticipated that the development will take about 10 years to complete.

2.0 Proposal:

- 2.1 The outline application as submitted comprised a mixed-use development consisting of:
- 1385 dwellings
 - 16,500m² of B1 office floorspace
 - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, a creche and accommodation for social/community uses
 - a hotel
 - preservation and change of use of the existing Grade II Listed Lower Forge building in an enhanced setting to provide food and drink uses
 - change of use of the existing Grade II listed former cottages/stables to residential use
 - areas of amenity green space
 - wildlife and ecological enhancements
 - a park and ride car park for approximately 150 cars within the site
 - improvements to existing vehicular junctions, allowing access into and out of the development site from Abbey Road (A65)
 - internal access roads, catering for new bus services running through the site
 - internal undercroft parking to help avoid car-dominated street scene
 - a network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths

- alongside the former Abbey Mill Race, which is to be re-opened, and along the riverside
 - new pedestrian and vehicular bridge crossings over the River Aire
 - site remediation works to address contamination associated with the site's historical industrial usage
 - riverside improvement works (including work to the river bed and bank)
 - creation of a flood relief channel next to the railway bridge
- 2.2 Although not included as part of the application a key aim in the development is the delivery of a new railway station at Kirkstall Forge and significant time and effort has been spent pursuing this aim during the consideration of the application.
- 2.3 The application whilst in outline seeks approval in detail for the means of access to the site, and to establish the principle and scale of a mixed-use development on the site. Whilst the masterplan is illustrative it sets the parameters in terms of height, scale and massing of future development. The footprints of the buildings are indicative with siting reserved for future determination. The Design Statement submitted with the application is a supporting document to the illustrative masterplan and is intended to guide the detailed planning of the site.
- 2.4 A substantial amount of information has been submitted to support the application:-
- Planning statement
 - Statement in Response to PPS1 : Delivering Sustainable Development (March 2005)
 - Sustainability Appraisal
 - Design Statement incorporating an indicative masterplan
 - Full Environmental Statement in 3 volumes with Non-technical summary
 - Transport Assessment incorporating a Green Travel Plan and Access Details
 - Statement of community involvement
 - Arboricultural survey of the trees
 - 43 application drawings
 - additional drawings to indicate impact of office buildings at West and Eastern entrances to the site
 - additional cross sections and 3D graphics to indicate massing across the site
 - Indicative sketch layout and cross sections of the actual residential zone at a scale of 1:500 to show massing, spaces and inter-relationship of buildings
 - landscape infrastructure during the various phases of the development
- 2.5 The main change since submission has been the request by officers to omit the 2 four storey "gateway" office buildings at the West and Eastern entrances because of their impact on the Green Belt, the Urban Green corridor and existing trees. The applicants have agreed to this change and a revised masterplan showing this change is expected shortly.

3.0 Site and Surroundings:

- 3.1 The application site comprises about 23 hectares of land in total lying some 6 kilometres to the west of Leeds City Centre. The site is roughly rectangular in shape with the thinner end of the rectangle to the eastern end of the site which then broadens out towards the western part of the site and then thins again to a narrower neck of land to the west along the valley bottom towards Newlay Bridge in Horsforth. Effectively the site is in the base of the Aire Valley through which run the historic transportation routes of the Leeds and Liverpool canal and the Aire Valley rail line, both of which for reasons of topography have generally followed the line of the River Aire. Immediately downstream of the site lies Kirkstall Abbey set within its Conservation Area. Upstream is Horsforth and the Newlay Conservation Area.
- 3.2 Whilst a small portion of the site lies effectively trapped between the railway and the southern bank of the River Aire the majority lies on the northern bank and is bounded on its northern-most edge by the A65 main arterial route connecting Leeds to Leeds/Bradford Airport, Ilkley and Skipton. There are significant gradient changes as the land slopes down from Abbey Road into the site representing the valley side before the valley bottom adjoining the River Aire is reached. Therefore existing buildings on the site are formed at a number of different levels. On the valley floor however the site is relatively flat.
- 3.3 Significant areas of woodland planting along the northern boundary with the A65 and the position of the site within the Kirkstall Valley means that generally there are limited views of the existing site from the surrounding area and those views which are most clearly seen are those from the existing railway line or the other side of the river. Travelling along the A65 with the very strong 2 metre high red brick boundary wall with trees behind it is difficult to envisage the scale of existing development on the site. Within the site however it is clear that there are substantial areas of existing building and hard-standings on the valley side and valley bottom which occupy the majority of the site. Many of these have developed over a period of time and are substantial in size and scale and have been used for a variety of purposes including mainly light or heavy industry or warehousing. The buildings are very significant in terms of size, age and condition reflecting the piecemeal development of the site over its lifetime and also the decline of manufacturing that has occurred with economic restructuring. Areas of hard-standing and car-parking surround the industrial buildings with a large part of the site being occupied by areas of hard-standing. Broadly speaking the buildings are located within the central area of the site on land west of the existing security gatehouse and east of the "blue box" bridge crossing the River Aire. Within the site itself the height of existing buildings does vary ranging from 2 storey to 4 storey generally.

- 3.4 There are four listed buildings and structures located on or around the site, all of which are Grade II listed. The largest of these is the Lower Forge building surrounded by large portal-framed industrial buildings one of which sits over the route of the tail-races which eventually discharge into the River Aire. Effectively this building is in two parts. The part open to the elements houses 3 wheel pits, one of which retains its original wheel, albeit with 20th century woodwork. The internal part of this building accommodates a further waterwheel and various examples of stamps used on the site during its early operation as a Forge. A rail mounted crane is also located adjacent to this building. This building sits at a lower level than the surrounding ground level and is thus dominated by the proximity of larger buildings and is screened by these buildings from the rest of the site. Part of the building is roofed with a 20th century addition. The second and third listed buildings comprise 2 cottages and adjoining stables which lie adjacent to the existing eastern security gatehouse. They are domestic in scale but were last used as offices and a boardroom. The fourth listed building is the milepost located close to the eastern entrance of the site on the A65 which delineates the mid-point between London and Edinburgh (200miles either way).
- 3.5 Apart from the buildings and the hard-standings the remainder of the site comprises areas of woodland and self-seeded vegetation particularly alongside the riverbanks, the railway and the northern boundary with the A65. These areas are generally sloping and did not therefore lend themselves to heavy industry and have therefore been allowed to remain.
- 3.6 To the north of the site on the other side of the A65 Abbey Road is a steep tree-covered bank which separates the A65 from the residential area of Hawksworth. The land to the north of the western entrance forms an area of public open space known as Hawksworth Wood, through which there is existing public access and walks. To the eastern end of the site there is existing residential development and a former petrol station which is now vacant and is also owned by CEG but does not form part of this planning application. The southern boundary of the site is formed by the Leeds-Shipley/Ilkley railway line. Beyond this lies the Leeds-Liverpool canal, which is a Site of Special Scientific Interest, and this forms the northern extent of the woodland known as Bramley Falls which comprises dense, mature woodlands. Bramley Falls is a steep tree-covered hill which rises from the valley floor up towards Bramley proper to its south and is a popular area of public open space. To the west of the site is the residential area of Newlay, much of which is designated as a Conservation Area. Pollard Lane bounds the western most extent of the site and beyond this lies the site of the former Woodside Works which has been granted permission for the development of 120 new residential units. Immediately to the east of the site lies an existing rugby club ground and its associated playing pitches. Beyond this lies Kirkstall Abbey, a former Cistercian abbey which is set within generous grounds which lie both north and south of the A65. Kirkstall Abbey lies within its own designated Conservation Area and has recently benefited from substantial improvement works as a result of a grant through the Heritage Lottery Fund. The Abbey is a key building within the valley and an historic and important landmark.

- 3.7 The site does have a significant landscape setting with significant areas of trees along the western boundary to Cow Beck which also forms the boundary of the Green Belt along with the A65 where there is an urban green corridor and also the eastern end of the site where there is significant tree cover and again the land is within Green Belt. The Green Belt does therefore effectively encircle the site with the only gap being along the northern boundary near to the entrance where it is bounded by existing residential development on the other side of the A65. To that extent the site could be considered as an island site set within the Green Belt.
- 3.8 Close to the western entrance and directly to the south of it is an existing electricity sub-station and whilst the applicant holds the freehold to this site, no works to this area are proposed and it is therefore excluded from the application. It is understood that this is a significant sub-station supplying electricity to the local area.
- 3.9 The former Abbey Mill Race passes through the woodland on the northern boundary of the site adjacent to the A65. The Mill Race is mainly open, albeit culverted in parts and slow-moving due to heavy silting. The existing sluice gates in the Mill Race are in disrepair and water escapes from these into the former goit below. Water from the Mill Race formerly fed the original Forge (the "Upper Forge") which was located close to the northern boundary of the site. This was subsequently diverted underground through the listed Lower Forge to discharge into the River Aire on the eastern side of the rail bridge through the associated tail-races. The now defunct goit, which is located mid-way through the site, once fed a large reservoir which in turn fed the waterwheels in the Forge until this was filled up some years ago. The goit was originally fed from Cow Beck to the west boundary of the site but this link was severed through the instatement of a concrete retaining wall rendering the western section of the goit stagnant being fed by rainwater alone. The mid-sections of the goit have been canalised through the insertion of a brick lining and those sections are now at a higher level than the western section which formerly fed it. The only flow through this section of the goit is provided by surface water run-off and by water which leaked from the sluice gates of the Mill Race. The eastern section of the goit is located underground and passes through the Lower Forge.
- 3.10 A small portion of the site on both northern and southern banks of the River Aire retains the flat or artificially level areas formerly occupied by the Lower Forge and stamping process buildings. However development on the northern bank is terraced to make viable platforms for development compatible with its industrial history. These terraces are punctuated by man-made or modified watercourses, the most significant of which being the Mill Race which has been described above. Whilst the site is relatively narrow in terms of the valley-wide proportions, the area immediately to the north and south of the river has a platform which broadens to the extreme western end of the site and remains as washland.

- 3.11 Whilst the site is constrained in relation to its location and topography it is a significant site in terms of size and is some 1000 metres in extent from Cow Beck in the west to the eastern entry into the site and at its broadest is some 230 metres wide between the A65 and the existing railway line.

4.0 Relevant Planning History:

- 4.1 The site has been used for heavy industry for a significant period of time dating back many centuries. The first record of industrial activity on the site was through a lease agreement in 1618. At this time the site was located in open countryside some way west of development in Leeds. The Upper Forge is thought to have been located close to the Abbey Mill Race thereby utilising the existing watercourse to power it. Expansion and redevelopment was the key for the next 100 years or so until the then owners sold the lease for the developing complex to a family partnership, the Beecrofts and Butlers. It was under this partnership that the site continued to develop apace for the next 300 years or so with descendants of the family finally buying the site in 1893. Throughout the operation of the site the production of axles survived as one of the few continuous processes undertaken on site with a shift away from the production of cart and railway axles towards axles for commercial motor vehicles. Such was the success of the Kirkstall Forge axles that in the post-war period up to the 1930's it was thought that almost every lorry and bus made in England had a Kirkstall back-axle casing.
- 4.2 The final major expansion of the site took place in the first few years of the Second World War with the site growing in order to meet the war demand. Due to the output of the site during the war years the Government sought ways to protect the complex with a detailed camouflage scheme being developed for the site and gun emplacement positions being cut within the boundary wall to the side in July 1940. The site continued to operate successfully for the next 40 years or so although by this time Leeds had grown around the site and complaints regarding the noise of the Forge hammers, particularly in the summer months when the doors were opened to enable ventilation, were commonplace. The issue of noise was exacerbated by the fact that the site operated almost continuously throughout the day and night. The site was sold to Dana Spicer in the late 1990's. Dana Spicer, a multi-national industrial engineering firm based in the United States, operated the site up until its closure in December 2002, the company subsequently sold the site after moving the operation to Spain and India, along with most of the machinery and materials. At the time of the Forge's closure approximately 300 people were employed on the site.
- 4.3 The history of the site post 1947, and the introduction of the planning system, indicates that the site has been subject to incremental general expansion and rationalisation over the years. In addition to minor applications there have been some applications for larger scale development which have been subject of appeals against refusal by the Council. In 1994 a local inquiry was held into a recovered appeal against the refusal of application for non-food retail development on land within the western limits of the site. That appeal was

dismissed principally as a result of policy conflicts in relation to major out-of-centre retail development. In 1994 an appeal was lodged against the refusal of an outline application for residential development on land at the site's eastern extremity. The site which was just below a hectare in size lay between the existing eastern side entrance and the club to its east. The site was in the Green Belt and it was considered to be inappropriate development without very special circumstances. The Inspector also did not consider that effectively developing the site in isolation for a non-employment use was acceptable, the appellant had argued that the proposals would form " an extension of an industrial area". The appeal was dismissed.

- 4.4 Since the site was acquired by CEG in 2003 there has been one application for a temporary storage use on the valley floor at the western end of the site and this has been given a temporary planning permission pending the redevelopment of the site.
- 4.5 Of greater significance is the adoption by the City Council of the Kirkstall Forge Planning Framework in September 2003 as Supplementary Planning Guidance following public consultation in June and July 2003. The Framework was developed to guide the redevelopment of this key site and form the basis of discussions to bring forward a more detailed masterplan for the site. It is within the context of that document that this outline planning application has been submitted. The content of the Planning Framework is dealt with in more detail in the policy section.
- 4.6 Within the identified boundary of the Kirkstall District Centre in the adopted UDP there are two applications of significance which are under consideration which will have also impact on traffic conditions along the A65 ;
- **24/413/04/FU** for the redevelopment of the former Allders store at Bridge Road with a retail scheme and public square on a 1.27 hectare site. The existing store which has a net sales area of about 12,730 square metres and would be replaced by 5 larger retail units within the site and 7 smaller retail and A3 uses along the Bridge Road frontage. The floorspace of the proposed scheme is some 16,620 square metres gross.
 - **24/572/05/OT** for the redevelopment of the Kirkstall District Centre on a 3.6 hectare site for a mixed use scheme comprising retail, residential, restaurant café/bar premises, nursery and health club/ gym, local support facilities and space for community and social facilities (such as a LIFT scheme proposed for the site as a Joint Service Centre between the Council and the PCT). Although the application does not propose a specific amount of floorspace for each activity the Transport Assessment has been based on an assumed maximum of the whole site of 11,410 square metres of retail floorspace and about 780 apartments. It is now known that the likely floorspace requirement for the LIFT scheme will be about 8,900 square metres which includes a library and pharmacy.

5.0 Consultations:

5.1 **Highways** – A significant amount of time has been spent in looking at transport issues which are raised by this significant development within the main urban area and its impact on the road network and also what measures can be brought forward to improve public transport as part of the proposal. There has been significant discussion on the scope and content of the original Transport Assessment and Green Travel Plan which were submitted and that has now resulted in an agreed position in relation to the impact of the proposal in terms of traffic generation.

The developers have expended considerable effort and money in looking at the provision of a rail halt to serve this development and the wider area. Discussions with the relevant transport bodies have sought to deal with all of the constraints to see if in both timetabling and capacity terms two rail stations can be delivered on this rail line. These would be at Kirkstall Forge and Apperley Bridge. The aspiration for two stations at Kirkstall and Apperley Bridge are included within the Local Transport Plan (LTP).

The philosophy behind the planning of this development has been to reduce the need to travel and seek to provide alternative modes to the use of the car either via bus or rail.

This is a major development proposal with consequential major traffic implications. Whilst the issue of sustainable travel is key to the success of this development there is a major highway concern that the provision of the rail halt and/or the Quality Bus Initiative (QBI) scheme on the A65 is not tied into the implementation of the development. **From the Highway Authority's point of view it has been demonstrated that there will be a significant detrimental impact from this development on traffic congestion levels.** The Highway Authority is only willing to support the full redevelopment of the Kirkstall Forge site on condition that the rail halt is provided at the site and the Horsforth roundabout is signalised to cater for the additional development trips.

5.2 **Environment Agency** – The Environment Agency (EA) have considered at some length the Flood Risk Assessment (FRA) submitted as part of the Environmental Statement. Their latest response is dated 5th January 2006. **The EA objects to the development as insufficient flood risk information has been provided with the application.**

Part of the proposed development site lies within Flood Zone 3, "high risk" as described in paragraph 30 of PPG25. In addition EAs historical evidence records that the site has flooded 3 times in the last 60 years (1946, 1967 and 2000). Following the autumn 2000 flood event consultants were commissioned to produce a model of the river Aire to determine the catchment wide peak flood level data. This data was to be used as a baseline for the Upper Aire Catchment Strategy and the City of Leeds Flood Alleviation Scheme.

The applicants have purchased this data for their own investigations and assessments of the site. The applicant's consultant has refined the model to

better reflect the local flood regime at the development site and this has formed the basis of their FRA. A similar refinement was also done by the EA to give a detailed basis for the City of Leeds Flood Alleviation Scheme and covered the Kirkstall Forge site.

Since the receipt of the application and the FRA a significant amount of work has been done and a lengthy dialogue entered into with the applicant's consultants.

The findings from the applicants model show a lower peak flood level than the EA's model and despite detailed work the EA have not been able to reach agreement with the applicant regarding the peak flood level data to be used at the site. The differences between the two models is significant. The EA consider their own model adopts the necessary precautionary approach advocated within PPG25. The model used for the applicants FRA indicates that the site is not at high risk of flooding which is considered contrary to historical records. The site does not currently have the standard of protection necessary to meet the requirements of PPG25 and climate change will further diminish the standard of defence on the site.

The EA have referred both sets of modelling results to an independent modeller for them to be tested.

In addition to the flood risk discussions, the Environment Agency has also met with the applicants' consultants on several occasions to discuss biodiversity and fishery issues. Finalised biodiversity plans are expected once the issue of flood risk has been resolved. The inclusion of a fish pass on the River Aire has also been discussed and the applicant is keen to support this. Further discussions regarding this will also take place once the flood risk issue has been resolved.

In their latest comment the EA have concerns that the information submitted regarding protection and enhancement of the biodiversity of the site is inadequate to address PPS9. The development gives a significant opportunity to improve an area of river corridor that has been neglected at the expense of industrial growth. It is essential that further submissions be made to reflect how the proposals will comply with PPS9 by enhancing the biodiversity along the river corridor and elsewhere on the site.

The proposals need to consider the naturalisation of the river corridor. Past industrial uses along the site have led to a mixture of bank treatments. The EA would welcome proposals that restore the riverbank to its natural state. Proposals should not just aim to enhance what is currently on site but aim to return the river corridor to its natural form.

Opportunities should be investigated to open up the culverted sections of the Abbey Mill Race to the north of the site to restore it to its original form and help to regenerate the habitats along its length.

A number of conditions are recommended to ensure the application meets the requirements of PPS9.

- 5.3 **Yorkshire Water** – Observations are in relation to water supply and waste water. The local public sewer network does not have the capacity to accept any discharge of surface water from the proposed site and the developer and Local Planning Authority are advised to contact the relevant drainage

authorities with a view to establishing a suitable watercourse for the disposal of surface water – the River Aire passes through the site and seems to be the obvious place for surface water disposal. Sustainable systems of drainage are recommended for this particular site. An offsite foul sewer will be required which may well need to be adopted under Section 104 of the Water Industry Act 1991. Conditions are recommended.

5.4 **Land Drainage** – Awaiting the final response of the Environment Agency to the Flood Risk Assessment so that the finished floor levels, flood mitigation measures and drainage matters can be agreed jointly with Land Drainage and the Environment Agency.

5.5 **Land Contamination Officer** – A significant amount of information on contamination and its remediation is included within the submitted Environmental Statement following on earlier work from the Geo Environmental appraisal carried out. Given the previous use of the site as a Forge and with an industrial history of over 900 years including a chemical works, a gasworks and landfill, there are clearly significant contamination issues which have to be addressed on this site as part of any redevelopment of the site.

Extensive site investigation works (over 200 boreholes and trial pits) across a range of areas have taken place within the site and the main sources and locations of potential pollutants have been identified. It is considered that each of the potential pollutants can be satisfactorily addressed using the appropriate methods of remediation.

In principle remediation involves placing of a capping layer over the made ground and removal/treatment of hydrocarbon contamination. Remediation will be necessary to treat contamination within the site and improve sections of the River Aire.

A full remediation strategy covering the whole site will need to be agreed prior to works commencing on the site and suitably worded conditions are recommended at this stage to ensure that this happens as well the general remediation which now needs to be carried out for each phase of development.

Meetings have taken place between officers and consultants on behalf of CEG in relation to outstanding issues in relation to remediation and general approach has been agreed. The principles will be need to be agreed at outline stage with the detail coming in as part of detailed planning applications for the individual phases. The remediation strategy is still being developed. At this stage however it is envisaged that the remediation will comprise ground clearance following demolition, remediation of identified hotspots (primarily hydrocarbons), and other assessments based on visual and old factory evidence, re-profiling of the site as necessary to suit the masterplan and development platforms, application of cover to suit the contamination characteristics with regard to safeguarding the proposed end use.

No remediation work is planned within the woodland area along the northern margin of the site adjacent to Kirkstall Road as this is an area with high ecological value and the trees are subject to a Tree Preservation Order making it difficult to undertake any remedial work. The risk therefore is low and remedial work is probably not appropriate – further assessment however

of the risks regarding residual contamination which may be present in this area is to be further considered by the Local Planning Authority.

- 5.6 **British Waterways** – Support the principle of mixed-use redevelopment of this site including residential, office, leisure, business and hotel uses built to a high standard and set within a landscape setting focusing on the river. It offers the opportunity to create a sustainable community and new destination location.

The Leeds-Liverpool canal runs close to the site with “area of landscape to be improved as part of the development scheme” lying adjacent to the waterway. British Waterways would support the use of the canal for tourism, leisure, recreation and sporting activities and in particular formation of a network of pedestrian and cycle routes enabling connections to the national cycle network and canal towpath.

British Waterways note the potential location for the new rail station and pedestrian link across the site to Bramley Fall Park and canal. As well as being a benefit to the development a new station well connected to the canal would allow greater public access to the waterway and this is particularly supported as an element of the scheme. The canal corridor is ecologically valuable and forms a green corridor that links habitats and enhances the biodiversity of the local area. There is a substantial woodland adjacent to the waterway and it is important that this is retained and enhanced. New footpath links through this woodland should be carefully designed to ensure that this happens. Opportunities for habitat creation or enhancement in consultation with an ecologist should be incorporated into the development wherever possible.

British Waterways would wish particularly to be involved in the landscape improvement works to take place on the land in the applicants’ ownership between the river and the canal.

British Waterways also confirm that they are happy to discuss with the applicants the possibility of forming business destination moorings on the canal at a suitable point to enable boaters to stop and use the leisure facilities to be provided as part of the development and this could be dealt with by way of a Section 106 Agreement given the additional impact this development will have on the canal and towpath and the fact that such an amenity will provide for residents as an area of open space and a sustainable transport route. British Waterways conclude that they are looking forward to working with the applicants as the scheme proceeds and being consulted on the subsequent reserved matter applications.

- 5.7 **Sport England** – The development does not affect any statutorily defined playing field and so the consultation has been treated as non-statutory. 60% of the overall site area is to be used as open space with a defined hierarchy of formal areas on the other side of the River Aire directly related to the built forms planned to be erected including 2 squares with associated footbridge crossings. The site shape is essentially linear with little scope for the inclusion of formal playing pitches. A network of new footpaths and cycleways are to be provided within the site linked to neighbouring open space facilities e.g. Bramley Fall to the south, Hawksworth Wood to the north.

The pedestrian/cycle routes are intended to foster increased walking and cycling to generate a more sustainable lifestyle.

Sport England consider that the scale of development may introduce a substantial level of additional public demand with a potential need for additional or improved sports and recreational facilities within this part of the Leeds district. Notwithstanding the proximity of existing formal outdoor sports facilities, the question of the capacity of these facilities to accommodate the increased pressure has not been presented as part of the evidence base. Sport England refer to their objectives to promote the use of planning obligations as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance to meet the needs arising from new developments. The need for additional formal outdoor sports facilities ought to ideally be addressed in the context of an Open Space Sport and a Recreation Strategy/ Playing Pitch Strategy whereby a contribution to known deficiencies within the catchment area of the site could be addressed.

- 5.8 **Network Rail** – No objection in principle to the outline planning application. The site has a long boundary with the railway but there does not seem to be any particular element of the developed proposal that is likely to be of concern to Network Rail. Protection measures will be sought to ensure that the railway is not adversely affected. Network Rail do not comment on the potential railway station as if this comes to fruition it will form a separate and later planning application. They do raise issues in relation to construction and particularly the use of multi-storey construction where crane working may well be necessary and these works will need to be regulated as the railway is electrified adjoining to some of these structures. Network Rail do comment in relation to the proposed railway station that support will need to be obtained from the West Yorkshire Passenger Transport Executive and the current train operating company, Northern Rail Ltd and the franchisee will need to agree to stop its services at the proposed halt stop.
- 5.9 **Metro** – In a letter dated 17th January 2005 Metro state they have current Rail Plan aspirations to provide new additional rail stations at Kirkstall and Apperley Bridge. Metro has carried out feasibility design work at both locations but subsequent timetable and capacity studies have identified significant train capacity issues on existing Leeds to Skipton and Leeds to Ilkley services. It has therefore been necessary to undertake further development work on timetable and cost issues.
- The proposed commitment by CEG of a significant financial contribution towards transport improvements in the A65 corridor and in particular towards a rail station would be of major benefit to both station proposals. It creates an opportunity for Metro to consider the development of both stations at the same time using a combination of LTP and third party funding and allows costs savings to the public purse. It is understood that the funding contribution from CEG would be flexible to be delivered in the form of capital and/or revenue which is helpful to Metro in terms of future ongoing cost issues.
- Assuming that an acceptable financial commitment can be secured from CEG and that Metro can assemble an appropriate public/private funding package

for the stations then Metro will pursue the further development of both station sites. Actual delivery is subject to all the necessary railway regulatory processes being achievable and the business case for both stations meeting the requirements of Metro, the train operator and the Department for Transport. Assuming this can be achieved it is reasonable to expect at this stage that a delivery programme could be assembled that would meet the current development timescales of the Kirkstall site. Since the Supertram decision Metro and the City Council have been working together on a revised transport strategy for Leeds. Whilst this is still at an early stage it is likely that both Kirkstall and Apperley Bridge stations and their park and ride opportunities for the A65 corridor will feature in it.

It is worth noting that CEG have tangibly demonstrated their support for the rail stations by committing significant expenditure for consultancy services and these consultants continue to work with Metro on the resolution of issues relating to the development of a workable timetable, provision of appropriate train capacity and the business cases.

The creation of an opportunity that enables both stations to be developed and delivered is therefore supported.

- 5.10 **Yorkshire Electricity** – No particular points are made in the consultation response. Yorkshire Electricity are expecting the developer and all their agents to contact them in the near future to discuss the scheme in greater detail and to allow Yorkshire Electricity to produce firm proposals for any new connections work and diversions of existing cables.
- 5.11 **Commission for Architecture and the Built Environment (CABE)** – CABE have responded to say that they have received consultations for more schemes than they currently have resources to deal with and will not therefore be able to comment on this scheme. They ask the City Council to note that a “no comment” should not be interpreted as their tacit endorsement of the scheme.
- 5.12 **English Heritage** – English Heritage have considered the application and do not intend to comment in detail upon the proposals. They do state that given the potential for archaeological deposits and features of industrial significance it is essential that discussions are held with the West Yorkshire Archaeological Advisory Service to establish a suitable level of archaeological mitigation. Providing that that is adequately dealt with they recommend that the case is determined in accordance with government guidance, development plan policies and with the benefit of any necessary further conservation advice locally. It will not be necessary for them to be consulted again on the application.
- 5.13 **West Yorkshire Archaeology Advisory Service (WYAS)** – Substantial discussions have taken place with WYAS during the consideration of the planning application. A specification for archaeological evaluation by trial trenching at the Forge has been agreed and the works were carried out before Christmas. Whilst the results have not yet been formally submitted it is understood that little of archaeological significance has been found through the trial trenching work. One particular trial trench (Trench 5) which was

underneath an existing building has not been examined at this stage and it has been agreed with WYAS that a Grampian condition will be imposed on the permission which ensures that no work is carried out in this area until the results of this evaluation have taken place.

In relation to the illustrative material submitted as part of the application WYAS comment that any designs for the treatment of the Lower Forge area must retain in situ and incorporate sympathetically all industrial fixtures and fittings which survive within the structure of the Lower Forge building and that also the successful design should be sympathetic with the massing roofline and pallet of surviving portions of the Lower Forge buildings. To date they do not consider that the information so far submitted does this but it is understood that this is illustrative at this point.

WYAS concur with the Environmental Statement that the primary archaeological significance of the development site relates to its industrial function. Although not of medieval origin, Kirkstall Forge probably had its inception in the mid to late 1580s functioning initially as a forge and bloomery and then through the course of the 17th and 18th centuries as a forge converting pig iron for the manufacture of small implements, the site expanded during the 19th century into the production of a variety of general engineering products. The closure of the engineering department in the 1870s led to a concentration on the specialist production of superior line shafting and vehicle axles, the latter of which survived until the closure of the site in 2003. There is a very high probability that Kirkstall Forge is one of a very small number of sites, and may be the only site nationally, to have survived in continuous use as an iron-working site from the late 16th century to the late 20th century.

The Forge is also one of the earliest sites to have housed an all-iron waterwheel and the iron puddling plant on the south side of the site appears to have been among the earliest established and the last to cease production nationally. The site as a whole is therefore potentially of national, if not international, significance. With regard to individual structures WYAS, whilst concluding that many of the buildings on site could not be justified to be listed, consider that some of them are of regional archaeological significance and the proposed demolitions will therefore have a major impact on the archaeological resource of the county. They therefore want these properly recorded prior to demolition.

The trenching work has been carried out to identify the likelihood of survival of below ground archaeology. This could potentially be of regional or possibly national significance by reason of the period of use (few sites of this date survive nationally to any degree of completeness, the longevity of the site and the possibility for survival of evidence of technological innovation). Conditions are therefore recommended in relation to proper archaeological recording of buildings and also to enable below ground archaeological exploration and the developer has been strongly advised to allow reasonable periods of time for this to take place during the development of the site.

- 5.14 **Architectural Liaison Officer** – The ALO makes various recommendations about the need to take into account security concerns during the design

process as the detailed designs for the development are worked up. There are a number of potential areas of risk involved in the scheme and there is clearly a need to design out crime and use Secured by Design standards in the detailed planning of this development.

- 5.15 **Public Rights of Way** – The definitive footpath map shows that in the vicinity of the site there is only one known public right of way recorded on the definitive map and statement which is public footpath Leeds Number 39 which exists on the northern towpath of the Leeds-Liverpool canal and passes through the separate area of the identified site off the main site lying between the railway and the River Aire and the Leeds-Liverpool canal. Additionally public bridleway Horsforth Number 35 lies in close proximity to the north-west of the site, and public footpath Leeds Number 45 lies to the north of the site across Abbey Road.

Public footpath Number 39 co-exists with the Aire Valley towpath route from Leeds to Bingley which is part of the national cycle network and multi-user recreational links between the site and this route would offer much public benefit. There is a non-definitive footpath that currently exists westwards from Kirkstall Abbey along the northern bank of the River Aire towards the development site and it seems feasible that a future link can be made to this from the site. Improvement work would be necessary however to bring this route up to a reasonable standard for designated public use. The status of this footpath is currently unknown as it has not been formally claimed as a public right of way. The application suggests that pedestrian, cycle and possibly horse-riding access is being considered within the redevelopment proposals and these are welcomed. Links to neighbouring public paths are also feasible and would benefit the development of the public rights of way network within the area.

- 5.16 **Housing** – The site is in an area where 20% affordable housing is normally required with a 40/60 split between social housing and mid-market housing. As this scheme is on a very big scale there may also be other issues which need to be taken into account.

- 5.17 **English Nature** – Additional information has been sought in relation to the ecological survey work and protected species survey and proposed treatment of the riverbank where it passes through this site. The additional ecological survey information has been received and it is understood that there has been a recent site meeting to discuss in greater detail the nature conservation and biodiversity issues in relation to the riverbanks.

With regard to the protected species surveys it is noted that the Inspector on the site did not find any evidence of any active bat roosts within the development area – some additional work on this is required in relation particularly to in-filled sections of the mill goit as the culverts could be used by roosting bats.

English Nature note that the proposed development lies close to the Leeds-Liverpool canal of which is a Site of Special Scientific Interest (SSSI) but only a small portion of the application site immediately adjoins the canal. It is English Nature's view that the proposed development is unlikely directly to affect the interests of this statutory nature conservation site. However there

may be an opportunity to provide interpreted information on the SSSI on notice boards placed beside footpaths in this area.

The development will affect an important wildlife corridor created by the River Aire and the associated Mill Race. It is essential therefore to recognise and to accommodate the needs of wildlife within the proposed redevelopment scheme. The proposal should include the retention and where necessary the recreation of a natural riverbank through the development site together with the provision of a generously proportioned corridor with semi-natural habitats alongside. The opportunity to reinstate a more natural river corridor as a result of the redevelopment of this former industrial site must not be missed. English Nature would wish to see that sustainable urban drainage systems, including the use of swales and the creation of balancing ponds are implemented on this site. The redevelopment of this site offers an ideal opportunity to use an imaginative approach to create an area which, whilst providing sustainable business and residential land uses, benefits local wildlife and enhances peoples ability to enjoy the wildlife.

6.0 Public/Local Response:

- 6.1 Since the involvement of CEG from March 2003, there has been extensive pre-application consultation. This started with an initial 3-day consultation in April 2004, attendance at the Kirkstall Festival in July 2004 and a 3-day exhibition in July and August of 2004. A Kirkstall Forge Liaison Group involving all community organisations was established and met first in October 2004 and has met a number of times since then. A submission exhibition prior to putting the application into the Local Planning Authority was held for 3 days in November 2004.
- 6.2 In addition to these formal sessions, a number of meetings have taken place with local community groups, Councillor briefings have been held and there has been publicity through "Kirkstall Matters", the magazine of Kirkstall Village Community Association which is circulated widely throughout the Kirkstall area. All of the pre-application consultation is documented in the Statement of Community Involvement submitted with the planning application.
- 6.3 On balance of those responses received throughout the course of the various public exhibitions and consultations most were supportive of the redevelopment proposals, recognising that the site was no longer required to meet today's employment needs nor was it appropriate now to locate heavy industrial uses at the site. Most responses were supportive of mixed-use proposals and the scheme's potential to open up public access to the site for the first time in over 400 years.
- 6.4 The public consultation in terms of responses received have confirmed that there is significant support for;
 - public open space being provided on the site
 - public access to the river to be provided in the form of riverside walkways

- for the heritage of the Kirkstall Forge site to be retained and enhanced
- the provision of woodland walks
- improved bus services along the A65 corridor
- the provision of a rail halt as part of the development
- the provision of jobs for local people as part of the development
- the provision of restaurants on site
- the provision of new housing on the site
- for there to be a mix of commercial development such as local shops, craft workshops and bars and cafes,
- for there to be leisure facilities such as a fitness centre on the site.

- 6.5 There was little support for student housing on the site. The position in relation to the provision of a hotel on the site was relatively neutral.
- 6.6 The majority of people who commented felt that the site should be redeveloped before greenfield sites on the edge of city were built upon. A number of individual comments were made about the possibility of particular uses on the site and these are all responded to in the Statement of Community Involvement.
- 6.7 It is true to say overall that community involvement has been significant and comprehensive and has certainly contributed towards the final form of the scheme which is now put before Members.
- 6.8 Consultation and involvement has continued after the application has been submitted. People on the database who have expressed interest in the scheme over the pre-application consultation period and have asked to be kept informed have been sent information regarding the submission of the planning application.
Community groups have been consulted and a number of briefings have taken place at their regular meetings.
The site has been open every Tuesday morning for the public to visit where surgeries have been held.
The plans and submission documents have been held and available for inspection at four local libraries (Armley, Kirkstall, Headingley and Horsforth) as well as at site and also the Development Department offices at The Leonardo Building.
The receipt of the planning application was well advertised in the local press and site notices have been displayed along the complete site frontage on Abbey Road and into Horsforth on residential streets in the Newlay Wood area, on Pollard Lane and also on Leeds and Bradford Road on the opposite side of the valley in Bramley. People have been given an extensive period in which to comment.
The Kirkstall Forge Liaison Group has continued to meet as necessary and there has been attendance at Area Committees and again this year at the Kirkstall Festival to keep people informed of progress on this application.
- 6.9 The extensive consultation exercise which has been undertaken has meant that people have been well informed about this particular development and that seems to have resulted in very few public comments actually being made.

6.10 The involvement of people in the development of this site is expected to continue with a similar approach being adopted by CEG through the consideration of detailed applications and when development is taking place on site. It is anticipated that the overall development period for the construction of this scheme will be about 10 years.

6.11 **Councillor Minkin** has commented back in June about having looked in detail at the Planning Statement, the Environmental Statement and Design Statement but by far the greater part of the plans seem to her to promise an excellent development of “this wonderful site” but that she has some concerns about one or two aspects which she hopes can be addressed.

These mainly relate to levels and sections through the site compared to the existing levels and understanding what the impact of the new development will actually be. She therefore questions the footprints of some of the proposed blocks, the permeability through the site, how much car parking will be surface and how much will be underground, the treatment along the riverside, some of the indicative street scenes and views, and the materials to be used.

Her concerns are to ensure that there is good permeability through the site, that large areas of car parking is avoided, that there is a sensitive treatment to the riverside avoiding the steep high vertical banks, and that there is good space between buildings so that we do not end up with streets which appear rather like canyons.

She makes it clear in her comments that she is a member of the Plans Panel and so that these are initial comments only and are given to help inform the process given how open CEG have been during the whole of what she describes as “the excellent public consultation process”.

Councillor Illingworth strongly supports Councillor Minkin’s comments especially in relation to permeability, canyon-like streets and any harsh concrete or sheet piling near the river - he feels that any treatment along the riverside should be of a much gentler shelving or terraced bank treatment which would be better for wildlife as well as an improvement in health and safety terms.

6.12 **Leeds Civic Trust** have had the opportunity to consider in detail the Design Statement for this development and have received a detailed presentation and site tour from the developer. They have written to support this outline application which they consider is an appropriate way to redevelop this “brownfield” site. They include a letter with detailed points sent to CEG which are raised to inform the development and which they consider to be important. These include;

- ensuring that the less common Flora which exists on the site be protected and be given the opportunity to establish over wider areas, rather than be replaced by imported species
- that consideration be given to “green roofs” given that there are significant level changes and the potential for views from above and it also may help to alleviate storm water run-off
- that there is a varied treatment to the riverbank and hoping that hard edges will be kept to a minimum particularly as these may require fencing

- that consideration be given to the retention of the stone façade of the workshop just to the north of the Forge as a retaining wall
- that any dressed stone be retained on site for use in features
- that any artefacts from the site are retained on site and displayed in some way
- that the Forge is properly restored and incorporated into a pub or bar complex and
- that despite the practical difficulties that some pedestrian access to the canal and the residential development on the opposite side of the river ought to be explored so that the site can be properly integrated into the community.

They did express some concern over views from Kirkstall Abbey and will be looking at that further as the scheme develops.

Leeds Civic Trust particularly welcomes the public consultation that has been carried out with the local community from the outset and hopes that it will be used as an exemplar when the City Council starts talking to other developers with large sites.

6.13 **Leeds Local Access Forum** have written following a presentation made to them on 21 June. The Leeds Local Access Forum is a statutory body set up under Section 94 of The Countryside and Rights of Way Act 2000 by the City Council as local highway authority to advise it on strategic access and open-air recreational issues. In particular the Forum was very interested to learn about the proposed network of pedestrian and cycle routes within this large and strategic site. The Forum supports the outline planning application for the former Kirkstall Forge insofar as it relates to the provision of new pedestrian and cycle routes within the site. These proposed routes will enable valued links to be made with the existing rights of way networks across the valley, between Hawksworth Wood and Bramley Falls, and create new routes along the river between Newlay and Kirkstall.

The Forum agreed that it would be in the best interest of both the Local Authority and the improved rights of way network if any works required offsite to create connections to the existing rights of way network are incorporated into a Section 106 Agreement.

The Forum also agreed that they would like to see this site become an exemplar of how a major prestigious development can deliver improvements to the rights of way network both in the routes themselves and in the construction, the Forum will be urging and supporting officers in the public rights of way section to achieve the highest standards when discussing the specifications with the developer.

An update was given on progress of the development at the LLAF meeting on 17th January 2006.

6.14 A letter has been received sent on behalf of **the Aire and Calder Rivers Group** who would like to bring to the City Council's attention the possibility of the return of salmon to Leeds and the way in which this could be aided by the development. The water quality is now such that salmon are returning to the lower Aire after a 200 year absence. In order for salmon to return to Leeds, it is necessary to put fish passes on the weirs in the Leeds area.

The Environment Agency has recently published its fish pass strategy for the river Aire in the Leeds area. This strategy and overall objectives are supported by SORM, a partnership which was officially launched in April 2004 between British Waterways, the Environment Agency, the City Council, the Leeds Initiative, Yorkshire Water, Water Voice Yorkshire and Eye on Leeds. The partnership's main objective is to improve the environmental and amenity value of the river Aire. Primary funding is required to enable the Leeds fish pass strategy to be put in place and it is hoped that some of this funding can be obtained from developments which are taking place along the Leeds riverside. Fish passes are one of the aims of the West Yorkshire biodiversity action plan and are also covered by the wildlife enhancement provisions of policy N51 of the UDP. The group hope that the above can be taken into consideration and that some funding might be obtained from the prospective development to advance the Leeds fish pass strategy.

They also raise an additional wildlife related concern to facilitate fish breeding. They believe that a flood channel is to be created as part of the scheme and the riverbed is to be reinstated. As part of this exercise they ask for thought to be given to creating suitable spawning habitats for salmonids and of coarse fish.

- 6.15 A letter has been received from a local resident which has also been copied to the applicants in relation to the use of the site for waterpower. The resident makes the point that Kirkstall Forge has used waterpower since medieval times and used the Forge goit as a source of cooling water which was only abandoned in 1919. The resident urges the developer to take advantage of the historic water resources of the site to generate hydro-electricity. This would be a useful source of clean and renewable energy and would also demonstrate the city's commitment to sustain energy sources and reduction of greenhouse gases. The resident confirms that he has no personal connection with the Kirkstall area or the energy industries but lives in north Leeds and is interested in a sustainable future for the country.
- 6.16 **Four other letters from individual residents** have been received in relation to the planning application. One letter is opposed to any more shops, offices, bars or restaurants as it is considered there are sufficient of these already and that leisure is already provided at Cardigan Fields. One letter raises concerns that the development will alter the environment making it another "village" complex. The main concern of this particular resident however is the amount of traffic on the A65 which will result given that the road is already heavily used by all kinds of traffic. The resident makes the point that it is very difficult at present for pedestrians to cross the road and that traffic will increase on the A65 as a result of the development of the High Royds and other various schemes along the A65. This resident also raises concerns about the height of the development and is concerned about the future of the woodland area adjoining Abbey Road. The resident makes the point that much thought is needed when considering this plan and hopes from the conservation side that the heritage of the Forge will be retained and that the names of Butler and Beecroft could be used somewhere in the development which has long historical associations with the site and that it

would be possible to link it with the important heritage site of Kirkstall Abbey. This resident wishes us success with our deliberations on this particular scheme and raised also the issue of the insensitive placing of the speed camera at the eastern entrance of the site very close to the historic milestone at the Forge's entrance.

Another local resident is mainly concerned about the two high rise buildings which appear to be 8 to 10 storeys high which she considers will be obtrusive and out of keeping with the valley side and will spoil the long-distance views as well as the views from within the site itself and will rob nearby residential properties of their privacy. She considers overall that the proposed plan in her opinion is mediocre and wastes the opportunity for world-class development that this interesting site presents.

The fourth representation is from someone who has a property in Armley and resides in Yeadon and who is particularly concerned about the impact of the development on the A65 given the number of people projected to be employed on the site and the number of houses proposed. Whilst accepting that the Forge did produce some lorry traffic, this has been minimal in the last few years of the Forge's operation. The objector considers that the minimum requirement of the site is that a railway station should be provided on the Aire Valley line at the sole cost of the applicant to service this development and that all the demolition waste and materials ought to leave the site by rail rather than by road. Failing that, it is suggested that severe limitations are placed on the hours at which construction traffic can use the site to avoid adding to rush hour congestion. This particular representation also states that there should be no existing trees lost on the site, that there should be no net loss of open space on the site, there should be no net loss of grass areas on the site, and that there should be no extra demand on local utilities by this site. Finally the objector considers that there should be no visual intrusion to the valley scene caused by this site, views from any vantage point or the Abbey site itself.

- 6.17 There have been no formal written comments regarding the application from any of the local community organisations although they have been regularly involved in Liaison Group meetings.

7.0 Planning Policies:

7.1 National Planning Guidance;

There are several national policy statements or guidance notes which are important in the consideration of this planning application;

PPS1: Delivering Sustainable Development – This statement emphasises the encouragement that should be given to mixed-use development and also the role of substantial pre-application consultation and community involvement prior to the submission of a planning application.

- PPG2: Green Belts – Inappropriate development within the Green Belt should not be allowed unless very special circumstances can be justified and shown.
- PPG3: Housing – This directs that new housing development should take place in sustainable locations on previously developed sites in existing urban areas and that Councils should undertake urban capacity studies to identify such sites. The guidance also gives general advice about the quality of new housing, mix, densities to be provided and car parking guidelines. In January 2005 the Government published a new paragraph 42A the effect of which is to introduce a presumption in favour of housing on existing employment sites that are no longer needed for that use. Only where the site's development for housing would undermine the relevant regional or local housing or employment strategy should permission be resisted.
- PPG4: Industry and Commercial Development – This guidance deals with the planning issues associated with the location of industrial and commercial development and seeks to reconcile the need for economic development with the Government's environmental objectives. It does stress the need to bring back underused or vacant former industrial land in to beneficial use which is crucial in achieving regeneration of towns and cities. It also emphasises the importance of maximising the reuse of urban land.
- PPS6: Planning for Town Centres – This statement was issued in 2005 and sets out the Government's key objectives for town centres to promote their vitality and viability in planning for growth and development and promoting and enhancing existing centres. It sets out a number of criteria for considering the development of town centres in development plan documents and the need to ensure that retail, office and leisure developments are incorporated in centres where possible which are most accessible and which strengthen the role of town centres in providing services to a wide range of the population. The PPS though does also set out the wider Government policy objectives of delivering more sustainable patterns of development, ensuring that locations are fully exploited through high density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use. It sets out that in dealing with planning applications material considerations to be taken into account include physical regeneration, employment, economic growth and social inclusion. Small scale ancillary retail development out of centres is not necessarily unacceptable providing that it remains ancillary and small in scale and the use of planning conditions to ensure that this happens is recommended.

- PPS9: Nature Conservation – This is a recent Planning Statement replacing PPG9 and sets out the Government’s policies for the conservation of the natural heritage and embodies the Government’s commitment to sustainable development and to conserving wildlife diversity.
- PPG13: Transport – Aims to promote sustainable transport choice, accessibility to jobs and essential services by non-car modes, thereby reducing the need to travel. Also recommends the use of travel plans.
- PPG15: Heritage – This sets out the Government’s objectives in dealing with all aspects of heritage including conservation areas and listed buildings.
- PPG16: Archaeology and Planning – Sets out detailed guidance on the importance of the consideration of archaeological matters during the consideration of a planning application and the need for works to be retained in situ or for watching briefs to be maintained during the development process.
- PPG17: Open Space, Sport and Recreation – In considering new housing proposals, local authorities should ensure that provision is made for local sports and recreational facilities. In planning for development local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land and to incorporate open space within new development on previously developed land.
- PPG23: Planning and Pollution Control – This states that the planning authorities may use conditions or planning obligations to meet planning goals to protect the environment, where these are relevant to the development proposed, including where there is a need to ensure decontamination works are undertaken.
- PPG24: Planning and Noise – This confirms that the impact of noise can be a material consideration in the determination of planning applications.
- PPG25: Development and Flood Risk – This sets out the Government’s policy on the positive role of land use planning in reducing the risk to people, the developed and natural environment from flooding. In assessing proposed new development the impact of the development from flooding or increased flood risk elsewhere should be considered. The restriction and reduction of surface water run-off from new developments is also encouraged through the use of sustainable drainage systems.

7.2 Regional Planning Guidance;

The Regional Spatial Strategy (RSS) – The RSS for Yorkshire and the Humber was established in September 2004 and comprises former Regional Planning Guidance Note 12. This picks up national policy themes including the encouragement for the development of previously developed urban sites and translates them into regional policy.

Relevant regional policies are;

S3 - which seeks to foster the renaissance of existing urban and regional settlements of all sizes and make them more attractive, high quality and safe places to live, work, shop, spend leisure time and invest in. This is achieved by concentrating new developments of all appropriate kinds within existing settlements in ways which respect their character and landscape setting, by improving the quality of life they offer including reclaiming and remediating derelict and underused land for development, open space, recreation and amenity and high standards of design.

P1 - continues the support for the redevelopment of brownfield urban sites by setting out a series of locational principles for new development. The policy seeks to minimise the need for greenfield development and the need to travel and confirms that wherever possible, development should be located within urban areas. This should be achieved by adopting a sequential approach to meeting development needs, prioritising the reuse of suitable previously developed land and buildings within urban areas.

SOC3 and S3 seek to ensure that the provision of facilities minimises the need for communities to travel, especially by car.

T1 provides advice on the integration of planning and transportation.

The Revised Draft RSS was issued for consultation on 16 January 2006. Whilst acknowledging its status, it is noted that the Revised Draft RSS proposes significantly higher house-building targets for the District as well as an increased target of 80% for new housing on previously developed land.

7.3 Adopted Unitary Development Plan

Within the adopted Unitary Development Plan (UDP) there are some site specific designations which affect the perimeters of this site. The eastern part of the site beyond the existing site entrance is in the Green Belt as is the western extremity of the site between Pollard Lane and Cow Beck across part of the valley floor. At the north-western part of the site adjoining the western entrance there is also a piece of land which is in the Green Belt and the Green Belt designation in this part of the A65 is actually drawn inside the site to include the woodland trees along the northern boundary on the southern side of the A65. A small piece of land on the valley floor towards the western end of the site and immediately to the west of Cow Beck is down as an E3

existing supply site under the local economy. This part of the site together with adjoining land to the west and the east is designated as washland.

There are no specific proposals put forward for this site in the UDP.

The environmental sensitivities of the site are demonstrated by the Leeds Nature Areas (LNAs) to the north (Hawksworth Wood) and to the south (Bramley Falls) and also to the Leeds-Liverpool canal to the south which is a Site of Special Scientific Interest (SSSI). The site is therefore effectively surrounded by Green Belt and areas of special interest in terms of nature and the environment. Land to the north, west and south as well as the fringes of the site to the north and south are designated as urban green corridors.

There are a number of relevant policies in the adopted UDP which should be taken into account when considering this planning application;-

- GP2: Development proposals on redevelopment sites for which there are no specific proposals in the local plan will be considered favourably in the context of other policies in the plan.
- GP5: Detailed planning considerations need to be taken into account in looking at development proposals.
- SP3: New development to be concentrated within or adjoining main urban areas on site well served by public transport.
- SP4: Priority to supporting public transport.
- S9: Non-major retail proposals outside of defined centres.
- SA6: Promotion of tourism.
- LT7: Encouragement of the development of a wide range of visitor accommodation.
- HO4: Major hotel development outside city centre and adjoining inner city areas normally be acceptable where it will contribute toward the regeneration of the riverside
- T1: Transport investment will be directed to supporting public transport.
- T2: New development should normally be served adequately by existing or programmed highways, be capable of being adequately served by public transport, and make adequate provision for parking and be within convenient walking distance of local facilities.
- T5/T6: The need for safe and secure access for pedestrians, cyclists and disabled people.
- T15: Measures to give priority to bus movements will be supported.
- T16: Support to the provision of park and ride facilities associated with bus routes and rail stations.
- T24: Requires the provision of adequate parking and associated with the detailed guidelines contained in the annex to the UDP.

- N2/N4: The requirement for a hierarchy of greenspaces within residential developments.
- N8: Development affecting urban green corridors.
- N12: Sets out the fundamental priorities for urban design that all development proposals should respect.
- N13: Requires all new buildings to be of high quality and to incorporate contemporary design that is sympathetic to its setting
- N14: Presumption in favour of the preservation of listed buildings.
- N23: Development should retain wherever possible existing features that make a positive visual contribution.
- N24: Proposals abutting the Green Belt must be assimilated into the landscape.
- N29: Requires sites and monuments of archaeological importance to be preserved and investigated to provide an accurate record of their significance.
- N32: Development principles within the Green Belt.
- N38: Development within flood plains.
- N49: Developments resulting in significant net depletion of wildlife or habitats will not normally be permitted.
- N50: Impact of proposals on local nature areas (LNA).
- N51: Encourages new development to enhance existing wildlife habitats and provide new areas for wildlife as opportunities arise.
- N52: Reclamation of derelict/despoiled land to enhance and provide wildlife areas.
- ARC4: Confirms there will be a presumption in favour of the physical preservation of Class 2 areas and their settings.
- ARC5: Informed planning decisions need to be made where development may adversely affect a Class 2 area or its setting.
- ARC6: Refers to the use of planning obligations to secure the implementation of appropriate programme of archaeological investigation before development commences.
- E3: Existing supply of industrial land.
- E5: Deals with proposals for employment uses on sites not identified as such in the UDP.
- E7: Relates to proposals for non-employment uses on employment sites, either allocated or in use as such.
- H1A: Need to take account of guidance in PPG3 (Housing).
- H8: Development of housing on non-identified sites in the UDP.
- H11/H12: Affordable housing requirements.
- .

The Leeds UDP First Deposit (2003) also contains relevant policies;-

- GP9: Development must ensure that it meets sustainable design principles.
- GP10: Requires a Sustainability Appraisal.

- N38A: Development will not be permitted on washland unless it is for open uses or essential transport/utility infrastructure.
- N38B: Applicants must submit a Flood Risk Assessment in certain circumstances.
- H2: The phasing of housing land release into three phases. The majority of Phase 1 land to comprise brownfield land within the main urban area.
- T2C: All planning applications of significant traffic generation must be accompanied by Travel Plan.
- T2D: Where public accessibility is unacceptable the Council will expect developer contributions.
- E7: Extends resistance to development of employment sites to those “last” in employment use unless the site comprises a mixed-use scheme.

The Inspector’s Report following the Public Inquiry into representations in the UDP Review was received back in November 2005. The Report confirms the general approach to Housing Strategy and the phasing policy with the emphasis and importance of the development of brownfield sites in the next few years. The Inspector in his decisions on individual sites has emphasised the need to develop sites within the main urban areas before embarking on major urban extensions. In relation to policy E7 the Inspector recommends that the policy and supporting text be modified to accord with PPG3 para 42a.

7.4 Supplementary Planning Guidance

A Planning Framework for Kirkstall Forge was adopted as Supplementary Planning Guidance on 26 September 2003 following public consultation in June and July 2003 (SPG26). **The Framework should therefore be afforded significant weight in the consideration of this application.** The objective of the SPG is to guide redevelopment of this key site and form a basis for bringing forward a more detailed masterplan for the site.

The overall intention is to create a mixed-use development with retention of some employment uses as an essential element of the redevelopment. The Framework therefore sets out that the redevelopment should include a mix of uses with a satisfactory proportion of employment generating uses within the B1 and B2 use classes (equivalent amount of employment floor space to that existing prior to the Forge closure), different types of residential accommodation, support facilities including those in use Class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation, and uses which bring life to the river and its banks.

Specific requirements of the Framework are as follows;

- 20% of the total dwellings on the site should be affordable with a balanced mix of sizes and types with 50% being sub-market and 50% social rent.
- a minimum of 20% of the area should be laid out as greenspace not including the riverside walkway.
- Land contamination should be addressed.
- Phasing details will need to be negotiated through the outline application and detailed planning applications and a Section 106 Agreement.
- This is an important historical site – some features of historical and archaeological interest may need to be preserved in situ, others restored, interpreted and incorporated into new developments so the scheme reflects the site’s historic character.
- There is a need to promote public transport and include feasibility of establishing a rail halt adjacent to the site and improvement of bus services.
- How the site links into strategic pedestrian and cycle movement across the valley and watercourses is important to improve linkages between communities with direct access to Abbey Road and Woodland paths to the north and the south.
- Parking below the maximum standards in the UDP is to be encouraged. A large proportion of the car parking ought to be in basement car parks or below landscape deck and avoid dominance of surface car parking areas.
- A Travel Plan will be necessary.
- Proposals should reflect guidance in “Neighbourhoods for Living” SPG. Innovative design and sustainable development objectives should be integrated into any proposals including sustainable drainage. A soft landscape structure should define and create a hierarchy of spaces.
- A walkway/cycleway should be provided along the River Aire and where possible link to the Leeds-Liverpool canal footpath. Links should be provided over the river for pedestrians and cyclists to the island site. There should be a dedicated bridge over the railway for pedestrians and cyclists.
- The goit and Abbey Mill Race should be retained and reopened where possible.
- There should be a maintenance and improving of habitat for otters along the river and avoiding a hard edge where possible.
- Flooding implications should be properly looked at and resolved as part of the application and restrictions on the rate of run-off and use of sustainable drainage will be important.

8.0 MAIN ISSUES

1. Compliance with Policy – Mix of Uses
2. The Scale and Massing of the Scheme
3. Design Quality
4. Transport Implications and the Impact on the Highway Network
5. The Environmental Impact
6. The Impact on Listed Buildings/Archaeology/ Conservation Areas
7. Impact on the River Aire
8. The Planning Benefits Package
9. The Legal Agreement and Planning Conditions

9.0 APPRAISAL

9.1 Compliance with Policy – Mix of Uses

- 9.1.1 The site is a substantial brownfield site within the main urban area in a very sustainable location close to local facilities and infrastructure. It therefore offers a substantial opportunity for a high quality redevelopment which will substantially regenerate this part of the Kirkstall valley. It is generally recognised both by officers and by the local community that the previous use of the site for heavy industry is now obsolete and no longer applicable and that a new reuse of the site should be found.
- 9.1.2 The context for the consideration of this planning application is the several years of work which has been done in the production of the Kirkstall Forge Framework done by the City Council and then the significant amount of community consultation to bring about the current scheme that is undertaken by CEG since they acquired the site in March 2003. It is generally recognised in the community and amongst officers and members that the extensive public consultation and involvement in this project is unparalleled within the city and is an exemplar for major development sites within the city. It is also fully in accordance with the principles set out in PPS1 in terms of delivering sustainable development and is a material consideration in dealing with this planning application.
- 9.1.3 The backcloth to the production of this scheme which is before Members is the production of the Leeds Urban Housing Capacity Study (UHCS) produced in August 2003 and the adoption of the Kirkstall Forge Planning Framework as Supplementary Planning Guidance (26) in September 2003.
- 9.1.4 The UHCS was undertaken by the City Council in accordance with national policy in PPG3 in order to identify sites with potential for new housing development. The exercise did identify Kirkstall Forge as a site acceptable for new housing and indicated at that stage an undiscounted capacity of 500 dwellings on a 6.56 hectare parcel of the site. The document endorsed in

principle the acceptability of the site as a location for new housing at a high density (about 76 units per hectare). At the time the capacity of the site was limited because it was thought that this was the extent of land within the site to be available for development at the time the UHCS was being prepared and was not a ceiling for the overall development of the site. In the UHCS the site lay within the priority survey area as it was within a high accessibility zone which was defined as being within 300 metres of a main bus corridor, 600 metres of light rail or 800 metres of heavy rail stop.

- 9.1.5 Kirkstall Forge Planning Statement was prepared with public consultation and was adopted so that it could guide the redevelopment of this key site to ensure the proposals which are brought forward for reuse are sustainable and provide maximum benefit to the local communities in which the site is located. Whilst not setting a capacity for the site the Framework clearly talks about the site being reused for a mixed-use development including employment generating uses within the B1 and B2 use classes, different types of residential accommodation, support facilities including those within the use class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation areas and uses which bring life to the river and its banks. The range of uses which are included within this application reflect the Framework and also public consultation which has been undertaken and which is summarised earlier in this report.
- 9.1.6 The regeneration of this site for a mixed-use scheme which is sustainable is considered to be wholly in line both with national, regional and Unitary Development Plan policy and the Kirkstall Forge Framework. For the purpose of determining this application the Development Plan is the RSS and the saved policies of the UDP. The reuse of the site with a mix of uses will provide the opportunity for people to live and work on the site and will give a reasonable opportunity for trips to be minimised. This reflects Government guidance on achieving sustainable development set out clearly within PPS1 and PPG3 but also retains useful employment on the site in accordance with PPG4 and the objectives of the Framework and detailed policies within the Unitary Development Plan.
- 9.1.7 In locational terms it is considered that this site is well placed in terms of accessibility and meets all the criteria for being a priority area where sustainable development should be achieved. It is close to the A65, a main arterial route into the City Centre where there are existing bus services and where improved bus services and priority is proposed via the Quality Bus Initiative (QBI). It also adjoins the main railway line in to Leeds from Ilkley/Shipley and a key component of the scheme is the deliverability of a railway station as part of the overall development. There is a well established district centre with shopping and other service facilities established at Kirkstall Bridge which is within a relatively short distance to the east of the site and where there are now applications for the further enhancement and enlargement of the centre which are referred to in the planning history.
- 9.1.8 If the City Council are to ensure that it meets Government targets in relation to the provision of new housing and also to meet the strategy of the Unitary

Development Plan in terms of the priority given to the reuse of brownfield sites then this is a key site which must be brought forward for development.

- 9.1.9 The adopted Planning Framework suggests that in the development employment generating uses within the B1 and B2 use classes (i.e. office, light industrial and general industrial) would be acceptable and that an equivalent amount of floor space should be provided to that which currently exists on the site. Members will be aware that the existing footprint of the buildings and their associated hard-standings is substantial and covers the majority of the site outside of the woodland edges. Employment on the site at the time of closure of Dana Spicer in December 2002 was approximately 300 people. The application proposals aim to deliver 16,500 square metres of B1 office floor space in a range of flexible formats, dispersed throughout the site including along the riverside and in the gateway building at the eastern entrance to the site. There is a concentration of commercial activity around the proposed location for a railway station. The scale and nature of the proposed office development has been formulated to appeal to a range of potential occupiers ranging from small businesses to regional, national and public sector occupiers. In addition to office development it is proposed that a range of additional non-B class type job opportunities will also be created via the support facilities that are integral and essential to the overall development.
- 9.1.10 The detailed job generation calculations which have been provided as part of the application suggest that when it is complete the development will employ approximately 1,170 jobs in office development and 370 jobs in support and other facilities. In addition it is calculated that there will be spin-off jobs within the local area and wider region from the businesses within the site in terms of goods supplies and services from other firms. In addition to these of course there is the substantial number of construction jobs which will be created during the lifetime of the development. The aim with the development is therefore not to be able to create an equivalent amount of floor area (current useable industrial buildings on the site total some 43,300 square metres) because the general economic climate and demand for commercial premises has changed, but to create a substantial additional demand for jobs on the site in a form of development which will be compatible with the housing scheme to overall create a high quality mixed-use scheme where people will both live and work.
- 9.1.11 It is acknowledged that it will be very difficult to provide heavy industrial uses on this particular valley site and public consultation has shown that this would not be a form of development on the site which would be favoured by local people. Local jobs are considered to be important and it is thought that the employment aspect of this proposal more than satisfies the desire for an equivalent amount of employment to be provided on this site as required by the Framework. As such it is considered that the development complies with the relevant policies within the Unitary Development Plan and particularly Policy E7 and Policy E3 where part of the western part of the site is shown as existing employment land supply.

9.1.12 It should be noted that the Inspector in his report on the Unitary Development Plan Review particularly on Policy E7 has felt that the tightening of the policy proposed by the City Council is unduly restrictive and he has recommended the deletion of a couple of criteria which he considers to be not consistent with national policy advice in relation to PPG3 paragraph 42a. Nevertheless this proposal is a genuinely mixed-use scheme which whilst there is an emphasis on housing there is still substantial employment generating uses within it.

9.1.13 Recent guidance in relation to PPS6 states that office and leisure development should generally be located in town and district and other centres to give the best chances of accessibility to all sections of the community. It is considered given the balance of policies that are included both in national policy, regional policy and Unitary Development Plan policy and the significant weight which can be afforded to the Kirkstall Forge Planning Statement that the element of office use within this particular proposal can and should be supported.

9.1.14 The support facilities for the mixed-use scheme that are proposed include:-

- Small scale shopping facilities to meet the day to day needs of residents and employees on the site in a range of units such as newsagent, sandwich shop, general convenience store, pharmacy or dry cleaners;
- Bars and restaurants to include coffee shops, bars, a public house and restaurants catering for differing dining requirements;
- A health and fitness facility and spa which is proposed on the basis of the needs of people living and working on the site and is supported by increased Government emphasis on healthy living;
- A crèche/management suite to provide onsite childcare that is both attractive to employees and residents. The management suite will have the potential to provide a multi-purpose community space, capable of fulfilling a wide range of social functions;
- Banking for those people living and working on the site; and
- A riverside hotel catering for the accommodation needs of visitors to both the employment and residential elements of the proposals, but also capable of assisting in meeting wider tourism needs.

9.1.15 The retail element shows a total of under 1,000 square metres (10,600 square feet) which is well short of the PPS6 criteria of a major retail development and will clearly need planning conditions to limit its extent and to ensure that it remains ancillary to the needs of the development. In relation to the hotel clearly this is an element which was included within the Kirkstall Forge Planning Framework and is also supported by Policy HO4 within the adopted Unitary Development Plan where hotels outside the City Centre and adjoining inner-city areas will normally be acceptable where they contribute towards the regeneration of the riverside. The hotel proposal is a significant element within the scheme and is integral to the proposal in regenerating this site.

9.1.16 The application proposals make provision for a total of 1,385 dwellings, based upon an indicative mix of 1,133 apartments and 252 houses in detached and townhouse format and also via the conversion of existing mill

cottages and stables at the eastern end of the site. Overall the development density proposed on this site is somewhere in the region of 60 dwellings per hectare. The proposed balance of house types on the site has been driven by a number of factors which include the goal of maximising the efficient use of land through high densities, the need for an appropriate design response to the site and its riverside setting, and market advice on “gaps” in provision and the need to balance local mix in the context of existing house types. All of these factors are found within PPG3 guidance. The scale and massing of the scheme and the Design Statement are considered further in the next section but suffice to say that the general objective has been to achieve a truly mixed-use scheme in a high quality living environment, positively shaped by the provision for public transport and with a range of greenspaces and public realm.

9.2 The Scale and Massing of the Scheme

- 9.2.1 The Design Statement submitted with the planning application sets out the detailed and lengthy process that has led to the production of the masterplan. The evaluation process leading to the design has been informed by significant public consultation and by a full review of relevant up to date national planning policy and best practice guidance on design led by PPG1, PPS1 and PPG3 and associated guides and by advice from CABE. In a more local context the process has also paid due regard to information within the Kirkstall Forge Planning Framework.
- 9.2.2 A number of alternative development frameworks have been proposed and appraised as part of the evaluation process which have included such key factors as location, types of buildings, highways, access, permeability, form and massing and the frameworks have then been assessed and tested against functional, cultural and locational goals. It is true to say that the topography and natural characteristics of the site have both benefited and constrained the final form of the masterplan for this site. It is also noted that the gradient visually isolates the bulk of the site from the surrounding area and at present only fleeting views are obtained seen either from the railway line or from the canal towpath to the south of the site. The physical constraints and characteristics of the site mean that development platforms need to be created within the site on the valley bottom and that from within the site little of the surrounding area is visible promoting the concept of an inclusive community. The topography, particularly of the steep north valley side, will also limit the scale of development but will also constrain the views across the valley and from the more elevated sides.
- 9.2.3 The main aim of opening up the site for public use and the connection of the site to existing areas of public open space to the north and south and along the riverside together with giving priority to pedestrians and minimising the impact of the car have been fundamental aims which have been pursued in developing the final scheme. Whilst the Kirkstall Forge site has a lengthy history of industry related development, much of the subsequent growth and redevelopment of the site over the years have changed its original features and changed its character significantly so that a number of the water-driven

features have either been damned or subsequently filled in and the current context of the Forge has been compromised. The masterplan does seek to blend old with new and in so doing create a contemporary environment and community. In some ways there are similarities with the general drive and ethos when Sir Titus Salt developed Saltaire as a location which combined an inclusive live/work environment.

- 9.2.4 During the two-year appraisal and preparation of the masterplan the site constraints have been analysed in depth by a series of specialist advisors looking at critical areas of topography, transport, heritage/archaeology, contamination, hydrology and permeability. These have informed the Environmental Statement which has been submitted as part of the application. The characteristics and topography of the site have been seen as opportunities to develop a medium-rise development which could take place without intrusion in to the surrounding landscape or skyline and which also give a significant scale of development here on a brownfield site thereby easing pressure on more peripheral greenfield areas.
- 9.2.5 The structure of the masterplan has sought to produce a high density development within the middle body of the site where the island of land between the river and the railway is and then to decrease the scale and density of development towards the edges of the site. To the west this will be within the washland area and will lead towards the Green Belt and Pollard Lane and is shown as detached housing whilst to the eastern entrance of the site there is the Forge and the sensitivities of existing listed buildings. A gateway building on the eastern entrance to the A65 is proposed to mark the entrance. This is on the western side of this access and not in the Green Belt and would have to be a building whose architecture is striking as a landmark or statement building. The main height of the development is therefore in the centre of the site located where there are crossings of bridges across the river and near to where the location of the railway station is shown. Ribbons of development have been created to follow contour lines and scaling of buildings has been designed to minimise the intrusion of the development into its surroundings and optimise views where these benefit from more elevated positions.
- 9.2.6 Opportunities for linking the site north south and joining up established routes between Hawksworth and Bramley Fall must be taken as part of the proposal. There is significant connectivity / permeability within the scheme and the creation of a number of public open space areas so that there is a series of spaces provided throughout the development. The key principle of the design is to focus public areas around nodal points but also provide connections to these both along the river. Pedestrian-dominated shared surfaces follow natural site contours where possible. The variation in density across the scheme is balanced to respond to and generate uses which are compatible with the design of the main hubs of the scheme – which in their key locations contain an active mix of uses to give extended life and vibrancy to the scheme. There are two main prime hub locations, one around the location of the Lower Forge and one around the location of the new station.

- 9.2.7 The highest densities and heights of buildings are shown within the central section of the site adjoining the riverside. On the southern bank development is shown as varying in size from 5 storey to 10 storey with one landmark building adjoining the railway station which would be 15 storeys in height. On the northern bank opposite the development is generally shown as lower, between 6 and 9 storeys. Development to the north on higher land towards the A65 is shown as between 3 and 4 storeys. This is similar around the Forge building which provide the context for a central space. There are two feature buildings which are elliptical in shape adjoining the railway line on either side of the river which are some 10 storeys in height. Development at the western and eastern extremities of the site is generally shown as being 2 or 3 storeys in height.
- 9.2.8 At ground floor level the main commercial uses including the bars/restaurants, retail, gymnasium, craft workshops, health spa and crèche are adjoining the riverside, around the station hub or are gathered around the Lower Forge building. The office buildings are towards the western end of the site near the river crossing and at strategic locations within the site. The hotel is within the landmark building near the station.
- 9.2.9 The inclusion of a landmark building at the commercial focus of the site is intended to mark the heart of the commercial zone and provide identification and character for the immediate locality. Its height has been tested with the conclusion that there will only be limited views of it from the outside of the site and one of the most significant of these will always remain that from the railway line. The intention is that for commuters and irregular users of the railway line, it will establish and mark the significance of the site. So it therefore provides a visual focus, a circulation hub, a defining form at both destination and arrival points to the site and a symbol of the Lower Forge regeneration. The form of this building has been carefully considered within the context of the site as a whole and works in design terms connected to the delivery of the railway station.
- 9.2.10 An area of the residential part within the centre part of the site has been looked at in more detail to look clearly at the relationships between the buildings and the spaces that are created and it is felt that the Design Statement and masterplan is robust and gives a good variety of space and form which can then be worked up in more detail through subsequent detailed applications.
- 9.2.11 The Design Statement for this site and the overall evolution of the masterplan has been significantly influenced by officers within the City Council who are generally comfortable with the overall scale and massing of the scheme in design terms within the site and its visual impact within the broader area. There are significant spaces which are open to the public as part of this proposal and the general detail of the masterplan is considered fully acceptable in terms of the public open space that is being provided, the links to riverside, and offsite public open space areas to the north and south, permeability within the scheme, and the creation of walkways along the Abbey Mill Race and also along the riverside. The more detailed sketch study of the

residential area of the northern side of the Aire has shown that the riverside walkway at this point will be of a significant width, and will not appear as a narrow claustrophobic area, that will significantly enhance the riverside in a dense urban setting at this point.

9.2.12 In conclusion therefore it is considered that the scale and massing of this scheme does achieve many of the aims and objectives of achieving a sustainable mixed-use scheme with a good use of space within this scheme which provides a variety of built-form and an interesting and potentially very exciting development.

9.3 Design Quality

9.3.1 The Design Statement includes sufficient detail to indicate that if it is followed in subsequent detailing of the scheme then a high quality development can be achieved. The masterplan in terms of the overall concept of the scheme, its philosophy, permeability, public open space provision and spaces between buildings in relation to their size and scale is fully supported. The Design Statement does look at a number of these spaces in more detail to indicate the quality that can be achieved and gives guidance in relation to detailed design and materials. This has not yet been developed sufficiently to become a design Code for the site. At this stage there is a need to retain some flexibility within the overall design parameters for changed circumstances which will almost certainly occur given the 10 year timescale.

9.3.2 If quality is to be achieved in the detail however a number of things need to happen;

- The future station needs to work in the framework of the emerging design code and be fully integrated
- A fuller design code is developed in the working up of detailed applications to also include the landscape
- The existing architect team is retained if possible to ensure consistency of approach in moving from the masterplan to the detail
- The urban design quality of the highways needs to relate to the masterplan and Design Statement and be design led particularly in relation to the distributor road and its impact on key locations within the site such as the Lower Forge
- Sensitive and innovative markers at the entrances to announce the development within its Green Belt and landscape setting

9.4 Transport Implications and the Impact on the Highway Network

- 9.4.1 A transport assessment has been submitted and negotiations have been ongoing for some considerable time. Agreement has been reached on the order of traffic volume likely to be generated by the development proposals and most likely distribution onto the local highway network based on local census information. Account has also been taken of the traffic generating potential of the existing buildings on the site should they be brought back into use.
- 9.4.2 As a result it is concluded that the site will generate between 750 and 900 two-way vehicle movements in the morning peak hour. Allowing for the potential of bringing existing buildings back into use the net traffic generation in the am peak is between 380 - 525 vehicle movements in the peak hour. It should be noted that these trip generations are for the am peak hour only (ie 8-9am). In the am peak 3 hour period (7-10am) the trip generations are roughly double the peak hour alone.
- 9.4.3 It can clearly be seen that this site is a major generator of peak hour traffic onto the surrounding road network and there is no disguising the fact that traffic congestion will significantly increase on the A65 corridor in peak times - this will be detrimental to the 1500 existing vehicles using this primary route.
- 9.4.4 This extra traffic, a net additional flow of 250-300 vehicles, will be heading towards Leeds in the am peak hour (8-9am). As the traffic lights at the Kirkstall Gyratory are already at capacity at peak times these extra vehicles will extend the queues. Effectively 300 vehicles will extend the queue by 1800m ie over 1 mile, which along with the queue relocation effect of the Quality Bus Scheme, has the potential of queuing traffic back into Horsforth New Road Side area and back towards Horsforth roundabout itself.
- 9.4.5 Clearly this level of traffic impact will not be noticed in one go as the build programme for the site is over a 10 year period. It would be Highway Officer advice to seek to tie the implementation of the development into key provisions on the highway network eg signalisation of Horsforth roundabout prior to first occupation, provision of rail halt before development flow exceeds extant position.
- 9.4.6 The provision of the rail halt is key to this density of development being acceptable on this site in terms of its otherwise severely detrimental impact on the existing highway network. Although the benefits of the rail halt have not been modelled it is quite clear that the provision of stations at Kirkstall Forge and at Apperley Bridge have the potential to remove a significant number of trips from the A65 corridor.

- 9.4.7 To cater for safe access to and from the site signalised junctions are being provided to existing access points at each end of the site. The entrance at the western end of the site will be linked to the signalisation of the Hawksworth Road junction nearby which is also required as part of the development. An internal road will connect between the two accesses enabling bus penetration into the site and providing a link to the possible rail halt. A public car park is proposed to serve as a park and ride site, primarily for the rail halt but with potential for the bus. Bus and cycle feeder lanes are provided on the approaches to the junctions to minimise delays. The junction designs take account of the A65 QBI scheme.
- 9.4.8 The development proposals, in line with the adopted planning guidance, seek to bring buses into and through the site. First Bus have confirmed that they would look to divert a 10 minute frequency service through the site between 3 and 5 years after commencement, subject to adequate infrastructure being in place. This will be an important factor in supporting the successful implementation of the Green Travel Plan. The Quality Bus Scheme for Kirkstall Road has not yet received government funding but is in the list of regional priorities to be recommended for support as part of the regional review. It is likely to be at least March this year before we have a view from Government as to whether they agree with the regional prioritisation. The first phase of the bus priority scheme, which is funded separately, is however programmed to commence on site this summer covering the length from Horsforth to Kirkstall Lights. *There are currently no firm proposals to enhance the service in terms of numbers of buses although it is expected that the increased reliability of the bus service will lead to increased patronage and hence improved services.*
- 9.4.9 Access by cyclists is currently restricted to the main access roads. Whilst the canal towpath runs close to the site it is not directly accessible due to the barrier of the railway line. An access to the canal towpath is being promoted making use of the Pollard Lane bridge at Newlay, however this is not a convenient route for cyclists wishing to commute into Leeds. There may come an opportunity to form a route to the canal towpath if and when the rail halt is constructed as a bridge across the railway to access the far platform would be required as part of the design. The Developers have indicated that it would be feasible to link the rail halt (once provided) to the canal towpath across land which is in Leeds City Council ownership. This is highly desirable both for commuters on bicycle and also to enable residents from the Bramley side to access both the rail halt and the employment opportunities on the Forge site. A pedestrian route is also being catered for through the rugby ground and on into Kirkstall Abbey grounds. The delivery of these off site connections must be achieved as part of this development.

9.4.10 A substantial Green Travel Plan has been submitted which promotes means of travel other than the single occupancy car. Measures such as free metrocards for a year or a free bicycle per household, personal travel planning and a Kirkstall Forge website posting travel timetables and giving information on local services will be provided. Additionally car share schemes and potential for a car club on site is being investigated. The applicants have indicated their belief that the travel planning measures could bring about reductions in vehicle trips from the site of the order of 15% over that which may otherwise have been expected. It will be a requirement of the travel plan to submit annual surveys to record the progress of the travel plan and set and amend modal split targets as required.

9.5 The Environmental Impact

9.5.1 The Environmental Statement submitted as part of the planning application considers in some detail the potential impact on human beings, land use, landscape and visual impact, cultural and material assets, Flora and Fauna, traffic and transportation, contamination, soils and geology, water and hydrology, noise and vibration, air quality, and the construction process. The non-technical summary sets out the main conclusions and this is backed up by a three-volume Environmental Statement, one volume of which is the Transport Assessment. Overall the conclusions are that the development is positive in terms of its general impact on the landscape and local area.

9.5.2 The removal of the existing large industrial sheds on the site and the decontamination of the site are obviously of significant importance. The built form of smaller building footprints interspersed with peripheral and internal landscape treatment will soften the existing strongly urban character and help to integrate the proposed development with nearby housing and the character of the valley although it is accepted that there will be more urban uses developed towards the centre of the site which will then dissipate outwards to merge with the adjoining areas to the west and east.

9.5.3 The proposed retention, reuse and refurbishment of the listed buildings within the site in a sensitive manner will result in the development having a beneficial and permanent impact on the cultural and material assets of the site. In particular the setting of the Lower Forge will be substantially improved.

9.5.4 The valuable woodland areas around the edges of the site are retained which give the site much of its individual setting along with the topography. Many of the trees are protected by Tree Preservation Orders. The Abbey Mill Race will be retained in its entirety and restored by de-silting to an open water habitat, with significant nature conservation benefits. It is recognised that the redundant goit will be lost as part of the scheme.

9.5.5 Overall nothing of major or substantive nature conservation value will be lost or adversely affected but there will be substantive mitigation and habitat

enhancement. A new wildlife pond is proposed in the western extremity of the site. Appropriate measures will take place to ensure compliance with wildlife legislation including the protection of breeding wild birds and all bat species. There will be an eradication of alien plant species and other measures to improve the riverbanks upstream and downstream of the central part of the site. A management plan will be prepared to ensure the woodlands and other habitats including vegetation and wild species are conserved and managed in the interest of nature conservation and biodiversity.

- 9.5.6 There will be no adverse impact on the setting of the SSSI (Leeds Liverpool Canal) or the LNAs to the north and south of the site.
- 9.5.7 Each of the potential pollutants identified through ground investigation studies can be satisfactorily addressed by appropriate remediation and will be conditioned as part of any approval. The potential for water pollution from the site is likely to decrease as a result of the development compared to its present industrial setting.
- 9.5.8 Based on measured data the site generally falls within the national standards provided in PPG24 in relation to noise and vibration. Use of appropriate mitigation measures including barriers and upgraded glazing specification where necessary will be employed to achieve acceptable noise levels in all proposed buildings and gardens. Prevailing vibration levels on the site, due to the passage of trains on the adjacent railway line, are below the range for a “low probability of adverse comment”, and should prove acceptable for all occupants of the development. Estimated internal noise levels to commercial and residential properties are within acceptable design ranges.
- 9.5.9 A number of activities during the demolition and construction process are a potential major resource of dust emissions, such as building demolition, soil remediation, earthworks and operation of internal haul roads. The nearest potentially sensitive receptors are residential properties situated a minimum of approximately 50 metres to the north-east of the site. With the implementation of standard best practice mitigation measures the significance of the potential construction dust impacts is considered to be modest at most. The site complies with air quality standards and is suitable for residential development.
- 9.5.10 Overall it is considered that there are positive things coming from this scheme in terms of environmental impact and those elements where there is increased impact, apart from traffic volumes, can be adequately mitigated. In the consideration of all of this however it must be recognised that the history of the site has been one of heavy industry with significant adverse environmental impact and this application represents a major opportunity to improve the site and the character of the local area. A range of positive environmental measures are made as part of the application, which include;-
- The creation of a network of connected greenspaces, walkways and other areas of open space throughout the development site (so that 60% of the

overall site area will be open space compared to 20% requested in the Planning Forge Framework);

- Comprehensive proposals for new tree planting and landscaping throughout the site;
- The ecological enhancements that are proposed including the creation of a new wildlife pond and wildlife meadow;
- The riverbank treatment strategy, still under discussion with the Environment Agency, which proposes measures including the provision of artificial halts to aid the passage of otters along the River Aire;
- The detailed site remediation and decontamination measures set out in the Environmental Statement and which are expected to be the subject of conditions attached to a planning permission.

9.6 The Impact on Listed Buildings / Archaeology / Conservation Areas

9.6.1 The intention for the Lower Forge is to substantially enhance the setting of what remains of this historic building. The Lower Forge building represents the industrial heritage of the site, which through subsequent phases of production-related development has been encroached upon and eroded in stature. This scheme offers the potential to redress that balance and realise the potential of this building to act as a focus and a hub for leisure-based activities for local people. The proposals would bring back into active use the old Lower Forge building and the indicative drawings submitted as part of the application suggest that it could become a restaurant/leisure building with a more modern glass building abutting the existing derelict shell. Around the space it is envisaged that a traffic-free pedestrian square can be developed with buildings of a semi-formal setting in contemporary style to complement the historic stone building of the Lower Forge. Water is also suggested within this design which will be entirely consistent with the previous use of the building and opportunity for the existing tail-race from the Forge in to the river to be opened up more as a public amenity.

9.6.2 The other listed buildings within the site are to be reused as part of the scheme for residential purpose which seems fully appropriate given their size, scale and setting. The existing milestone on the A65 is not shown as being affected by this proposal at present. Its setting could however be enhanced given other street furniture in the locality and opportunity for doing that should be explored.

9.6.3 The archaeological investigation done to date does not suggest that there are any significant findings in the underground archaeology. Some further work is however still required and this will be conditioned to take place before any other development commences. This includes work to Trench 5 which is mentioned by WYAS as of great importance and only when the findings of this trench (which is currently under an existing building with a heavy concrete base) have been obtained will decisions be able to be made about the possible future use of this area. An archaeological watching brief will be necessary during the development of the site.

9.6.4 It is not considered that the development will have an adverse impact on either the Kirkstall Abbey Conservation Area or the Newlay Conservation Area but there should be improved linkages to them by connecting paths.

9.6.7 Overall it is considered that the scheme offers substantial benefits in terms of the cultural heritage of the site and an opportunity for them both to be retained, enhanced and also interpreted which could then be linked via footpaths to the historic setting of Kirkstall Abbey and provide an enhanced tourist destination.

9.7 Impact on the River Aire

9.7.1 There have been substantial discussions with the Environment Agency in relation to the Flood Risk Assessment for this particular development. At the present time this still remains unresolved and the Environment Agency are maintaining an objection on flood risk grounds. In addition to the flood risk there is also the impact of the proposal on the visual and wildlife element of the river in terms of the treatment to the riverbanks and again this is subject to ongoing discussion. The existing riverbank treatment through the middle of the site is very urban in appearance and poor in quality and the scheme does offer the opportunity for substantial enhancement in this area. It is recognised that there will be different treatments along the river through the site and this complements the design of the masterplan. The central higher density area will have a more urban feel whilst the lower density edges should have a more natural feel. There needs to be further detailed discussions about this as the project progresses which ensures that the eventual outcome is to a high design quality and also protects and enhances nature interests along the river to the satisfaction of the Environment Agency and English Nature.

9.8 The Planning Benefits Package

9.8.1 A package of benefits in relation to the application was offered by CEG in August 2005 and has been subject to further discussion and refinement since then. The package has been based on the economics of delivering this particular scheme. It is recognised that there are substantial costs involved in bringing this site forward for development in terms of site clearance and remediation costs and also substantial investment in infrastructure to ensure that the site can be properly serviced.

9.8.2 The overall infrastructure costs including remediation, drainage, preparation of development platforms, bridges and access roads is in the order of £30million for 25 net developable acres. The applicants considers that the planning gain given as part of this scheme needs to be considered in the light of this substantial cost. Nevertheless they do accept that this is a large development and accept the need to make contributions in terms of planning benefit.

9.8.3 In terms of approach the main emphasis of the planning benefits package has been to seek to deliver public transport improvements as part of this particular scheme and to minimise the amount of extra trips generated on to the highway network.

9.8.4 The main benefits being offered are a substantial sum towards the following;

- £4 million to enable stations to be delivered at Kirkstall Forge and Apperley Bridge.
- Some contribution towards the QBI scheme for the A65.

A comprehensive and substantial Green Travel Plan which has been costed.
- Signalisation of the A65/ Ring Road roundabout (currently being costed).
- A park and ride facility to cater for 150 cars
- A small contribution towards education provision (evidence from the Environmental Statement suggests that there is spare capacity within local schools).
- The refurbishment work of the listed Lower Forge and cottages.
- The provision of affordable housing
- Provision of public open space and subsequent maintenance of both POS and woodland areas

9.8.5 At present the general way of dealing with this has been to suggest the provision of a pot of money in the Section 106 Agreement which could be used towards transport, the improvement to the Ring Road roundabout or affordable housing dependent upon the priorities given to it by the Council. Overall the planning benefit package is substantial and latest estimates suggest it is now over £10 million in total.

9.8.5 The original package included quite a low figure for affordable housing and in total was proposing a contribution of 50 apartments as affordable housing by way of equity share transferred to a registered social landlord at 75% of market value. It is clear from the Kirkstall Forge Framework document that overall the City Council was looking for 20% of the housing on the site to be affordable. There is therefore currently a significant shortfall in provision although it is recognised that there are substantial costs in bringing this site forward and substantial benefits being offered in relation to the provision of public transport. Nevertheless it is considered important that a range of housing is provided on this site which provides a good mix and further thought and negotiation will need to take place to ensure a range of housing prices on

the site so that the City Council's aim for a proportion to be lower priced can be achieved.

9.9 The Legal Agreement and Planning Conditions

9.9.1 Work has already started on the drafting of a Section 106 Agreement and a set of planning conditions. This will need to be presented to Members in due course when a final recommendation is able to be made on the application. This work is still in progress as this report is being written particularly given the ongoing discussions taking place in relation to transport and flooding issues. Clearly there will be a need to ensure that the listed building renovation and refurbishment work is brought forward as part of the scheme. There will also need to be consideration given to the phasing of the development and what benefits are delivered at what stages in the lifetime of the development.

10 Conclusions

- 10.1 There is much to commend this scheme both in terms of the process that has been followed and the masterplan which has resulted. The scheme offers substantial benefits in terms of regeneration and reuse of a significant brownfield site and opens up the site to public access for the first time in many centuries. The principle of a mixed use scheme here has been established by the adopted Framework, substantial public consultation and is supported by the raft of national, regional and UDP policies which set the Development Plan and policy context against which this application must be judged.
- 10.2 The design process and evaluation together with national, regional and local context all suggest that the scale of development being proposed is entirely appropriate having regard to the need to make best use of this site and to deliver the substantial public benefits which will result. However this is not without cost. The chief impact will be on the highway network where significant additional traffic generation will occur and which will further add to congestion on the A65 corridor. Whilst the strong aims to minimise trips and maximise public transport use should be pursued even with the implementation of the QBI and the delivery of two train stations at The Forge and Apperley Bridge the likely traffic impact cannot be mitigated but will add to current difficulties. A lesser scale of development whilst reducing the traffic impact will not deliver the benefits being offered and could prove uneconomic given the substantial up-front costs involved in redeveloping this site.
- 10.3 Overall officers consider that the scale of this development should be supported, despite the highway implications, given the compliance with policy and the benefits which result. There is a need to continue to work to achieve the two rail stations which are critical if trips by car are to be reduced.

10.4 Other major issues which need to be resolved are;

- the objection by the EA in relation to the flooding issue
- the cost and feasibility of a traffic controlled junction at the A65 / Ring Road in the light of the recently published Ring Road study
- the level of affordable housing to be provided

10.4 There is also a need to brief Ward Members in the 3 Wards identified so they are brought up to date with the current situation

Background Papers:

Application file: 24/96/05/OT.

**REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER
PLANS PANEL WEST
DATE : 20th April 2006**

SUBJECT: Outline Planning Application 24/96/05/OT to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping to industrial site at Kirkstall Forge, Abbey Road, Leeds 5.

Electoral Wards Affected :

**Kirkstall, Horsforth
Bramley & Stanningley**

Specific Implications For :

Ethnic Minorities
Women
Disabled People

RECOMMENDATION:

Defer and Delegate approval of the outline application to the Chief Planning and Development Services Officer subject to the completion of the Section 106 agreement as set out in this report and the conditions contained in the appendix together with any other conditions considered necessary and the removal of the objection from the Environment Agency

1. Introduction

- 1.1 Plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17th February 2005. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view the exhibition at the site. An update report was noted by Panel Members on 6th October 2005.
- 1.2 A full briefing for Panel Members took place at the site on Thursday 19th January 2006 so that Members were given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration. A substantial report was then considered by Members at the Panel Meeting on 26th January 2006. Members noted the report and approved the principle and scale of development outlined, but deferred the application for further consideration and the resolution of

outstanding issues and Ward Member briefings. Additionally the Panel requested that future reports include information on the following matters:-

- comments of the Environment Agency
- details of the pedestrian linkages outside the site
- progress of discussions with the relevant transport providers
- environmental impact of the scheme and sustainability issues
- progress to deal with Public Right of Way issues

1.3 A further report was considered and noted by Panel at the last meeting on 23rd March when the position was updated regarding flooding, transport, archaeology and layout. Members were also shown the visual presentation which could not be shown in January and which had been updated and corrected regarding some height inaccuracies discovered with the taller buildings in the scheme.

1.4 It has previously been recognised by Panel that it would be sensible, if possible, to deal fully with this outline scheme through the Member stage before the Local Government Elections and any possible Panel changes which might result.

2. Outstanding Matters

2.1 Ward Member briefings – these have now been offered to the 9 Members in the 3 wards of Kirkstall, Bramley & Stanningley and Horsforth who have been sent copies of the previous reports to 26th January and 23rd March Panel. 3 of the Members – Councillors Minkin, Taggart and Hanley are of course also Members of the Plans Panel.

2.2 Flooding – the formal response of the Environment Agency to the review of the hydrological and hydraulic modelling of the site by Wallingfords is awaited. At present the Environment Agency have objected to the application and approval could not be given until that objection is finally removed.

2.3 Public Right of Way and linkages – whilst more detailed work is required on these elements the importance of them is recognised and provision has been made in the Section 106 and Conditions to ensure they are delivered.

2.4 Section 106 Heads of Terms – work has been progressing in drafting an appropriate legal agreement for the site. The main Heads of Terms are as follows:-

- The provision of a Rail Halt contribution of £4 million (Index Linked) towards either
 - a) the provision of a railway station at Kirkstall Forge; or
 - b) the purchase of new rolling stock to service a new railway station at Kirkstall Forge; or
 - c) as a subsidy towards new rolling stock to serve a new railway station at Kirkstall Forge: or
 - d) a combination of any or all of the above

The Rail Halt contribution is being made available for 10 years from grant of planning permission provided that within 2 years Metro has carried out a designated feasibility evaluation of the provision of a new railway station at Kirkstall Forge. Once Metro have entered into an agreement with the Owner to build a new station at the Forge, then the Rail Halt contribution would be paid in two parts:

- a) £2 million within 1 month of commencement of contract to build the rail station at The Forge, and
 - b) £2 million on date the train service first stops at The Forge
- A contribution of £3.5 million (Index Linked) to a Footpaths/Highway infrastructure/Affordable Housing pot which can be applied in the Council's absolute discretion towards the provision of any of the following:-
 - a) provision of footpaths from site boundary to grounds of Kirkstall Abbey and from existing canal towpath to the new railway station
 - b) improvements to Horsforth Roundabout
 - c) provision of Affordable Housing on site

The Council would not be able to call upon the money for the linking footpath from the canal to the station until the station had been completed. The contribution to improvements to the Horsforth Roundabout and provision of Affordable Housing would be triggered once 600 open market dwellings have been completed on site, as presently drafted, although discussions are continuing regarding an alternative formula which will take into account any office development which has been built as an appropriate trigger for the drawing upon the money for the Horsforth Roundabout works. The Council would be able to draw upon the money early to enable the footpath link to Kirkstall Abbey to be done as part of the 1st Phase and for design fees for the Horsforth Roundabout improvement works to be paid.

- A contribution of £100,000 towards Educational Provision following occupation of 700 dwellings provided the Council is able to demonstrate insufficient capacity in local schools to accommodate the number of pupils which the development will generate.
- Training and Employment initiatives to recruit and train employees having regard to the following training programmes:-
 - Job Placement programme
 - Foundation modern apprenticeships
 - Advanced modern apprenticeships
 - New Deal Welfare
 - Job guarantee
 - Ambition construction

and to send full details of job opportunities prior to construction and occupation of any building to an Officer nominated by the Council.

- To make all Footpath Links identified and available for use by the public as permissive footpaths. This would ensure public access along identified routes within the site but still entitle the owner to close these from time to time to enable maintenance works to be carried out. Within the site all the footpaths would be maintained by the Management Company to be established.
- To appoint an architect prior to commencement of development to have overarching responsibility for ensuring that each phase of the development accords with the design philosophy set out in the Design Statement. This is of great importance to ensure continuity and that the philosophy and quality evident in the outline submission is carried through into the implementation phase and is not lost sight of.

- 2.5 Draft Conditions – work has also been progressing on drafting appropriate conditions for the outline permission. The latest set are appended to this report for information. Whilst these are likely to be refined and perhaps others added, they do give a good indication of the likely conditions to be imposed. The general approach has been to deal with those things to be provided within the site via conditions as part of the approval, and to deal with off site provision via obligations in the Section 106 agreement. The only real exception to this is the works to the Hawsworth Road/A65 junction which is conditioned and will need to be linked to the provision of the western access junction onto the A65.

3. Conclusions

- 3.1 Members have already recognised in previous reports the substantial benefits which result from the scheme in terms of regeneration, the reuse of a significant brownfield site, opening up the site for public access, and the opportunity to create a truly sustainable development in the Kirkstall Valley.
- 3.2 Whilst there are significant costs and risks involved for the developer and substantial investment required in the early years in demolition, remediation and infrastructure provision, a planning benefits package has been assembled which is substantial comprising:-
- £4 m towards improvement to public transport through the provision of a rail station
 - £3½ m towards footpath, highway improvements to Horsforth Roundabout and affordable housing
 - £1 m committed towards listed building renovation and improvement
 - £1 m committed towards implementing a robust Travel Plan for the site
 - £100,000 towards educational provision if required

On site substantial areas of public open space will be laid out, including a fully equipped playground, and with other natural areas like the Abbey Mill Race will be managed in the long-term. Two new traffic controlled junctions will be provided to the A65 at the east and west entrance with western access linked to the signalisation of the Hawsworth Road/A65 junction. There are substantial opportunities to improve the river corridor through the site and give improved rights of access with links to wider recreational routes in the Valley.

- 3.3 The scale of development does give rise to significant highway implications for the A65. This was recognised in the report in January. The delivery of the two rail stations at Apperley Bridge and Kirkstall is of critical importance and everything is being done to ensure that these can be delivered. The final decision regarding that however is in the hands of others rather than the developers although they have done all they possibly can to facilitate it.
- 3.4 Overall it is considered that the stage has been reached that the application can be recommended to Members for approval and to be deferred and delegated to Officers subject to the satisfactory completion of the legal agreement, appropriate conditions and the withdrawal of the objection by the Environment Agency.

APPENDIX

Kirkstall Forge

Revised Draft Conditions – at 03.04.06

1. Application for approval of the following details (hereinafter referred to as the reserved matters) for each phase of the development shall be submitted to the local planning authority within ten years from the date of this permission

Siting of the buildings
Design
External appearance
Landscaping

The development shall be carried out in accordance with the reserved matters as approved.

2. Applications for approval of reserved matters for each phase of the development shall be broadly in accordance with the approved Design Statement unless otherwise agreed in writing by the local planning authority.
3. Approval of the reserved matters shall be obtained from the local planning authority in writing for each phase of the development before each respective phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced, unless otherwise agreed in writing by the local planning authority.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters for the first phase of the development.
5. Prior to the commencement of any part of the development a remediation strategy for the whole of the site shall be submitted to and approved in writing by the local planning authority. The remediation strategy shall include details of:
 - a) phasing and implementation of remediation works;
 - b) existing and proposed ground levels;
 - c) those materials that are to be stored on or removed from the site.The remediation of the site shall be carried out in accordance with the approved remediation strategy or such variations thereto as may subsequently be approved in writing by the local planning authority.
6. In the event that remediation is unable to proceed in accordance with the approved Remediation strategy at any stage or should unexpected significant contamination be encountered during the development, the LPA shall be notified in writing immediately. A revised remediation statement shall then be submitted forthwith which deals with the situation for the approval of the LPA. Works shall thereafter be carried out in accordance with the approved remediation statement.

7. Prior to any phase being occupied a validation report shall be submitted to and approved in writing by the LPA, confirming that any remedial measures necessary in the approved remediation statement for that part of the site have been undertaken satisfactorily.
8. Prior to the commencement of any part of the development details of proposed site compound and cabin locations for the first phase of the development shall be submitted to and approved in writing by the local planning authority. Details of proposed site compounds and cabin locations for subsequent phases shall be submitted to and approved in writing by the LPA prior to the commencement of each phase. Site compounds and cabins shall be located in accordance with the approved details.
9. Prior to the commencement of development a strategy shall be submitted to and approved in writing by the LPA which deals with how the following matters will be dealt with consistently throughout the development:-
 - a) lighting
 - b) bin storage and rubbish collection
 - c) boundary treatments including walling, fencing and hedging
 - d) signposting and signage

Details for each phase shall then be submitted in accordance with the approved strategy.

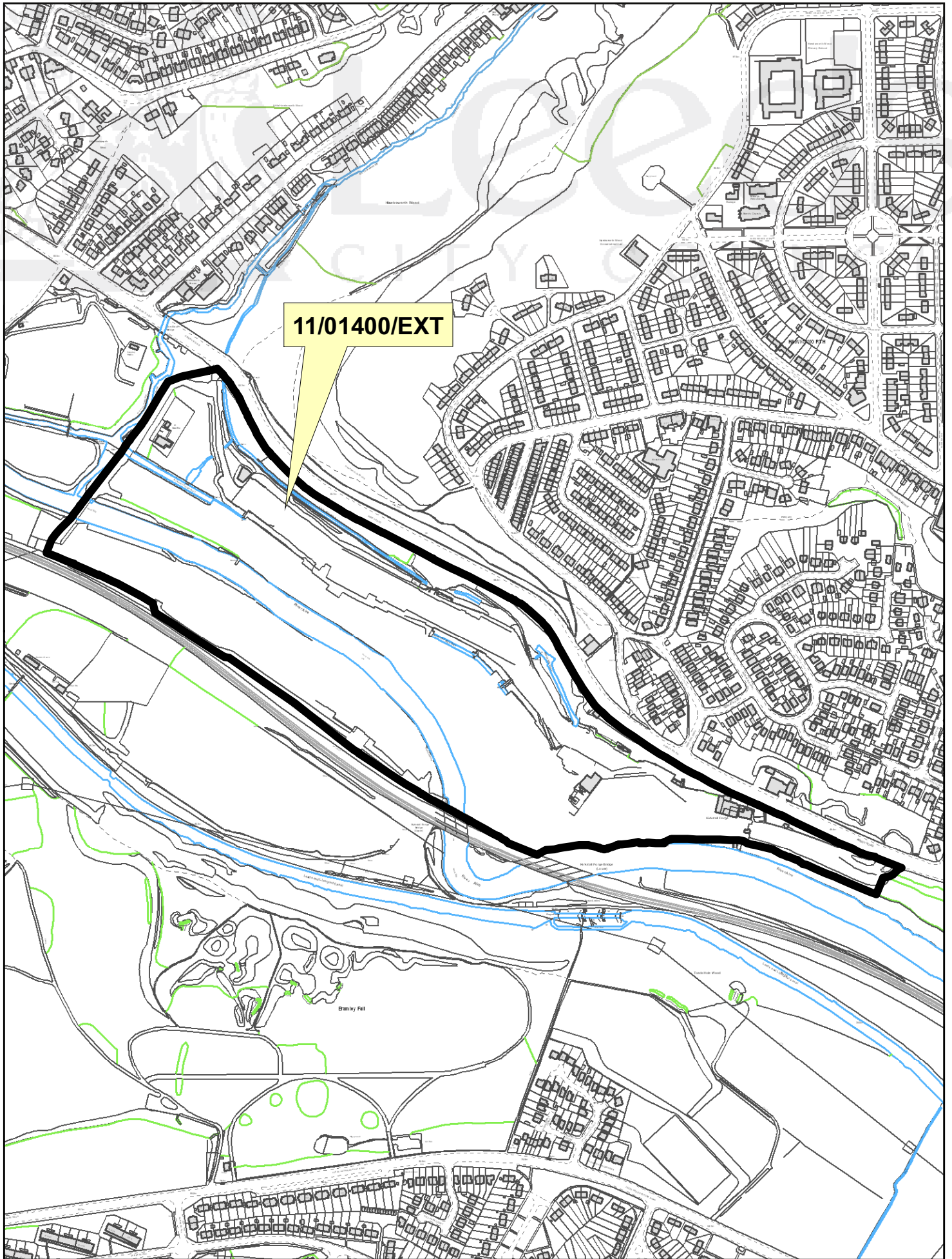
10. Prior to the commencement of each phase of the development the following details in respect of that phase shall be submitted to and approved in writing by the local planning authority:
 - a) sustainability appraisal;
 - b) foul and surface water drainage;
 - c) works to the River Aire and its banks including any road or pedestrian bridges;
 - d) nature conservation works;
 - e) provision and layout of public open space;
 - f) provision of footpath and cycle links;
 - g) access arrangements for vehicles including servicing and car parking, motor bike and cycle storage areas
 - h) existing and proposed levels
 - i) tree protection measures

Each phase of the development shall be carried out and completed in accordance with the details as approved, prior to the occupation of each phase.

11. No part of the development shall be occupied until the eastern access junction with the A65 as shown on drawing number [] has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority.
12. No occupiers shall use the western access until the works shown on drawing number [] to include the works to the Hawksworth Road junction with the A65 have been completed.

13. The western access works including the works to the Hawksworth Road junction with the A65 shall be completed prior to the occupation of 300 dwellings on the site (or alternative formula to be agreed) unless otherwise agreed in writing by the local planning authority.
14. A route for buses through the site shall be made available at the earliest opportunity on completion of 450 dwellings unless otherwise agreed in writing by the local planning authority
15. No development shall take place on the site until the applicant, or their agents, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation comprising strip, map and preservation by record which has been submitted by the applicant and approved in writing by the local planning authority.
16. No development shall take place on the site until an archaeological investigation has been carried out of the area marked "Trench 5" on drawing number [] in accordance with a methodology agreed by the LPA, and the results submitted to the LPA.
17. No development shall take place within the Lower Forge area of archaeological interest shown edged in [] on drawing number [] until details of the development, the design of which shall provide for the preservation of the archaeological interest in situ, have been submitted to and approved in writing by the local planning authority. Development within the Lower Forge area shall be carried out in accordance with the approved details.
18. [Prior to the occupation of the first phase of the development] a scheme for the display and interpretation to the public of the archaeological artefacts within the Lower Forge area of archaeological interest shall be submitted to and approved in writing by the local planning authority. The archaeological artefacts shall be made available for public display in accordance with the approved details.
19. Prior to the commencement of the first phase of the development the listed buildings on the site shall be protected and the listed cottages made weather-tight in accordance with details to be submitted to and approved in writing by the local planning authority.
20. Prior to the commencement of construction of any buildings on the site a programme of works for the refurbishment of the listed buildings shall be submitted to and approved in writing by the local planning authority. The refurbishment works shall be carried out in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.
21. Prior to occupation of any part of the development an overall strategy for the management and maintenance of woodland, landscaped and public open space areas shall be submitted to and approved in writing by the local planning authority. A detailed management and maintenance plan for each phase of the development which shall be in accordance with the approved overall strategy shall be submitted to and approved in writing by the local planning authority prior to the occupation of each respective phase of the development. The woodland, landscaped and public open space areas shall thereafter be managed and maintained in accordance with the approved management plan for the relevant phase of the development.

- 22 Landscaping works and laying out of public open space areas in respect of each phase of the development shall be carried out in accordance with the approved reserved matters prior to the occupation of each phase of the development.
23. Trees and shrubs dying or becoming diseased within 5 years of completion of the relevant phase of landscaping and open space works shall be replaced with a tree or shrub of the same size and species within the first available planting season following the loss of the tree or shrub.
24. Prior to the commencement of each phase of the development samples of all external walling and roofing materials and the external treatment of hard surfaced and parking areas in respect of that phase shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details.
- 25 The Travel Plan for the development shall be progressed in accordance with the actions, management, programme and measures as set out in the Revised Travel Plan dated []. In particular a Travel Plan Co-ordinator shall be appointed, the Travel Plan Steering Group established, and the interim and Full Travel Plan submitted in accordance with the stated timescales. The Travel Plan shall then be managed, implemented, monitored, renewed and updated over the long term as one of the functions of the Management Company established for the site.
- 26 The class A1 retail floorspace hereby permitted shall not exceed [] sq m gross
27. No single class A1 retail unit shall exceed []sq m gross unless otherwise agreed in writing by the LPA.
- 28 There shall be no change of use of any of the class A3 (restaurants and cafes) floorspace hereby permitted to be used for class A1 retail of the Use Classes (Amendment) Order 2005 or any subsequent amendment unless otherwise agreed in writing by the LPA.



11/01400/EXT

WEST PLANS PANEL





Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: Application Number 11/00897/RM – Reserve matters application for laying out of access road and erect supermarket with car park at Stonebridge Lane, Wortley, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Tesco Stores Ltd and Santon Developments Ltd	7 March 2011	6 June 2011

<p>Electoral Wards Affected:</p> <p>Farnley and Wortley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION
APPROVAL SUBJECT TO SPECIFIED CONDITIONS

PROPOSED CONDITIONS

The conditions on the outline application are still applicable which the following were:

1. Reserved matters for all matters except principle and access
2. Time limit
3. Prior to commencement listed building shall be made wind and water tight
4. Highways works to be carried out prior to occupation (as per plan 4753/114/K) to include:-

- i) Realignment of existing Ring Road to accommodate fifth leg access off roundabout
- ii) Repositioning of the existing pedestrian crossing to south of the site
- iii) Creation of a pedestrian crossing across Stonebridge Lane linking site and Riva Bingo
- iv) Creation of new footway on eastern side of Stonebridge Lane

- v) Creation of new footway adjoining the proposed pedestrian access to site from Silver Royd Hill
5. All highways surfaces to be laid out, drained, surfaced, sealed and marked out.
 6. Travel plans to be submitted prior to occupation.
 7. Samples of external walling and roofing materials to be submitted
 8. Prior to commencement floor levels of all new buildings, access roads and car parking areas to be submitted
 9. Prior to commencement details of access arrangements, parking for workers, location of site compound and cabins submitted for approval.
 10. Prior to commencement details of foul and surface water drainage to be submitted
 11. Prior to work on mill pond setting out of how work will be done and measures to drain, repair, reduce the size and restock the pond.
 12. No demolition until programme of archaeological and architectural recording
 13. No work to commence until bat survey submitted
 14. Prior to commencement full details of tree works, tree and nature protection measures plus details and timing of new planting and habitat creation.
 15. Prior to commencement management plan for landscaped area and wildlife habitat to be submitted
 16. Supermarket limited to 24,990 square foot new retail floorspace
 17. Prior to commencement details of provision for training and employment of local people to be submitted
 18. Prior to commencement strategy for following to be submitted:-
 - i) Lighting
 - ii) Bin storage and rubbish collection
 - iii) Boundary treatments
 - iv) Signposting and signage
 19. Prior to commencement of development a detailed photographic survey of existing stone bridge and method to dismantling and reconstruction to be submitted.
 20. Development shall not commence until reports for contamination and remediation to be submitted.
 21. If unexpected contamination revised remediation statements to be submitted
 22. Validation report to be submitted
 23. Development should be carried out in accordance with approved Flood Risk Assessment

The following are additional conditions

1. Development in line with the approved plans
2. Details of the location of two new bus stops (including shelters) on Stonebridge Lane to be submitted, provided and retained.
3. Real time bus information to be made available within the store and retained.
4. Before development commences details of the coping to the top of the flood wall to be submitted, approved, provided and retained.
5. Before development commences precise information into boundary treatment to be submitted, approved, provided and retained
6. Before development brought into use proposed opening hours to be submitted and approved in writing
7. Proposed delivery hours to be 0700 to 2200 Monday to Saturday and not at all on a Sunday or bank holidays

8. Details of sound insulation for any plant and machinery to be submitted
9. Details of any ventilation systems to be submitted for approval
10. Details of any air conditioning to be submitted for approval

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel as the original outline permission was approved by Panel in September 2008 plus the proposal is a significant development.

2.0 PROPOSAL:

- 2.1 Outline planning permission for a supermarket with access and a new build/conversion of existing buildings to a mixed development was granted in 2005 and this permission was renewed in 2008. This is a reserved matters application for the proposed access and supermarket only. The outline application sought detailed approval for the principle of development and access only. The original outline application description as approved was as follows:- Outline to layout access and supermarket & new buildings/ change of use of existing buildings for a mix of uses. When the application was determined a condition was attached to the approval requiring that:- 'Prior to the commencement of any part of the development other than the supermarket hereby approved a programme of works for the refurbishment of the listed buildings and retained buildings shall be submitted to and approved in writing by the Local Planning Authority. The refurbishment works shall then be carried out in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority'. As any number of reserved matters applications can be submitted following the approval of an outline application the applicants are at liberty to submit a reserved matters application for the supermarket without including the listed and retained buildings. And as stated above the condition on the original outline application only required the submission and approval of a refurbishment programme, not a detailed scheme for redevelopment of the listed and retained buildings, hence the submission of this application.
- 2.2 The proposal is for a single storey supermarket with 4054 square metres (43,634 square feet) in total floorspace which consists of 2321 square metres (24,990 square feet) of retail sales area. The store will be in the centre of the site with the car parking beyond the store. The number of car parking spaces will be 225. The service yard will be to the rear of the proposed supermarket on the eastern boundary. The store will be constructed from stone and glass with a modern design and flat roof. The supermarket will be 80 metres by 90 metres and will be 6 metres in height.
- 2.3 To the rear of the site on the eastern boundary behind the service yard there will be a concrete retaining wall which will be 6.8 metres in height at its highest down to 4.8 metres and for safety reasons on top of this concrete retaining wall is a 2.4 metre black weld mesh fence. On the rest of the rear boundary beyond the proposed car park there will be a retaining/crib wall which will be planted to soften its appearance. Above this will be a 600mm timber knee rail. Beyond the retaining wall and crib wall on this boundary will be landscaping. Some of this is existing and some will be additional planting. Beyond this on the rear boundary with the residential properties will be a weldmesh fence to provide security for residents.

- 2.4 The southern boundary which is on the boundary with the open land allocated as Local Nature Area LNA38 in the Unitary Development Plan will also have the crib wall for part of its elevation then an open mesh fence with a hedge on the LNA side. The western boundary is along Wortley Beck. There will be a flood wall on the car park boundary and proposed access road on the Wortley Beck side. This is to protect the car park and store from flooding from the Beck. This wall will extend the entire length down to the roundabout. This will be faced on both sides in stone to match the stone on the proposed store. Between the flood wall and the beck will be an extensive area of landscaping which ranges between 20 to 50 metres in width. Some of this will be existing vegetation with supplementary planting. The northern boundary is the boundary with the listed building complex known as Stonebridge Mills which houses a range of listed buildings, and ancillary buildings within the grounds of a listed building. This boundary will be a stone faced wall on both sides with railings above.
- 2.5 The access will be a fifth arm off the existing roundabout on the Ring Road and this roundabout will have to be enlarged to accommodate the access. There is also the requirement to form a bridge over Wortley Beck. The access road and this bridge where approved as part of the outline consent.
- 2.6 A Section 106 agreement formed part of the previous approval for the development. The agreement includes:-
- £500,000 to carry out improvements within the Armley, Farnley and Wortley and Bramley community areas with first consideration to be given to the improvement of Armley Town Centre; localised highway improvements in Wortley including a footpath between the Bawn Estate and the Ring Road and a pedestrian crossing to the north west of the Ring Road roundabout should such a crossing be considered necessary
 - £20,000 for improvements to the two adjacent bus stops on the Ring Road
Consultation with Metro and Bus Operators to require that a bus service is provided to the site or an existing bus route is diverted to the site to coincide with the opening of the supermarket.
- 2.7 An additional requirement for bus stops on Stonebridge Lane and real time passenger information as part of this application was considered a reasonable request and should be included as part of the scheme.
- 3.0 SITE AND SURROUNDINGS:**
- 3.1 The site consists of an area of green land beyond a complex of traditional industrial buildings located on the south east side of Stonebridge Lane/Silver Royd Hill known as Stonebridge Mills. The original outline included the land that forms part of the reserved matters plus the complex of listed buildings which does not form part of this reserved matters application. The Farnley/Wortley Beck runs along the south eastern boundary of the site with the Leeds Ring Road beyond. The existing access into the site is off the bend on Stonebridge Lane/Silver Royd Hill through the area of buildings and suffers from limited visibility.
- 3.2 The majority of buildings on the adjacent site are of stone construction but there are some brick and cladding buildings. Within this area are a mill chimney, a water tank tower, a reservoir and adjoining the site entrance a row of three cottages.

3.3 There are a number of Listed Buildings within the adjacent complex. These are located mainly in the northern part of the site and are:-

The Old Mill, Engine House and Boiler House (10095)

Row of workshops to the north fronting Stonebridge Lane (10097)

The Mitre House and 2 cottages to the south west fronting Stonebridge Lane(10098)

Row of 3 cottages to the north west fronting Silver Royd Hill (10099)

3.4 This part of the land that adjoins the application site has had a history of industrial activity since the early nineteenth century and was gradually developed over the next 100 years or so and operated as a textile mill. Textile working ceased in 1980 and since then the buildings have been let out largely for light industrial purposes with some office and residential use in the cottages close to the entrance. The buildings are now run down with all of the units vacant and in need of investment and regeneration.

3.5 The adopted UDP context identifies under Policy S6 that potential exists for retail development of a form which would remedy the known deficiency of convenience goods retailing facilities in Farnley/New Farnley/Lower Wortley in the vicinity of Stonebridge Mills. The explanation to the policy states that a retail impact study will normally be required to assess an appropriate scale of development when specific development proposals are advanced under this policy. This retail impact study was submitted with the outline application.

3.6 There are no other site specific policies relating to the site but the Ring Road frontage is designated as greenspace and Urban Green Corridor and a Leeds Nature Area. LNA 38 (Silver Royd Hill) includes the beck to the south of the site and adjoining land to the east and higher ground to the north east above the proposed car parking area. There is a Tree Preservation Order in place on the site and the site adjoins Wortley Beck to the south west.

3.7 To the rear of the site the land increases in height significantly and the boundary is the rear gardens of residential properties on Silver Royd Drive. The site has a range of vegetation and trees on the site, some having to be removed for the development.

4.0 RELEVANT PLANNING HISTORY:

11/02394/LI – renewal of listed building application to demolish some buildings within the grounds of the listed buildings awaiting decision

07/07851- renewal of outline permission 24/192/00/OT to layout access and supermarket and new buildings/change of use of existing buildings for a mix of uses approved 8th December 2008

08/04037/LI: Amendment of condition 3 of previous approval 24/359/05/LI approved 8/12/08 This was to change the planning permission number that was reference in condition 3 to the renewed planning permission number

24/359/05/LI: Listed building application to demolish various buildings on the Ring Road frontage to achieve the access – approved – 10th January 2007 and linked to the approval of 24/192/00/OT

24/192/00/OT: Outline to layout access and supermarket & new buildings/ change of use of existing buildings for a mix of uses - approved – 28th April 2005 with a Section 106 agreement

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was submitted in March 2011 after a pre-application meeting with the developer and developer's agents. Officers have been negotiating on the scheme and the plans before the Panel have been obtained following the negotiation process.
- 5.2 A key element of this has been discussion relating to the re development of the listed and retained buildings. As stated in paragraph 2.1 the original outline application description as approved was as follows:- Outline to layout access and supermarket & new buildings/ change of use of existing buildings for a mix of uses. When the application was determined a condition was attached to the approval requiring that:- 'Prior to the commencement of any part of the development other than the supermarket hereby approved a programme of works for the refurbishment of the listed buildings and retained buildings shall be submitted to and approved in writing by the Local Planning Authority. The refurbishment works shall then be carried out in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority'. As any number of reserved matters applications can be submitted following the approval of an outline application the applicants are at liberty to submit a reserved matters application for the supermarket without including the listed and retained buildings. And as stated above the condition on the original outline application only required the submission and approval of a refurbishment programme, not a detailed scheme for redevelopment of the listed and retained buildings.
- 5.3 Because of the aforementioned the council is not in a position to insist that the application before members includes a scheme for the redevelopment of the listed and retained buildings, nor can we not consider the scheme. The applicants are also advising us that the size of store under consideration today is not sufficient for it to be viable to include the listed and retained buildings in the scheme before members today. In view of this discussions have commenced regarding the possibility of a larger store which would be of sufficient size to make redevelopment of the listed and retained buildings viable. As this would require a separate new application for consideration this would present the opportunity to link the redevelopment of the listed and retained buildings to the development of the supermarket.

6.0 PUBLIC/LOCAL RESPONSE:

Councillor Ann Blackburn and Councillor David Blackburn object to the proposal for the following reasons:

- Design and Access statement states that the building will be hidden by 'native woodland replacement planting to all boundaries of the site. Would rather the existing mature trees and vegetation were retained rather than new planting which needs time to grow
- building is large oblong uncharacteristic building and people of Farnley deserve a better designed building
- site takes in some of Leeds Nature Area (Green Corridor) No 38 and this would be destroyed if the plan went ahead. Tesco already destroyed trees on the site
- Concerned about listed building next to site which are in a poor state. Surely Tesco should be maintaining these buildings. If maintained small businesses could use them again
- Site is on flood plain which flash floods so site likely to be flooded

- Do not agree to pond on the site being made smaller. Don't know if amphibian life in the pond but needs exploring
- Store medium size for people of Farnley why does it need 242 car parking spaces. Too many cars near site already and safety issue as Ryecroft Primary School which is nearby. Does not sit well with Councils policy of encouraging children to adopt safe route to walk to school to stop obesity and try and get parents less dependant on cars.

Eighteen letters of objection from local residents concerned with the following issues;

6.1 Principle of development

- Other brownfield sites within the area that are more suitable than this green field site.
- Planning designation of land has been changed to Tesco's advantage
- Supermarket site in Armley would be better environmentally and served by public transport and people of Armley would welcome jobs.
- No need for supermarket in the area already have Morrisons (Bramley), Asda and M & S (Owlcoates) Sainsbury at White Rose and new Tesco at Kirkstall hill plus a new supermarket at Armley. Also smaller convenience stores within the area.
- Would not support application as it would jeopardise the regeneration of Armley Town Street Area.

6.2 Highway matters

- Increased traffic – Silver Royd Hill is not suitable for increases in traffic
- Ring Road will struggle to cope with volume of traffic and new access will introduce significant safety risk for cars joining and leaving Ring Road.
- Huge increase in congestion and pollution on already extremely busy roads which are already at a standstill at certain times of the day

6.3 Impact on ecology, fauna and flora

- Mature trees at the bottom of the gardens on Silver Royd Drive should be retained
- Mill pond – its interest historically is due to the fact that it is the largest in the country to cut its size would mean it is no longer of interest.
- Concerned about tree loss, area has been green for over 450 years with long established trees
- Local environment will be lost and is currently used by local residents and families
- Loss of wildlife such as birds, foxes, bats, owls, herons, kingfishers and natural habitat. Any nesting proposals for the bats that nest in the buildings about to be demolished
- Planting of evergreens would absorb any extra noise from the development
- Local Development Framework for Leeds states it wants everyone to live near quality open spaces and the Leeds Forest Strategy aims to make Leeds Europe's cleanest and greenest city by 2020. This development would be in direct opposition to this.
- Do not understand why an environmental survey is not required for this application.

6.4 Impact on pollution

- Lighting pollution due to car park security lighting, bright store lighting, constant flashing of car headlights and delivery lorries entering and leaving the site.
- Noise pollution, loading bay near houses unacceptable especially if deliveries are through the night,
- Air pollution due to number of lorries and cars using the site
- site topography is a deep valley with steep sides which forms a natural amphitheatre effects which magnifies sound, light and prevents pollution dispersing
- Application for playground refused years ago due to the damage it would cause to wildlife

6.5 Residential amenity

- houses are nearer to the site than suggested due to the gradient of the hills so impact is greater

6.5 Threats to jobs and existing businesses

Threat to local jobs and businesses especially independent shops such as butchers, bakers etc already struggling in current climate

6.6 Flooding

- Loss of naturally draining land which when covered with buildings/car parking so will have a further impact on flooding

6.7 Other matters

- New supermarket will be an eyesore
- No evidence of support from local residents and elected representatives
- Serve to attract bored youths who will congregate where there is light and noise and add to crime rate in the area
- Will impact on the value of our property
- Applicants states there will be job creation but Friends of Earth website state that supermarkets mean that local jobs will be lost and money siphoned away from the community and towards shareholders and distant corporations
- Require a 6 foot fence on the boundary of our garden for security

7.0 **CONSULTATIONS RESPONSES:**

7.1 Statutory: None

Highways – No objection in principle subject to conditions and provision of new bus stops on Stonebridge Lane (in addition to those previously agreed for the Ring Road) and Real Time Information provision within the store foyer

Metro – Agree that the bus turning area within the proposal can be removed subject to there being two new bus stops on Stonebridge Lane with associated kerbing and lining as well as provision for bus real time information to be displayed within the store.

Environment Agency – Object as no Flood Risk Assessment has been submitted. Need to see the Flood Risk Assessment submitted at outline stage to be satisfied that the proposed bridge will not exacerbate flood risk.

Environmental protection team – No objection provided that the conditions are imposed to protect amenity of nearby residential area.

Contamination Team – Conditions on the outline cover contamination requirements.

Yorkshire Water – No objection subject to conditions

8.0 PLANNING POLICIES:

National policy guidance in PPS1, PPS3, PPS6, PPG13 and PPG15 is relevant

The following policies in the adopted UDP Review (2006) are relevant;

SA7: Strategic Aim to promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities.

GP2: Development on vacant, under-used or potential redevelopment sites.

GP5: Resolution of detailed planning considerations.

GP7: Planning obligation.

E7: Proposals for non-employment uses on employment land.

N4: Greenspace provision for residential developments.

N8: Urban green corridors.

N12: Urban design principles.

N14: Presumption in favour of preservation of Listed Buildings.

N15: New uses in Listed Buildings.

N23: Design of incidental open space around built development.

N24: Development proposals abutting green belt, green corridors or other open land.

N50: Impact of development on LNA.

N51: Design of new development and enhancement of wildlife habitats.

T2: Access for new development.

T5: Provision for pedestrians and cyclists in new development.

T6: Provision for disabled people in new development.

H4: Residential development on non-allocated sites.

S6: Retail development where known deficiency of convenience goods retailing.

LT1: Provision of new leisure facilities in areas with poor access to facilities and at locations accessible to all sections of the community.

9.0 MAIN ISSUES

1. Principle of development
2. Provision of a supermarket
3. Listed and Retained buildings
4. Highway and Transport matters
5. Design
6. Boundary Treatments
7. Landscape and Ecology

8. Residential amenity

10 APPRAISAL

1. Principle of development

- 10.1 Outline planning permission has already been granted on the site and is still valid. This is the reserved matters application relating to part of the outline permission so the principle of development on the site has already been established and the proposal is acceptable in principle.

2. Provision of a supermarket

- 10.2 The adopted UDP has a blue star on the Proposals Map on this site indicating under Policy S6; POTENTIAL EXISTS FOR RETAIL DEVELOPMENT OF A FORM WHICH WOULD REMEDY THE KNOWN DEFICIENCY OF CONVENIENCE GOODS RETAILING FACILITIES IN THE FOLLOWING LOCATIONS:

- a. FARNLEY/NEW FARNLEY/LOWER WORTLEY – IN THE VICINITY OF STONEBRIDGE MILLS, RING ROAD, FARNLEY

Following the review of the UDP in 2006, this policy and site allocation remains unchanged.

A retail impact study (RIA) to assess an appropriate scale of development was submitted and assessed at the time of the outline permission. The outline permission was for a supermarket that had a net sales area of 24,990 sq. ft. This application is also for 24,990 sq.ft so complies with the above policy in the Unitary Development and the outline permission.

3. Listed and Retained Buildings

- 10.3 As discussed in paragraphs 5.2 and 5.3 above it is not ideal that the redevelopment of the Listed and retained buildings is not directly linked to the development of the supermarket, but on balance taking account of all the material considerations including the current economic climate it is considered appropriate to recommend this application for approval and to continue discussions on a revised scheme which would allow the council to link the development of a supermarket to the listed and retained buildings.

4. Highway and Transport Matters

- 10.4 A 5-arm roundabout, replacing the 4-arm roundabout at the Outer Ring Road (A6120) and Stonebridge Lane was approved at the outline stage. This access has been developed to accommodate traffic as an access of Stonebridge Lane would be unacceptable due to the location near the Listed Buildings and the geometry of the road.
- 10.5 Also approved at the outline stage were improvements to pedestrian movement facilitated by a new pedestrian crossing on Stonebridge Lane and improved footway, repositioning of the pedestrian crossing on the Ring Road and a new

pedestrian footpath into the scheme from the roundabout alongside the beck. These all formed part of the conditions on the outline consent.

- 10.6 The outline scheme had been designed to facilitate buses and at outline stage it was an important aim to achieve bus penetration into the development. However, Metro have stated that without additional funding which was not provided in the outline section 106 agreement it is very unlikely that buses would be diverted through the site. The reserved matters application has removed the bus turning facility from the scheme and this has provided an area for additional landscaping. Highway officers and Metro do not object to this removal providing two new bus stops are provided on Stonebridge Lane (in addition to the funding previously secured for bus stop improvements on the Ring Road) . Funding cannot be obtained for these bus stops as the section 106 agreement did not cover this but can be included with the proposed s278 highway agreement. The applicant has agreed to this. As well as the two new bus stops a real time bus screen will be placed inside the store so that bus users are able to find out the times of the next buses when departing from the store. Conditions can be attached to the reserved matters approval for both these measures.
- 10.7 A Green Travel Plan will be required for the supermarket and this was conditioned on the outline consent.
- 10.8 The parking proposed for the retail element is 225 spaces which is below the maximum level suggested by car parking guidelines in the adopted UDP but is considered reasonable in terms of car ownership levels and public transport connections.
- 10.9 The proposed access road within the site, car park and servicing yard are all considered acceptable. The access road is long so allows for traffic leaving the development to be stacked within the site which reduces the impact on traffic on the existing network.
- 10.10 Overall the application is considered acceptable in terms of impact on the safe and free flow of traffic and pedestrians.

5. Design

- 10.11 As this application is a reserved matters application and design was to be dealt with under any reserved matters application this needs to be considered and assessed. The proposed store is located in the position that was shown on the plans for the outline consent. Taking the whole of the land including with the outline permission the store is located within the centre of the site with car parking beyond. The access road will go in front of the store to the car park so the views of the front of the store are important as well as the view of the southern side of the store which will be viewed from the car park. The store is single storey to a height of 6 metres and has stone panels and glazing on the front elevation. The side facing the car park has a stone plinth with glazing along with composite cladding which will be coloured oyster. The listed buildings on the rest of the outline site are mainly stone, so stone for the store is considered an acceptable material. Both this front and side elevation are considered to be acceptable in design terms. The rear elevation consists of all composite cladding. This is considered acceptable on this elevation as it generally will not be viewed from outside of the site. The final elevation which faces the listed building is also glazed with elements of stone and composite cladding which is considered acceptable.

- 10.12 The store being single storey will be softened from views off the Ring Road by existing and proposed landscaping. The houses in Farnley will look down on the development as they are situated at a higher level. The roof will also be visible from these properties so the fact that the store has a low roof without any additions on the top will reduce its impact. The houses on the other side on Silver Royd Drive are also at a much higher level and will look down onto the roof of the development. Views of this roof will be softened by existing and proposed landscaping.
- 10.13 Overall the design of the store is modern but with the elements of stone it should ensure that it will blend in with the stone properties located nearby.

6. Boundary treatments

- 10.14 The eastern elevation to the rear of the site will require significant retaining walls due to the significant change in levels in this location. Behind the store the retaining wall will be concrete and will have a 2.4 black weldmesh fence on the top which is required for safety reasons as the retaining wall forms the boundary to the service yard. Whilst the concrete retaining wall would not normally be acceptable the store itself will shield the majority of it and it will only be the weld mesh fence that will be viewed above the store. The rest of the eastern elevation along side the car park will have a retaining wall which will be covered with a timber crib lock wall and planted with landscaping. The original plans showed a 2 metre high fence above this. Officers were concerned regarding the visual impact off this high fence as it would be prominent and would shield the views of the landscaping behind. This high boarded fence has been removed and will be replaced with a knee high rail fence which provides an element of safety but being lower and open it now allows for the landscaping to the rear to be viewed. Officers were also concerned that the proposed retaining wall could not be constructed without damage to the landscaping above and would leave little space for supplementary planting. Engineering drawings have been submitted which show how this retaining wall can be constructed ensuring that it will not damage the landscaping above and still allows for an area of landscaping. Beyond this landscaping will be a weld mesh fence which will form the boundary treatment between the development and the rear gardens of the properties along this boundary. The original plans showed palisade fencing along this boundary which officers considered was more appropriate in an industrial setting rather than to the rear of peoples gardens. A weld mesh fence was visually more acceptable than a palisade fence but still gave residents the security they have requested.
- 10.15 The southern boundary with the adjacent LNA will have the crib wall for the first part of the boundary as there is a change in levels. The rest of this boundary will be an open fence. This is acceptable in this location as the open fence is a feature that can be seen in these types of areas plus it will allow views of the landscaping that is proposed between this fence and the car parking.
- 10.16 There will be a flood wall erected to the western side of the proposed car park and the beck side of the access road all the way down to the existing roundabout. This is required to prevent the existing Beck flooding the car park and store. The flood wall will be 1.2 metres in height and will be stone faced on both sides. There will be coping above this wall which needs to be stone and not concrete and a condition can be attached to ensure that this is the case.
- 10.17 Finally the boundary treatment to the north of the access road and along the access to the service yard will be will be formed by a concrete retaining wall with a close

boarded fence above, the same as the boundary treatment proposed to the rear of the service yard. The rest of the boundary will be a stone faced wall on both sides with railings above and this will extend all the way along the access road until the roundabout.

- 10.18 Overall, with conditions to control the precise nature of materials, the boundary treatments are considered acceptable.

7.Landscape and Ecology

- 10.19 The site is the subject of a Tree Preservation Order made in 2000 and consists of groups of trees along the beck, adjoining the pond, 10 hawthorn trees along a field boundary within the site and an area of woodland to the north and east to the rear of existing housing. The development involves the loss of some trees but does involve improvements and tree planting as part of the proposal. The tree consultant at the outline stage made the point that with such a major scheme including replanting and landscaping it is inevitable and the character and nature of the area will change. This change is considered to be from a relatively even age tree structure with limited species diversity to a more varied age and species structure of more significant ecological value.
- 10.20 As stated the proposal does involve significant removal of vegetation and trees from the site. There will be some tree retention along the eastern boundary with the residential properties and some along the existing beck area. Objections have been received regarding the loss of trees, vegetation and the impact on the existing flora and fauna on the site. However, this was all assessed at the outline stage so permission has already been granted for this removal.
- 10.21 The outline application allowed for planting along the eastern and southern boundaries. The original plans for the reserved matters didn't provide a belt of landscaping as wide as the plans approved under the outline consent. Revised plans have been submitted which show a similar belt for landscaping as the outline consent. Both of these boundaries will have shrub planting along with trees. The landscaping on the southern boundary will help to soften the development from views off the LNA especially as mentioned earlier there will be an open fence on this boundary. The planting above the retaining walls on the eastern boundary will provide a green boundary above the proposed store and retaining walls and will shield views of the store from the residential properties above.
- 10.22 On the western boundary alongside the beck there is a wide belt for landscaping. There will be some removal of trees and landscaping within this area but there will be significant replanting of shrubs and trees. On the northern boundary of the access road to the store and service yard there will be a native hedge mix with some shrubs and trees. This will be in front of the proposed stone faced wall and railings and will soften this edge until the land beyond it is developed.
- 10.23 At the outline stage a full ecological survey and update were provided apart from a bat survey which was conditioned to be submitted before any work is carried out on site.
- 10.24 The application also involved the reduction in the size of the existing mill pond on the site. This principle of reduction in the length of this mill pond was approved under the outline permission. This application involves the same reduction in the mill pond as the outline consent. The pond itself has some limited wildlife and ecological

interest but has been polluted in the past. Conditions can be attached for updates to the ecological surveys before development commences.

- 10.25 There have been objections to the loss of the habitats on the site. At the outline stage it was considered that the loss of habitat as a result of the development was considered to be of no more than local value to nature conservation and can be mitigated by enhancement measures. In this regard it should be recognised that the part of the site for development is not part of the LNA, not allocated as urban greenspace and is not part of the urban green corridor although it adjoins it.
- 10.26 Overall it is considered that the significant trees around the edges of the site and to the west of the dam. Which are retained and the opportunities for replacement planting as part of the scheme which will give greater diversity eventually.

8.Residential amenity

- 10.27 There are residential properties across the Ring Road separated from the development by the beck, areas of landscaping and the Ring Road itself. Any noise and disturbance from the operation of the supermarket and the comings and goings of traffic should not produce any additional impact on residential amenity in terms of noise and disturbance to those residents.
- 10.28 There are residential properties on the eastern boundary on the site which are closer to the supermarket. These properties are at a higher level and are separated from the development by their own gardens. The service yard is also located on their boundary and this along with the comings and goings of customers, cars and lorries all have the potential to impact on the residential amenity of the residents. The operation of the supermarket and the service yard during the day is unlikely to cause any detrimental impact in terms of noise and disturbance due to the noise already created from the Ring Road. When the Ring Road is quieter during evenings, overnight and weekends then there is potential for noise disturbance from the supermarket so conditions have been attached in relation to opening hours and delivery hours. In this location the operation of the supermarket for 24 hours opening would not be supported and a condition has been attached to ensure that the hours of opening of the premises, which are not specified in the application, can be considered prior to the development being brought into use. In addition the environmental protection team have requested that there should be no deliveries overnight and not at all on a Sunday and bank holiday. The hours of delivery and refuse collection covered by condition are, loading and unloading, and refuse collection shall be restricted to between the hours of 0700 hours to 2200 hours Monday to Saturday with no such operations taking place on Sundays and Bank Holidays. With limited opening and delivery hours the proposal should not have a detrimental impact in terms of noise and disturbance.
- 10.29 One objection relates to the installation of lighting and its impact on residential properties. The environmental protection team have also requested a condition regarding lighting. This was attached to the outline permission and requested that details of lighting were to be submitted to and approved by the local planning authority before development commences so this matter is covered
- 10.30 The environment protection team have also requested that conditions are attached to control air pollution, sound insulation of plant and machinery. Details of extract ventilation system, installation and operation of air conditioning all off which need to be submitted and assessed to help prevent a detrimental impact on residential properties.

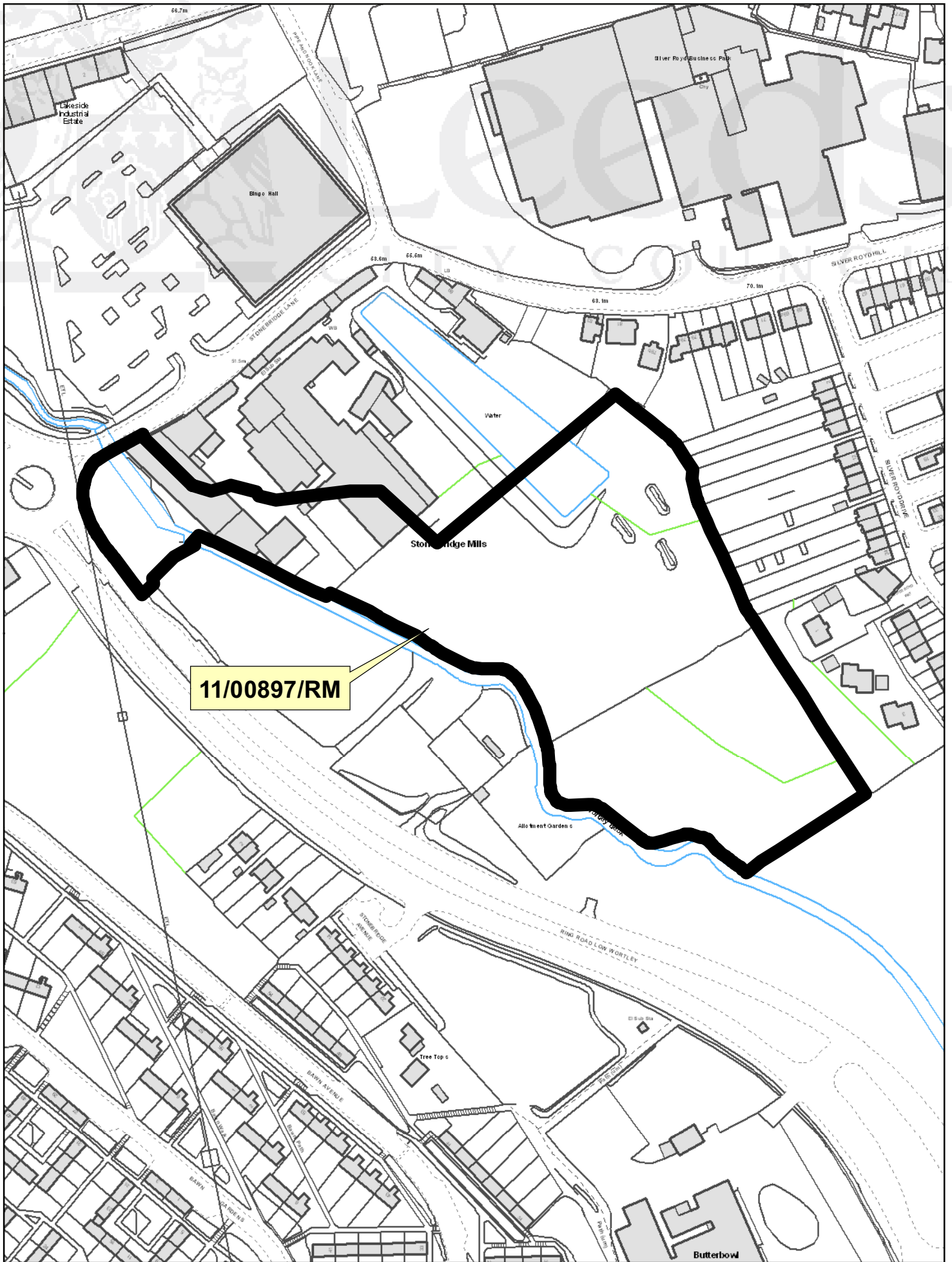
10.31 Overall with conditions it is considered that the development will not have a detrimental impact on residential amenity.

11. CONCLUSION:

11.1 This is a reserved matters application for a supermarket on a site which is allocated for a supermarket of this size in the Unitary Development Plan and benefits from an outline planning approval. The access was approved as part of the outline application with all other matters reserved. The design, layout, car parking, internal highway layout, and landscaping are all considered acceptable and with additional conditions officers recommend approval of the scheme.

Background Papers:

Application file: 11/00897/RM



11/00897/RM

WEST PLANS PANEL



Originator:	Richard Edwards
Tel:	0113 3952107

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: PLANNING APPLICATION 11/01656/FU: Change of use of solicitors' office to hot food takeaway including flue to rear at: 23-25 Station Road, Horsforth, LS18 5PA

APPLICANT	DATE VALID	TARGET DATE
Mr H Georgallis	21 st April 2011	16 th June 2011

<p>Electoral Wards Affected:</p> <p>Horsforth</p> <p><input type="checkbox"/> N Ward Members consulted (Referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

GRANT planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 First floor accommodation ancillary to ground floor takeaway use
- 4 Extraction / ventilation system provided and maintained in strict accordance with submitted specifications and manufacturers' details
- 5 Painting of flue pipe in dark non-reflective finish
- 6 Restrictions on opening hours: 11.30hrs to 14.00hrs and 16.00hrs to 20.30hrs Monday to Wednesday, 11.30hrs to 21.00hrs Thursday to Saturday and 11.30hrs to 20.00hrs on Sundays and Bank Holidays
- 7 Restrictions on deliveries 08.00-17.00 Mon-Fri only
- 8 Details of refuse storage
- 9 Provision of grease trap
- 10 Car / cycle parking including disabled space laid out and made available prior to first operation

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 Planning Policy Guidance Notes and Statements, 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, SF15, T2 and T24

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.

1.0 INTRODUCTION

- 1.1 This revised application for the change of use of a former solicitors' office (A2 use) to a fish & chip shop (A5 hot food takeaway) has been revised to address the reasons for the refusal of a previous application which incorporated a restaurant area. It is now considered acceptable on balance and subject to conditions that the proposal is acceptable in terms of its principle and its likely impact on the amenity of local residents and highway safety. The scheme is brought before the West Plans Panel due to considerable local interest and objections from two of the local Ward Members (Councillors Cleasby and Townsley).

2.0 PROPOSAL

- 2.1 Permission is sought to convert this double-fronted unit, previously occupied by a series of A2 uses including a bank and most recently a firm of solicitors, into a hot food takeaway (fish & chip shop).
- 2.2 Externally there will be no alterations bar the erection of a metal extraction flue pipe to the rear elevation. This will be routed internally through the building via the first floor and exit through the roof with the top approximately 1.5m above the top of the nearest windows. The existing car park will be marked out, with four angled, marked bays to the rear and a disabled bay and 'Sheffield' style cycle stand to the forecourt.
- 2.3 Internally the existing layout will mostly be retained. The large area to the front of No. 23 will form a customer waiting area including a high table and bar stools, and the existing kitchenette will be converted to an accessible WC cubicle with lobby. The existing meeting rooms will be opened up and converted to a kitchen with food preparation area.
- 2.4 The first floor will be used as ancillary storage and staff toilet, changing and office facilities. The internal link door to the ground floor takeaway will be retained, and a cycle storage cupboard provided beneath the existing stairs.
- 2.5 The applicant has requested opening hours of 11.30-14.00 and 16.00-20.30 Monday – Wednesday, 11.30-21.00 Thursday – Saturday and 11.30-20.00 Sundays. Maximum staffing levels of 2 full-time and 5 part-time staff are proposed.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application refers to a double-fronted former retail unit forming the western half of a 1950s parade of four units. These are located in a hillside position within the Station Road centre (which although not subject to policy S2 is defined as an 'other centre with shopping frontage policy, and is hence subject to policy SF9).
- 3.2 The premises were originally used as a banking hall with flat above; this was converted to ancillary offices in September 1974. The bank use ceased around 2003 and since that point both floors were occupied by a firm of solicitors, who in turn also recently vacated the premises. There are five air conditioning condensers to the rear elevation, located around the first floor level. A disabled access ramp with handrails was installed to the main entrance whilst the premises were in use as a bank, and this remains.
- 3.3 The other two units in the parade are used as a hair salon and a tattoo studio. There is a flat above the latter accessed via a door to the side of the shopfront (a similar front access to the upper floor of Nos. 23-25 has been bricked up in the past, and access to this area is now from the rear and through the ground floor).
- 3.4 The area has a mixed character, with some retail units interspersed with residential properties. The site is close to Horsforth railway station and is served by several high-frequency bus routes. The adjacent pair of dwellings at Nos. 19-21 Station Rd have been extended to form a block of five flats, several of which have windows overlooking the side driveway and rear parking area, whilst No. 31 remains in use as a single dwelling.
- 3.5 There is a mixture of terraced and back-to-back stone cottages and small ground floor commercial uses on the southern side of Station Road, a car repair garage and motorcycle shop to the rear of these and an office block to the south-west. There is a pizza shop at No. 9 and a second pizza / curry shop at No. 17, both of which lie to the west of the proposal site.
- 3.6 An informal, hard surfaced parking area to the front of the premises is separated from the highway by a low stone wall. A larger communal parking area is available to the rear of the premises and is accessed via a driveway to the western side of the premises. Marked bays with one-hour time limits interspersed with TROs (double-yellow lines) are available at various points along Station Road, including four spaces outside the parade in question.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A previous application by the same applicant for conversion of the premises to a fish and chip restaurant with takeaway counter was refused in January 2011 on the grounds of harm to the amenity of surrounding residents through noise and cooking odours, and on the lack of adequate parking provision for the proposed use. Other applications relate to the previous use of the premises as a bank and solicitors' offices, and the conversion of the first floor flats to additional A2 floorspace in the 1970s.

10/05567/FU – Change of use of solicitors office to hot food takeaway (a5) and restaurant (A3) (refused 27th January 2011)

07/07056/FU – Change of use including 2-storey rear extension, of two flats and semi-detached house to 3 two-bedroom flats, 2 one-bedroom flats and 1 three-bedroom flat (approved 21st January 2008)

27/137/00/FU – Satellite dish to roof of bank (withdrawn 27th July 2001)

27/4/97/FU – Addition of access ramp to bank (approved 24th March 1997)

5.0 HISTORY OF NEGOTIATIONS:

5.1 As outlined above, an initial application submitted in December 2010 was refused on the grounds of residential amenity and highway safety. This application proposed a restaurant with takeaway counter and separate first floor area, open until 10pm daily. Following this decision the Agent met with officers to discuss revisions to address the reasons for refusal. The resubmitted scheme under consideration, which was submitted in April 2011, incorporates a number of changes including the deletion of the A3 element to address concerns over long-stay car parking, the relocation of the flue extract pipe and fan motor within the building, clarification that the first floor would remain ancillary and not be sub-let, and amended closing times of 8pm Sundays, 8.30pm Monday-Wednesday and 9pm Thursday-Saturday.

6.0 PUBLIC/ LOCAL RESPONSE:

6.1 A general site notice was posted on 6th May 2011 and Neighbour notification Letters sent to selected addresses on 28th April 2011. 16 objections to the scheme have been received (including representations from Councillors Cleasby and Townsley, and Horsforth Town Council) and 9 in support of the proposals.

6.2 The main concerns raised to the proposal can be summarised thus:

- Excessive concentration of food outlets on Station Road
- Lack of on-street parking provision
- Increased traffic movements
- Impact of noise, smells and disturbance on surrounding residents;
- Takeaway food is unhealthy and contributes to people becoming obese;
- Anti-social behaviour from potentially intoxicated patrons;
- Potential damage to / blockage of drains;
- Generation of food waste and litter which then attracts vermin;
- Opening hours are excessive for the type of business;
- Potential for garish lighting and signage;
- Too many 'problem' uses such as HFTAs, tattoo studio etc give negative first impression of the area to visitors.

6.3 Of the comments in support of the change of use, the following themes emerged:

- Proposal would bring a vacant unit back into use, creating jobs and enhancing the vitality and viability of Station Rd centre through increased footfall;
- Provision of a local facility which would be well-used;
- Existing Cove fish restaurant in Otley is popular, of high quality and responsibly run; an alternative operator might not have such high standards.

7.0 CONSULTATION RESPONSES:

- 7.1 Neighbourhoods and Housing – Rised concerns that noise and cooking odours associated with the extraction system and flue pipe would have a detrimental impact on a number of surrounding properties including a flat above the adjacent tattoo shop and a new development at Nos 19-21 Station Rd.
- 7.2 Highways – Initially objected on the basis that the 6 existing parking bays to the rear of the premises would be inaccessible due to the limited aisle depths, and recommended provision of 4 angled bays which have been incorporated into the revised plans along with bin storage and a cycle hoop. Parking and access arrangements are acceptable following deletion of the restaurant element of the scheme and incorporation of the first floor accommodation as ancillary to the ground floor operation.
- 7.3 Licensing – Advised that since the premises will not be providing food, drink or licensable entertainment after 11pm, a premises license is not required.
- 7.4 Horsforth Town Council – Objected on the grounds of the cumulative impact of food businesses on parking in the area, and that the noise and odour generated by the extraction system would have a detrimental impact on residents.

8.0 PLANNING POLICIES:

Local Planning Policies:

- 8.1 The Local Development Framework for Leeds is currently in development. In the interim a number of the policies contained in the Leeds Unitary Development Plan Review (“UDP”), which was adopted in 2006, have been ‘saved’. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -
- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
 - UDP policy SF15 sets out criteria for new hot food takeaways.
 - UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
 - UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

Government Planning Policy Guidance/Statements:

- 8.2 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:

9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

1. Principle of Change of Use
2. Visual Amenity
3. Residential Amenity
4. Highways
5. Other Considerations

10.0 APPRAISAL

10.1 Principle of Development

The premises are located on Station Road in Horsforth, which whilst not a designated town centre as identified in Policy S2 is nevertheless one of a small number of other retail areas with a shopping frontage policy. However since this unit is located outside the primary and secondary frontages and is already in non-retail use there is no objection to the principle of the change of use, subject to other considerations.

10.2 Design/ Appearance

Similarly, the proposed external alterations to the premises are limited to the provision of new signage (to be covered under a separate application for advertisement consent) and erection of a flue extract pipe to the rear of the building. The premises are not of particular architectural merit or historical interest and lie outside the Horsforth Conservation Area. Given the general 'service yard' character of the rear area, which features air condensers and security grilles and which is used to store bins and park vehicles, the proposed flue is deemed visually acceptable subject to an appropriate dark, non-reflective finish being applied to enable it to blend in with the roof.

10.3 Residential Amenity

The earlier application was refused on the grounds that it would have a detrimental impact on the amenity of surrounding residents through noise nuisance from customer movements and odour from the extraction system. Although parts of Station Road are designated as an S2 Centre, the area has a mixed character which includes a large number of houses and flats. Of these the closest are at No. 27a (a flat located above the adjacent tattoo studio) and the recently converted block at Nos. 19-21, including a number of windows / French doors which directly overlook the side driveway and rear parking area of the proposed development. There are also terraced houses on the opposite side of Station Road (Nos 24-40 inclusive) and properties on Brownberrie Walk and Sussex Avenue also back onto the site.

Following negotiations with the Authority the applicant has made a number of amendments to the proposal in order to attempt to address this aspect of the refusal. As previously mentioned, the restaurant element has been deleted from the scheme, reducing the time spent by patrons on site and associated car parking. Detailed specifications of the cooking ranges, flue extraction and filtration systems and even the proposed biodegradable packaging have been supplied in support of the application, with the former being of high specification. The flue pipe and fan motor

have been relocated inside the structure with only a short length of less than 1.0m projecting beyond the roof. This will have the effect of lifting the outlet above nearby windows, reducing the visual impact and ensuring that noise from the fan motors is contained within the premises. The operating hours have also been reduced, from 08.00 – 22.00 daily to a closing time of 20.30 Mon-Weds, 21.00 Thurs-Sat and 20.00 on Sundays, and a condition suggested to restrict deliveries.

The Environmental Health Officer accepts that the amended operating hours are appropriate and that the relocation of the flue addresses the issue of motor noise audible to residents of adjacent properties. However concerns are maintained regarding the potential for surrounding dwellings to be affected by cooking odours, particularly if economic considerations or the acquisition of the premises by another, less diligent operator prevent proper maintenance (ie filter replacement) being carried out according to schedule. On balance however it is considered that such concerns are speculative and that the proposal must be assessed on the basis of the information supplied. As such it is considered that subject to the installation of the specified level of extraction equipment and subsequent servicing being conditioned, the submitted information is sufficient to address concerns that the proposed operation will impact on surrounding residents by way of cooking odour.

10.4 Highways

The Highways officer objected to the previous scheme on the basis that the restaurant element could generate demand for long-stay parking which could not be accommodated on site or within the marked bays which are limited to 60 minutes occupation. In addition the proposed use of the first floor area was ambiguous; its independent access meant that it could potentially be sub-let separately as offices without need for a further application and again the level of available parking would not be adequate for the existing floorspace. The proposal has now been revised to address these concerns, including removal of the restaurant element of the scheme and clarification that the first floor accommodation will remain ancillary to the takeaway use. Further revisions to the layout were requested to angle the parking bays (improving manoeuvrability) and indicate bin storage, cycle parking and a disabled person's parking space. The proposal is now considered acceptable in Highways terms and the reason for the refusal of the previous application adequately addressed.

10.5 Other Considerations

Of the concerns raised by objectors to the scheme, the majority relate to highway safety and residential amenity which are discussed in greater detail within the relevant sections above. Furthermore, of the remaining issues some, such as the risk of drains becoming blocked and the storage of refuse can be controlled by means of condition, and appropriate conditions have been suggested to deal with these. Station Road does not constitute a 'Cumulative Impact Area' for licensing purposes and with only two existing late-night food outlets along its length it is not considered that the concentration of such operations would be excessive compared with some other centres even were this proposal successful. Other concerns are covered by separate frameworks – in the case of drunken and disorderly patron behaviour by existing criminal laws prohibiting this, signage by the Advertisement Regulations, and public health issues by other council and local NHS strategies promoting healthy lifestyles.

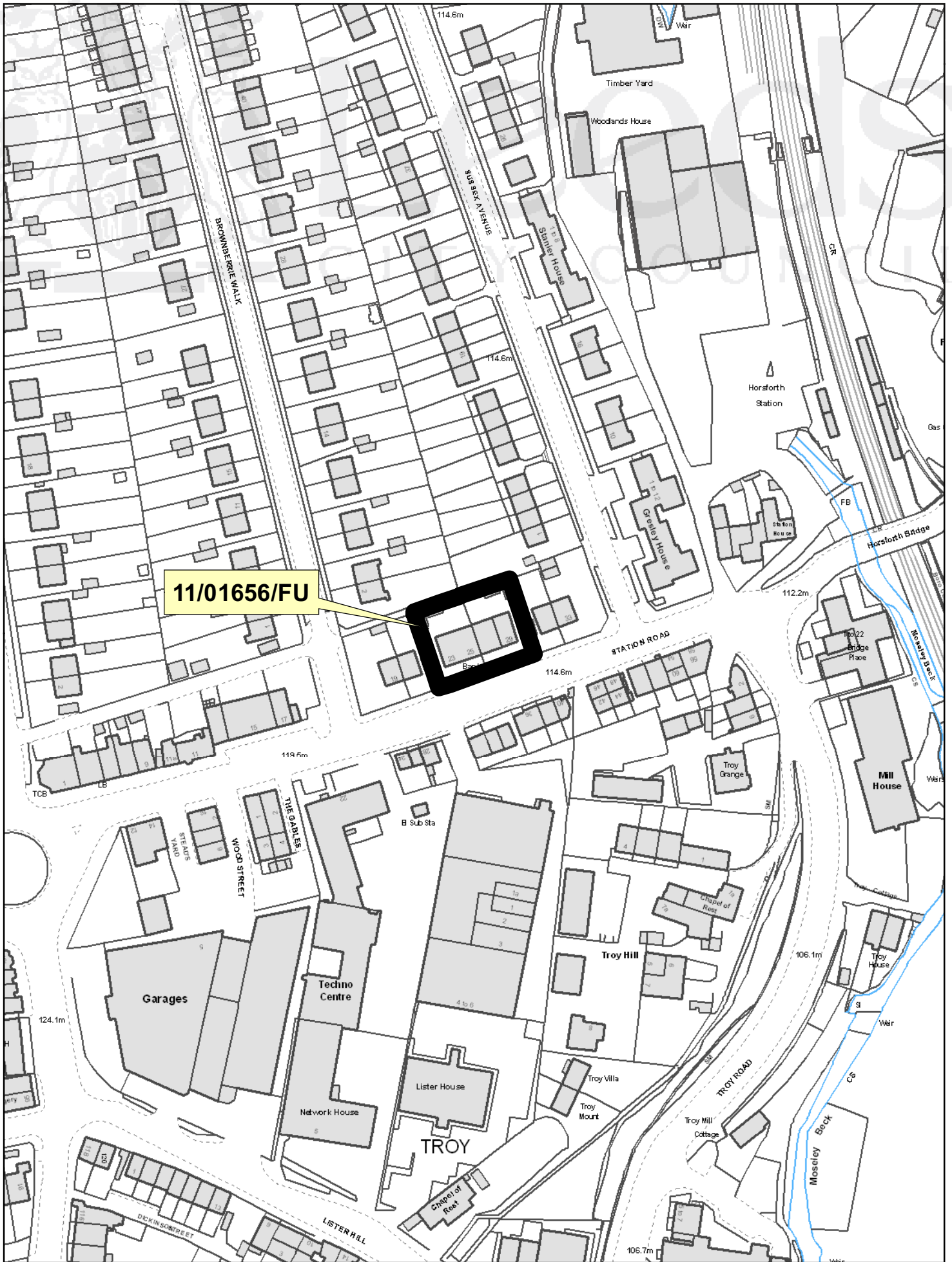
11.0 **CONCLUSION**

11.1 To conclude, an initially unacceptable proposal has through a process of negotiated revision been amended to address concerns of residential amenity and highway

safety. It is now considered acceptable in planning terms and is recommended for approval subject to conditions.

Background Papers

Application Files 11/01656/FU and 10/05567/FU



WEST PLANS PANEL

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Originator:	Richard Edwards
Tel:	0113 3952107

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: PLANNING APPLICATION 11/00903/FU – One detached house to replace existing bungalow at 16 Woodhall Croft, Stanningley LS28 7TU

APPLICANT	DATE VALID	TARGET DATE
Mr. A Gallagher	5 th April 2011	31 st May 2011

Electoral Wards Affected:

Calverley & Farsley

N	Ward Members consulted (Referred to in report)
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Specific Implications For:

Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

RECOMMENDATION:

APPROVE planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Samples of walling and roofing materials submitted / approved
- 4 Contaminated Land inspection and remediation condition.
- 5 Details of secure cycle storage facilities
- 6 Obscured glazing to first floor bathroom dormer window

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 Planning Policy Guidance Notes and Statements, 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, N13, BD5, T2 and T24

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.

1.0 INTRODUCTION

- 1.1 This application seeks full permission for a replacement house within an established residential area and is brought before the West Plans Panel at the request of Councillor Andrew Carter who maintains concerns about the impact of the revised proposal on the amenity of the resident of No. 18 Woodhall Croft. Following substantial revisions to address concerns of overdominance and design / appearance, the proposal is now considered appropriate in planning terms, and is therefore recommended for approval subject to conditions. The application was deferred at the last Panel meeting so a site visit, requested by Councillor Carter, could take place.

2.0 PROPOSAL

- 2.1 This application is for the demolition of the existing 1960s brick bungalow and replacement with a two-storey detached house of similar design to the 'chalet-style' properties adjacent and in the surrounding area.
- 2.2 Following discussions with the applicant, the design has been revised from the large detached property with high ridge and eaves originally proposed. The revised scheme incorporates a ground floor living room, dining kitchen and study linked by a hallway with stairway leading to four first-floor bedrooms (one with en-suite) and house bathroom. Under this arrangement the northern side wall of the existing property will be retained and incorporated into the design to avoid disturbance to the adjacent carport roof which it supports.
- 2.3 There is no garage proposed and for this reason details of separate cycle parking facilities are to be conditioned. Car parking will take the form of two tandem forecourt spaces for which there is a precedent in the area with many of the original integral garages to this housetype having been converted to accommodation and additional parking provided within the front gardens.
- 2.4 The proposed house will follow the outline of the existing to the northern, western and most of the eastern elevations, but project a further 1.0m to the south, bringing it to within 1.0m of the southern boundary with No. 14. It will be set back from the facades of the adjacent properties as at present and have a ground floor footprint of approximately 102m² (compared to the 81m² of the existing dwelling).
- 2.5 The front and rear gardens will be retained and set mainly to lawn, again as at present. The house will be finished in painted render over red brick with feature soldier courses and a tiled roof with matching dormer to resemble similar existing housing in the vicinity. The house is not a perfect replica of the 'chalet-style' dwellings represented by the adjacent property at No.14, since the frontage of the former is approximately 1.7m wider, the eaves line on the southern elevation 1.3m lower and an additional frontage window included at first floor level.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to an existing 1960s detached bungalow in light-coloured brick, interspersed with panels of render. The house has lawned gardens to front and rear, a pitched roof of modern concrete tiles and a flagged driveway leading to an attached flat-roofed garage. It has been vacant for some time.
- 3.2 The house is located on a residential cul-de-sac within a larger established area characterised by large detached and semi-detached houses and bungalows dating from the early-mid 20th century. It backs onto open playing fields (a cricket ground) to the east.
- 3.3 The streetscene comprises three distinct styles of house: a row of five pitched roofed bungalows (Nos. 16-24); a row of four, two-storey linked-detached houses in a darker brick (Nos. 15-21), and a number of 'chalet-style' houses in brick with render over and large roofs drawn down to first floor level. These houses were constructed with integral garages, most of which have now been converted to accommodation, and several (notably Nos. 23 and 11) have been significantly extended.
- 3.4 The property is set back approximately 1.0m from the front of the adjacent bungalow at No. 18, and lies level with the front of No. 14. This house has been extended to the rear with a single-storey flat-roofed addition which projects level with the rear of the attached garage at No. 16, which in turn projects 1.0m beyond the rear wall of the house.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no records of any previous planning applications on this site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme as originally submitted proposed a double-fronted house with full two-storey walls to either end. Whilst the presence of several styles of property within the vicinity meant that the principle of the replacement of the bungalow with a house was accepted by Officers, the design was considered excessively large and incongruous within the streetscene. It was also considered to raise issues of overdominance and overshadowing of the adjacent bungalow at No. 18. As a result a revised scheme was negotiated which retains the single-storey wall on the northern boundary and bears a closer resemblance to the chalet-style housetype which forms the majority of the two-storey dwellings on Woodhall Croft, handed to place the two-storey side elevation adjacent to the blank side elevation of No. 14.

6.0 PUBLIC/ LOCAL RESPONSE:

- 6.1 A General site notice posted 15th April 2011 and Neighbour Notification letters sent 5th April 2011. Four letters of representation were received. A second round of publicity on the amended design was undertaken by the same methods (SN posted 10th June,

NNLs sent 31st May) and this generated two additional responses from the residents of adjacent properties at Nos. 14 and 18 Woodhall Croft.

- 6.2 The main concerns raised in response to the two rounds of publicity can be summarised as follows:

Overdominance and overshadowing of No. 18
Overdominance of houses opposite
Demolition of boundary / side wall which supports carport roof to No.16
Dispute over position of northern boundary, height of existing premises and other draughting inaccuracies
Loss of a serviceable and increasingly scarce bungalow
Increased traffic and pressure for parking
Intended for occupation as a shared rented house resulting in nuisance and car parking
Form and design are inappropriate in streetscene context and will be incongruous.

7.0 CONSULTATION RESPONSES:

Highways: no objections subject to conditions to cover cycle storage, footpath, laying out of driveway, dropped curb.

Drainage: no objections (scale of proposal means this can be dealt with under Building Regulations)

Contaminated Land: No objections subject to site-specific monitoring and remediation condition.

8.0 PLANNING POLICIES:

Local Planning Policies:

- 8.2 Locally Leeds City Council has begun work on its 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.

- 8.3 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: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
- UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.

- UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

Relevant Supplementary Guidance:

8.4 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.

Government Planning Policy Guidance/Statements:

8.5 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.

9 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

1. Principle of development
2. Design and appearance
3. Residential amenity
4. Parking / highways
5. Other issues
6. Representations

10.0 APPRAISAL

Principle of Development

10.1 This site is currently occupied by a single dwelling and domestic gardens and lies within an urban residential area. Since the residential use will not change under this proposal the principle of replacing the dwelling with another is acceptable subject to detailed considerations related to residential and visual amenity and highway safety.

Design/ Appearance

- 10.2 The context of the site is 1960s and 70s suburban residential development, with three predominant housetypes: detached bungalows identical to the existing, 'chalet-style' half-rendered houses with a low eaves line, and a row of two-storey dark-brick detached houses opposite. By contrast, the initial proposal sought permission for a double-fronted, four-bedroom property on two storeys which did not resemble the other properties within the streetscene and presented a two-storey wall to the northern side boundary with No.18. It was excessive in height and massing and dominated the adjacent houses to either side.
- 10.3 Following discussions between the case officer and agent, a revised proposal was agreed. Whilst this is marginally wider and therefore not a perfect replica of the 'chalet-style' two-storey properties on Woodhall Croft, the amended design takes its design cues from the adjacent house at No. 14 incorporating a chalet roof drawn down to first floor height, a projecting side dormer and a render over brick external palette with feature brick soldier bands to the window heads. The ridge and eaves heights have been reduced and the property moved back by 1.5m (with the front elevation on the line of the existing) to reduce its impact and allow the retention of part of the existing northern wall which supports the car port roof of No. 18.
- 10.4 On balance it is considered that subject to the use of materials which respect those of surrounding dwellings, the proposal is appropriate to its context and will not result in an incongruous feature within the streetscene.

Amenity Considerations

- 10.5 Similarly, concerns relating to residential amenity have been addressed through the revisions to the original scheme. This proposed a full two-storey height wall on the boundary with No. 18, which would have significantly reduced the daylight levels to a glazed side door which serves as the main source of illumination of the hallway beyond. The use of a 'chalet' design allows the single-storey side wall to be located on this boundary and the overall impact would not be noticeably greater than that of the existing house. A dormer window is proposed to this plane of the roof but this will be small and obscured glazed, since it serves a bathroom (a condition is recommended to secure this), and as such will not result in additional overlooking of the rear garden area of No. 18. It is therefore considered that the revised scheme overcomes Councillor Carter's concerns regarding the impact on this dwelling and its residents. The southern side wall faces the blank side elevation of No. 14 and although it will be both higher to the eaves and closer to the boundary, it does not project beyond the rear of either existing house and will not result in overdominance or overshadowing of the adjacent dwellings.

Parking / Highways

- 10.6 Whilst there is no replacement garage included within the proposal, there is adequate space on the proposed hard surfaced forecourt to park two vehicles. As such there are no fundamental highways objections to the scheme, although a number of conditions are recommended. Ample space to the rear for bin storage is considered to render a suggested condition for details of this unnecessary, however the lack of a garage necessitates the submission of details of secure cycle parking at conditions discharge stage. Further suggested conditions covering the extension of the existing dropped curb to cover the frontage of the driveway and the provision of a separate pedestrian access between the footway and entry door are more properly addressed as informatives, since their absence would not preclude the approval of the development.

Other Issues

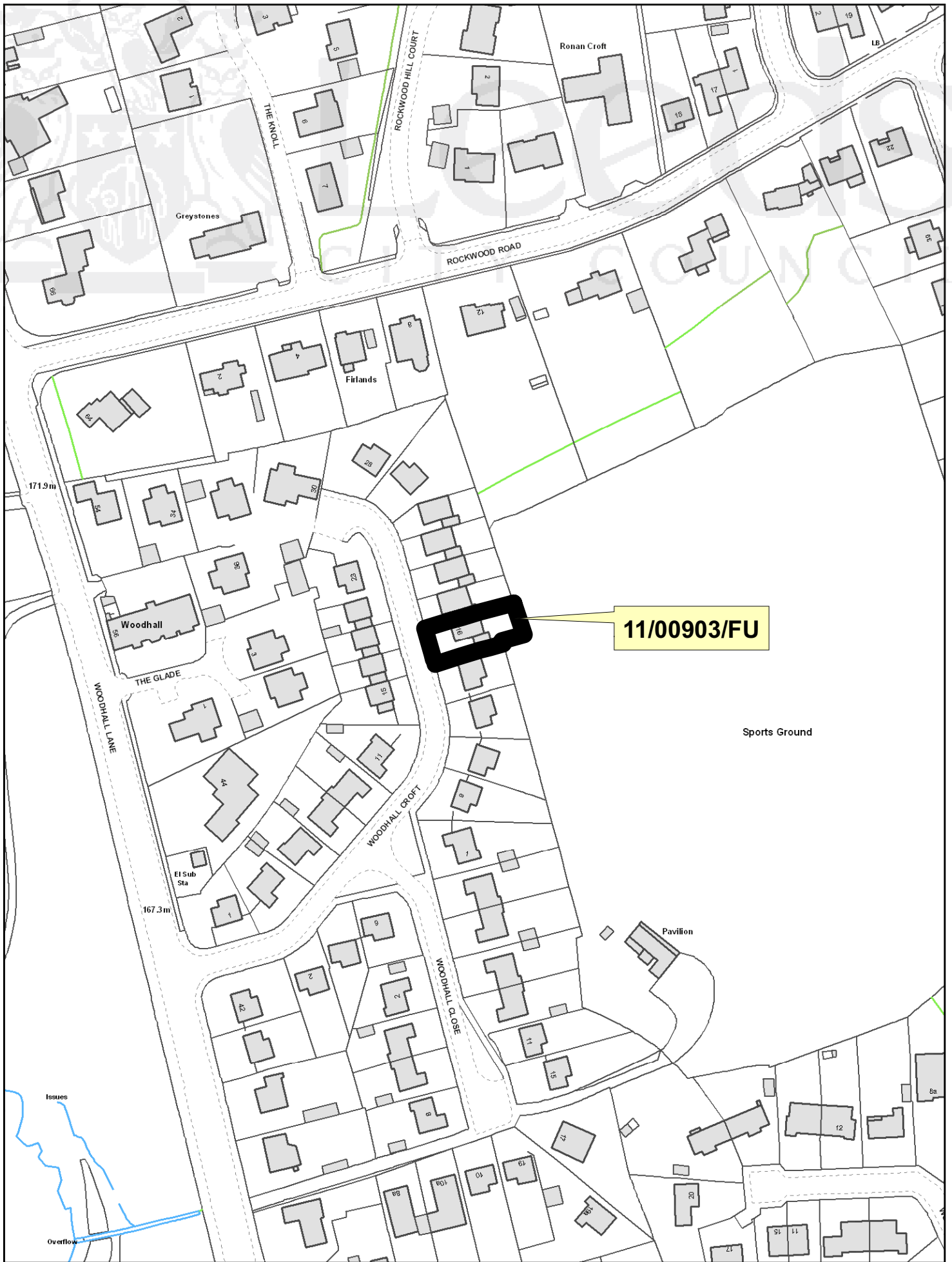
10.7 The Contaminated Land Officer has assessed the information provided and accepted that because it was in agricultural use until its development in 1964, there is little risk of contamination. A site-specific condition to cover visual inspection and further investigation / remediation if contamination is discovered has therefore been recommended. Similarly the Mains Drainage Officer is satisfied that because the drainage arrangements involve re-use of the existing system, this can be covered by Building Regulations.

11.0 CONCLUSION

11.1 To conclude, an initially unacceptable proposal has through process of negotiated revision been amended to address concerns of residential and visual amenity. It is now considered acceptable in planning terms and is recommended for approval subject to conditions.

Background Papers

Application File 11/00903/FU



WEST PLANS PANEL



Originator: Richard Edwards
Tel: 0113 39 52107

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: PLANNING APPLICATION 11/01561/FU – Front extension to toddler care centre at Ings Cottage, Priesthorpe Road, LS28 5JR

APPLICANT

Kindercare

DATE VALID

31st May 2011

TARGET DATE

26th July 2011

Electoral Wards Affected:

Calverley & Farsley

N

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE retrospective planning permission

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 Planning Policy Guidance Notes and Statements, 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, BD6

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.

1.0 INTRODUCTION

- 1.1 This application seeks full retrospective permission for a new canopy porch at the Kindercare nursery and is brought before the West Plans Panel at the request of Councillor Andrew Carter who has concerns about the cumulative impact of development at the nursery on the occupier of an adjacent dwelling at 'Sunny Nook' which shares an access with the premises. However it is not considered that the porch, which is considered appropriate in terms of its design and appearance, will exacerbate existing highways and parking issues, and the proposal is therefore recommended for approval.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought for the addition of a canopy porch to an extension which was itself approved in April 2010. This porch was omitted from the previous application due to a printing error on the original drawings, resulting in an Enforcement file being opened when it was subsequently constructed.
- 2.2 The porch projects 2.8m beyond the relocated main entrance door and measures the same in overall width. It comprises a pitched slate roof linked to the new extension roof at the western side with the eastern end supported by two steel columns and terminating in a gable to match the remainder of the original house. Recessed spot-style downlighters are fitted beneath the canopy.
- 2.2 The plans also show the extension as approved under application 10/00932/FU. No changes have been made to this, and the principle has been previously established.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application refers to a large detached inter-war property, built as a residence but heavily extended and used to provide nursery facilities since change of use permission was granted in 1990. The original house has stone to the ground floor with render over, a pitched slate roof and a large projecting bay section with gable.
- 3.2 It has been extended to the south and north in 1996 and 2002 respectively; these single-storey extensions have generally respected the character and materials of the original building. A further front extension in natural stone was approved in April 2010 and is now complete.
- 3.3 There is an extensive parking area and garden to the front (east) accessed from Priesthorpe Road. This is set down from the frontage of the building (and the flat paved area over which the porch has been constructed by approximately 2.0m), with the change in levels addressed by a flight of steps and landscaped embankment.
- 3.4 The house occupies a large hillside plot on the corner of the Ring Road and Priesthorpe Road, surrounded by a variety of 1960s and 1970s residential development and screened by a mixture of tall beech and evergreen hedging. There is a Kingdom Hall of Jehovah's Witnesses on the opposite side of the road to the north, set back from the road and accessed via a long driveway through landscaped grounds.

- 3.5 The adjacent dwelling at Sunny Nook is a 1960s dormer bungalow in light brick. This presents its side gable to the southern boundary of Ings Cottage and is screened from the nursery and adjacent parking area by a 3m hedge. Access to this property is obtained via a shared opening to Priesthorpe Road and runs across part of the tarmacadam forecourt of the nursery before becoming a single-width driveway segregated by a 1.0m fence and 3.0m hedge.
- 3.6 Beyond this there is open land to the south and part of the site curtilage falls within the Leeds Green Belt, although none of the main house or extensions are within this area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Conversion of what was originally a large detached 1920s house to a day nursery was granted permission in March 1990, followed by the laying out of 21 car parking spaces in the former gardens in September 1991. Two single-storey side extensions were then approved in October 1996 and July 2002 respectively. The most recent permissions involved consent being granted for two non-illuminated signs to the frontage (November 2007) and the front extension (April 2010) to which the porch now under consideration has been attached.
- 4.2 10/00932/FU – Front Extension to toddler care centre (approved 20th April 2010)
- H25/434/89 – Change of use involving alterations and extension of detached house to day nursery with 21 car parking spaces (approved 26th March 1990)
- H25/167/91 – laying out of car parking and erection of detached shed to side of day nursery (approved 30th September 1991)
- 25/161/96/FU – Single storey extension to day nursery (approved 16th October 1996)
- 25/144/02/FU – Single storey front extension to nursery (approved 4th July 2002)
- 07/03350/ADV – 2 non illuminated wall signs to nursery (approved 12th November 2007)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Permission was granted for a single-storey front extension in April 2010 under application ref: 10/00932/FU. This created a new entrance lobby, milk kitchen and nappy change room. The proposal was considered acceptable since it was not intended to result in expansion of the numbers of staff or children at the site but to improve existing facilities.
- 5.2 Work commenced in the autumn of 2010 and the extension was completed including the porch now under consideration. The agent has stated that the porch was intended to form part of the previous approval but was omitted from the approved plans due to a drafting error through which one of the layers of detail on the computer-generated plans was not printed correctly; discrepancies in the approved drawings would appear to support this claim.
- 5.3 The porch was subsequently included on the drawings given to the contractor and constructed in accordance with these, however its omission from the original

permission resulted in Compliance being notified and a retrospective application being submitted.

6.0 PUBLIC/ LOCAL RESPONSE:

6.1 A General site notice was posted 10th June 2011 and this generated a single objection from the occupier of No. 2 Wadlands Rise, which lies to the east of Ings Cottage, and two objection letters (in addition to other correspondence) from the occupier of the adjacent house at Sunny Nook, which abuts the southern boundary of the application site and which also shares an access and part of the forecourt / driveway with the nursery. The main concerns raised in response to the standard publicity given to the application can be summarised as follows:

6.2 21 Wadlands Rise:

The porch, which was constructed without planning permission, is unsightly and excessive in scale. The change in levels means that it has an overbearing effect on No. 2 Wadlands Rise and permits overlooking of the garden and rear windows of this property from people congregating beneath it. It will also result in noise nuisance due to its open nature and introduce additional lighting which will be visible from adjacent properties. Concerns were also raised about the traffic / parking situation and about unattended children using a flight of steps to access the parking area and busy roads beyond.

6.3 Sunny Nook:

The occupier of this dwelling also raises concerns regarding the scale, appearance and height of the porch and the potential for overlooking of houses to the east. However the majority of the issues raised involve the parking and access situation at the shared entrance and the exacerbation of these issues, which include inconsiderate on-street and off-street parking and the frequent obstruction of the access to Sunny Nook and damage to boundary walls, resulting from the previous relocation of the main entrance doors and continued expansion of the premises. A number of photographic examples of obstructive and dangerous parking by users of the nursery are supplied in support of this objection. Other areas of concern discussed include land drainage problems (including flooding to the west of the house and the existence of an artesian well within the grounds) and the potential for damage to a concealed culvert beneath the main drive by contractors' vehicles and plant.

7.0 CONSULTATION RESPONSES:

Access – no objections

Early Years Service – no objections

Highways – were not consulted on this application but raised no objections to the previous application to extend the front of the building

8.0 PLANNING POLICIES:

Local Planning Policies:

8.2 The Leeds Unitary Development Plan Review (UDP) was adopted in 2001 and the most recent review completed in 2006. The most relevant Policies in the adopted UDP are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including highway safety and the protection of local residents amenities.
- UDP policy BD6 seeks to ensure that extensions respect the scale, form, detailing and materials of the existing building to which they are attached..

9 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

- 1/. Impact on Visual Amenity
- 2/. Impact on Residential Amenity
- 3/. Access Consideration
- 4/. Representations

10.0 APPRAISAL

10.1 *Impact on Visual Amenity*

The proposed porch is considered acceptable in terms of its appearance. The pitched roof and gabled form respect the appearance and materials of the main building whilst remaining subservient to the large original gable which will continue to dominates the frontage. The supporting steel piers have been painted to conform with the royal blue colour scheme employed elsewhere on the site and are appropriate to the period and character of the building. The use of recessed downlighters provides a subtle means of illumination with less 'overspill' than wall-mounted fittings. On balance it is not considered that the porch is out of proportion with the host building and as such it complies with relevant UDP policies on design and visual appearance.

10.2 *Impact on Residential Amenity*

Similarly it is not considered that the proposal has a significant impact on the level of amenity currently enjoyed by surrounding residents. The porch provides an enclosed shelter for parents / carers and other customers awaiting admission to the building through the main entrance, which is security-controlled from within the building. Since the porch is not intended to function as a terrace or seating area it is unlikely that those waiting would be doing so for any length of time. Furthermore, it encloses a paved area adjacent to the entrance which existed prior to the extension and which was accessible to staff and customers.

10.3 Although elevated by 2.0m above the level of the surrounding land, the porch is situated approximately 35m from the side elevation of Sunny Nook and around 15m from the eastern boundary with No. 2 Wadlands Rise. On balance therefore it is considered that the potential for noise nuisance from conversation and / or overlooking is minimal, whilst the distance to the boundaries also outweighs any overbearing or overdominance on the latter dwelling.

10.4 *Access Considerations*

Following an initial request for clarification of the details of the entrance arrangements, the Access Officer is satisfied that the proposed level access and entry doors comply with current guidance and represent an improvement over the previous

arrangement, which involved a single step to the threshold and the narrow original door to the premises.

10.5 *Public / Local Response*

Representations have been received from the occupiers of No. 2 Wadlands Rise and Sunny Nook, which abut the nursery site to the east and south respectively, and the application has been brought before the Panel at the request of Councillor Andrew Carter who shares the concerns of the occupier of the latter property regarding parking and access problems around the shared entrance onto Priesthorpe Road.

10.6 The application is a simple retrospective application to regularise the porch extension which according to the agent was intended to form part of the previous 2010 application for a single-storey front extension. As previously mentioned, the purpose of that application was to provide improved facilities rather than an expansion of the nursery beyond the capacity of its parking area and access. The extension of the nursery was not objected to on highway safety or parking grounds since no car spaces were lost as a result of the development, and as the completed floorspace falls below the 500m² trigger recommended within the draft Travel Plan SPG, the Highways officer did not request the imposition of any conditions on this or the 2010 permissions.

10.7 The porch has been erected over a doorway which was previously established as the main entrance to the house. As such it is not considered that the porch has contributed to the problems with inconsiderate and obstructive parking documented in representations from the occupier of Sunny Nook, and given that these problems concern the site boundary and access rights over private land they fall outside the sphere of this planning application and should properly be resolved by informal or legal agreement between the parties concerned.

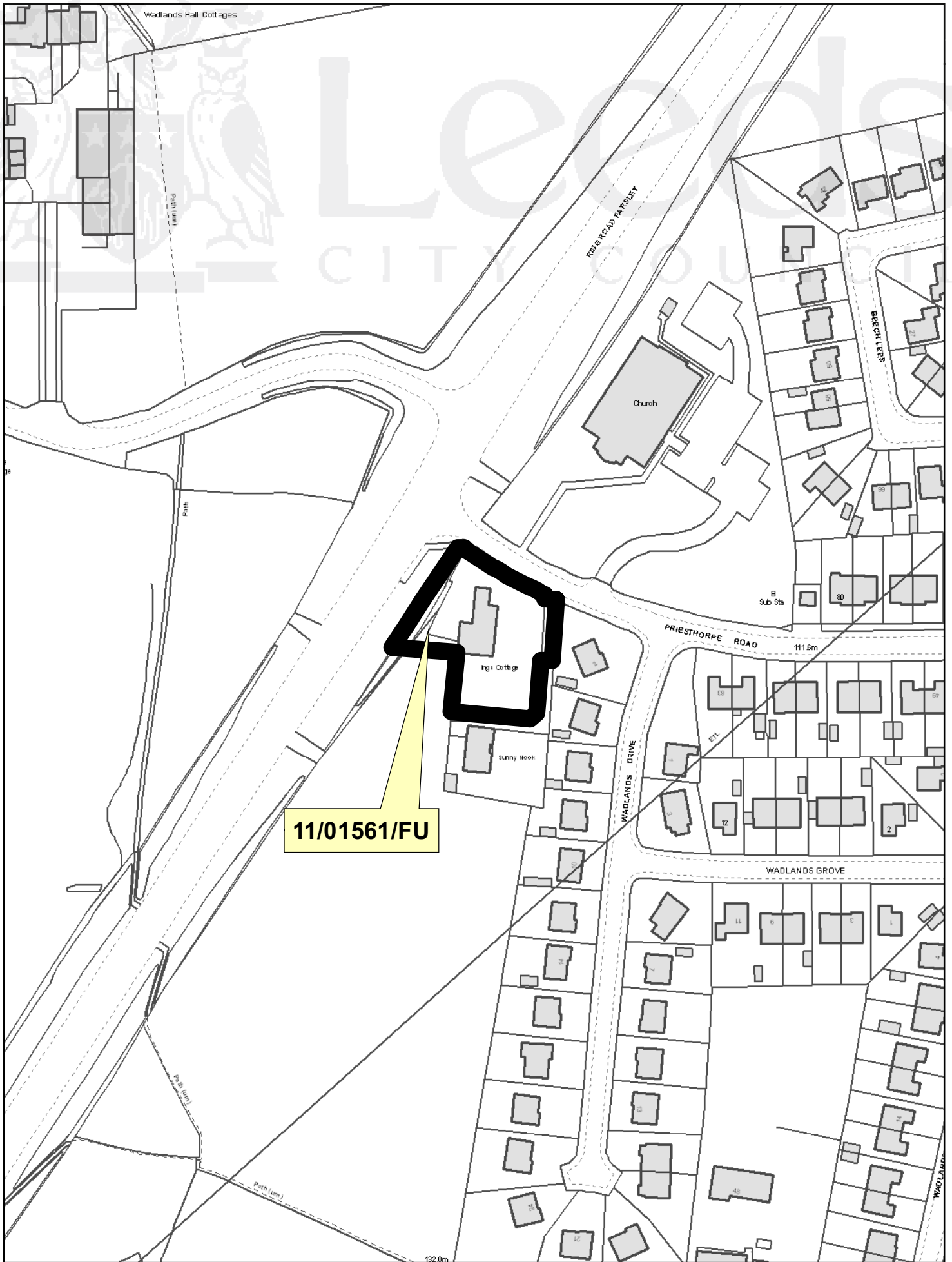
10.8 Other concerns raised by the residents relating to the impact of the porch on residential and visual amenity have been discussed in greater detail within the relevant sections of this Appraisal.

11.0 CONCLUSION

11.1 To conclude, it is considered that the porch extension under consideration does not result in harm to residential or visual amenity or exacerbate the existing demand for parking on the site. It is therefore considered acceptable and is recommended for approval.

Background Papers

Application Files 11/00903/FU and 10/00932/FU



WEST PLANS PANEL

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Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18 August 2011

**Subject: PRE-APPLICATION PRESENTATION
PROPOSED 60 BED RESIDENTIAL CARE HOME FOLLOWING THE DEMOLITION OF
EXISTING VACANT BUILDING AT MILL LANE/BRIDGE STREET, OTLEY, LS21 1BQ**

APPLICANT	DATE VALID	TARGET DATE
Casicare	Not applicable	Not applicable

Electoral Wards Affected:

Otley & Yeadon

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the contents of this report and are invited to comment in relation to the key issues of:

- The principle of redevelopment;
- The design, appearance, siting, scale and massing of the new building;
- The impact on surrounding land uses;
- Protection of existing trees and proposed amenity space; and
- Highway access, servicing and amount of parking;

1.0 INTRODUCTION:

1.1 This pre-application report is brought to Panel due to the scale and amount of development on the site and due to the high level of local interest in the proposals.

2.0 PROPOSAL:

2.1 The applicant, *Casicare*, is an independent organisation specialising in the provision of nursing care and accommodation for adults with Dementia and Alzheimer's. *Casicare* owns and operates a number of homes within the north of England, all of

which provide a much needed service for elderly people suffering from these health issues.

- 2.2 The proposal is for a purpose built 60 bed care home offering specialist care for sufferers of dementia and related health conditions.

3.0 SITE AND SURROUNDINGS:

3.1 The site is a derelict former school building. The building is a post war two storey flat roof building set back from the highway with hardstanding in front of the building and over grown grounds and hard standing to the rear where the former play ground was located.

3.2 The building is located within the Otley Conservation Area at the junction of Bridge Street and Mill Lane and has a frontage to both of those streets. Either side of the site is a café and a pub and to the rear are houses. On the opposite side of Mill Lane are a small park and the River Wharfe.

3.3 The current building has a small area used for parking for around 10 cars served from Bridge Street

4.0 RELEVANT PLANNING HISTORY:

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

- 10/01251/CA: Conservation area application to demolish 2 storey school building – invalid;
- 10/01202/FU: 4 storey block of 14 flats, with car parking – invalid;
- 09/02422/FU: 4 storey block of 12 two bedroom flats and 2 three bedroom flats – invalid;
- 09/02421/CA: Conservation area application to demolish 2 storey school building - refused July 2009, due to no replacement scheme in place;
- 08/02999/CA: Conservation area application to demolish 2 storey school building – withdrawn 2008;
- 08/02719/FU: 4 storey block of 14 flats, with 21 car parking spaces – withdrawn 2008

5.0 HISTORY OF NEGOTIATIONS:

5.1 Comprehensive discussions between the applicant and officers have been ongoing for some time and before these progress further the views of Plans Panel members are sought.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The current proposal has been the subject of a public consultation event but as it is at pre-application stage it has not been formally advertised for public comment by the City Council.

7.0 CONSULTATIONS RESPONSES:

7.1 Key consultees from Highways, Landscape, Design, and Conservation have been involved in pre-application discussions to date and have contributed to the various topic areas.

8.0 PLANNING POLICIES:

8.1 The site lies within the urban area of Otley and has no specific land use allocation. The site is within Otley Conservation Area.

9.0 MAIN ISSUES:

9.1 The following issues have been identified as being matters which Members may wish to consider for the current proposal:

- The principle of redevelopment;
- The design, appearance, siting, scale and massing of the new building;
- The impact on surrounding land uses;
- Protection of existing trees and proposed amenity space; and
- Highway access, servicing and amount of parking;

10.0 APPRAISAL:

The principle of redevelopment:

10.1 The site is previously developed land, located within the urban area and is close to a defined town centre and is well served by public transport. It is a derelict and unsightly site in a key part of the Otley Conservation Area and redevelopment could result in substantial enhancement to the site's appearance.

10.2 Conservation Area Consent would be required for the demolition of the existing building.

Members' views on the principle of redevelopment of the site for a care home are sought

The design, appearance, siting, scale and massing of the new building:

10.3 The site is located within the Otley Conservation Area, therefore all new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

10.4 The building has been designed taking a traditional approach to a contemporary building type, restricting the height of the building to two storeys, breaking down the mass of the building with gable features, using stone slate for walling and roof materials and using the local vernacular for references.

10.5 The site boundary is lined with trees protected by a Tree Preservation Order 113 (2002) and provides screening for the surrounding buildings and views from Tittybottle Park on the north side of Mill Lane and the River Wharfe to the north.

10.6 The applicant is aware of the TPO's on the site and has undertaken an Arboricultural Survey in line with current guidelines. This has identified which of the trees must be kept and which might be removed. They have stated that they are well aware of the importance of the Willow tree on the Bridge Street side of site and have paid due respect to this in the design.

Members' views on the proposed design of the new building and its impact on the character and appearance of Otley Conservation area are sought

The impact on surrounding land uses:

- 10.7 To the south of the site is a public house (with car park to rear) and a church beyond that. Adjacent the site to the west, is a café and newsagents, with a police station on the opposite side of Bridge Street. The site faces Mill lane to the North and there is Tittybottle Park on the opposite side of the road next to The River Wharfe.
- 10.8 To the east of the site are residential terrace properties on Manor Street. There are also two properties on a cul-de-sac behind these terraces also identified as Manor Street.

Members' may wish to comment in relation to any impact on surrounding land uses, particularly on the residential amenity of properties on manor Street.

Highway access, servicing and amount of parking:

- 10.9 The proposed care home will have one access point and one egress point with the car park and pick-up/drop-off area operating as a one-way system. Both of these access points will be priority junctions on Mill Lane.
- 10.10 The proposed care home will have one access point and one egress point with the car park and pick-up/drop-off area operating as a one-way system. Both of these access points will be from Mill Lane.
- 10.11 Pedestrian access will be provided by a gated footpath off Bridge Street to the south of the existing café. This footpath will offer a safe route for pedestrians by segregating them from the car park traffic. Service vehicles providing deliveries will be able to park in a designated service area in the car park. A turning area will provide room for service vehicles to man oeuvre.
- 10.12 A maximum of 20 staff will be on site at any one time. As part of the development proposals, 19 parking spaces will be provided, 2 of which will be designated as disabled parking bays. This number is less than the maximum according to LCC parking standards (Leeds UDP 2006, Appendix A9A) which, based on the assumption of 60 residents and 20 staff, indicates that a maximum of 30 spaces could be provided (1 space per 3 non-residential staff and 3 spaces per 8 residents for visitors and visiting professionals). However, the applicant believes that the 19 spaces will be sufficient as the care home will be for local people with many staff and visitors living locally, meaning that a large proportion will walk or cycle to the site.

Members' views are sought on highway and parking matters

10.13 Other Issues:

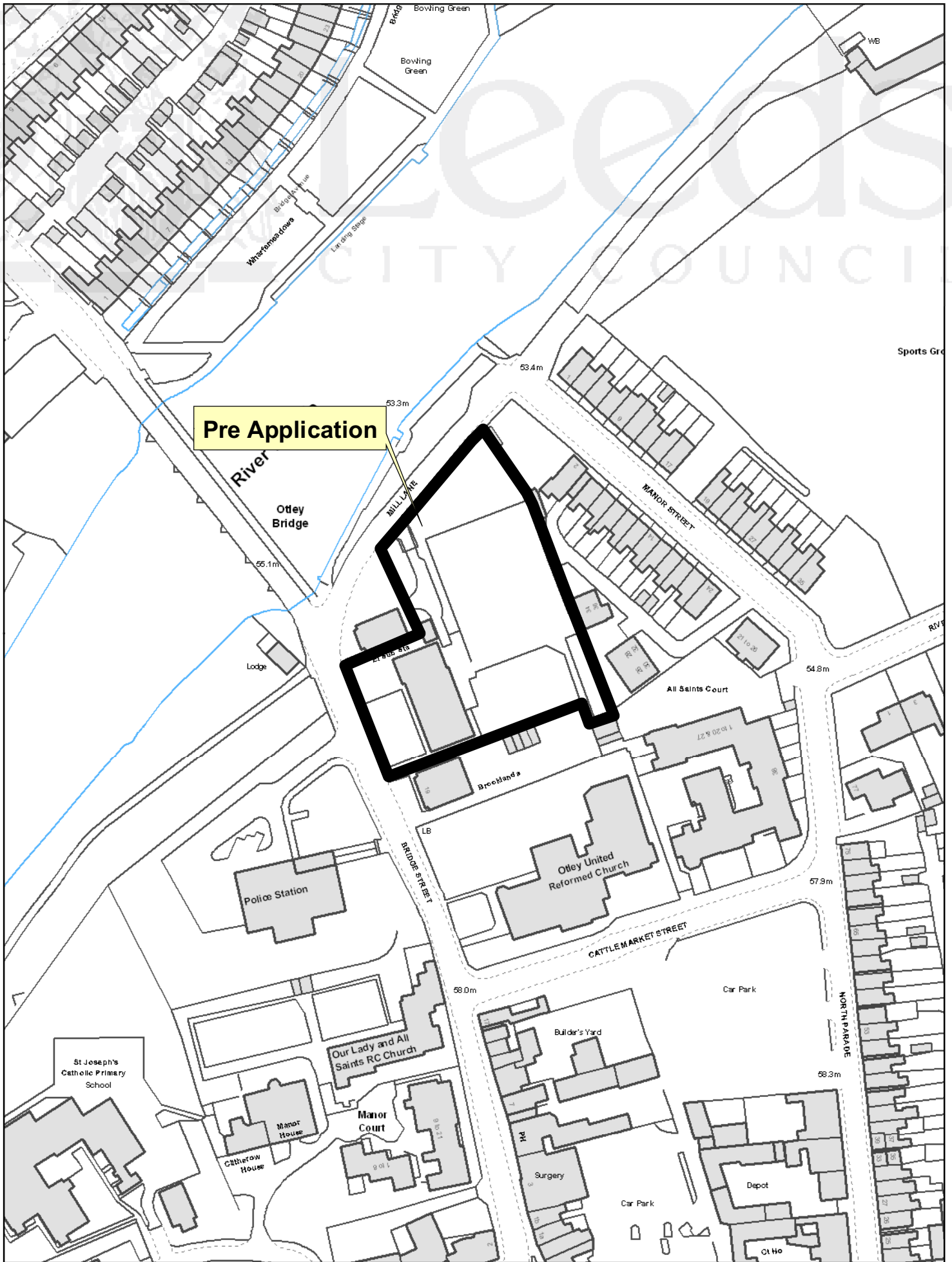
- 10.14 The site falls within the Council's 'Bat Alert Layer' as it is very close to the river Wharfe which will provide excellent bat feeding habitat and there is still a building on site which could provide opportunities for roosting bats. As there is a reasonable likelihood of bats being present and affected by the development a bat survey will be required to accompany any planning application.
- 10.15 A small part of the site adjacent to Mill Lane is located within Environment Agency Flood Zone 3a (i) which has a high probability (1 in 100 year) of flooding. Detailed discussions will be required with the Environment Agency to establish if the development is compatible with flood risk requirements.

11.0 CONCLUSION:

- 11.1 Members are requested to note the contents of this report and are invited to comment in relation to the key issues set out above and any other matters considered relevant.

Background Papers:

None



WEST PLANS PANEL