



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 15th September, 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> | |

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| 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 - 18 AUGUST 2011</p> <p>To approve the minutes of the Plans Panel West meeting held on 18 August 2011.</p> <p>(copy attached)</p> | 3 - 14 |
| 7 | Headingley; | | <p>APPLICATION 11/02856/FU - 77 AND 77A, OTLEY ROAD, HEADINGLEY, LS6</p> <p>To consider a report of the Chief Planning Officer on an application for the change of use of part ground floor and all first floor from retail (Class A1) to Restaurant (A3)</p> <p>(report attached)</p> | 15 - 20 |
| 8 | Guiseley and Rawdon; | | <p>APPLICATION 11/02169/FU - OTLEY ROAD, GUISELEY, LS20</p> <p>To consider a report of the Chief Planning Officer on an application for a supermarket with car parking and landscaping.</p> <p>(report attached)</p> | 21 - 34 |

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| 9 | Guiseley and Rawdon; | | <p>APPLICATION 11/02910/OT - NETHERFIELD MILLS, NETHERFIELD ROAD, GUISELEY LS20</p> <p>To consider a report of the Chief Planning Officer for an outline application to layout access and erect 98 dwellings.</p> <p>(report attached)</p> | 35 - 54 |
| 10 | Otley and Yeadon; | | <p>APPLICATIONS 10/02738/LI & 10/02739/FU - FORMER WHARFEDALE GENERAL HOSPITAL, NEWALL CARR ROAD, OTLEY, LS21</p> <p>To consider the report of the Chief Planning Officer on the following applications:</p> <p>Listed building application for part demolition and conversion of buildings to form 22 flats and 14 houses and erect 35 new houses, with associated car parking and landscaping.</p> <p>Redevelopment of former Wharfedale Hospital, including part demolition and conversion of buildings to form 22 flats and 14 houses and erect 35 new houses, with associated car parking and landscaping.</p> <p>(report attached)</p> | 55 - 70 |
| 11 | Hyde Park and Woodhouse; | | <p>APPLICATIONS 11/02100/FU, 11/02101/FU, 11/02102/ADV & 11/02103/FU - 102 BURLEY ROAD, BURLEY, LS3</p> <p>To consider a report of the Chief Planning Officer on the following applications:</p> <p>Single storey rear extension and alterations</p> <p>3 air conditioning units</p> <p>3 externally illuminated signs and 1 non illuminated sign</p> <p>1.6m high fencing</p> <p>(report attached)</p> | 71 - 82 |

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| 12 | | | <p>APPLICATION 11/02569/FU - 82 MOORLAND ROAD, PUDSEY, LS28</p> <p>To consider a report of the Chief Planning Officer for a part two storey, part single storey side and rear extension with porch to front.</p> <p>(report attached)</p> | 83 - 90 |
| 13 | | | <p>DRAFT HOUSEHOLDER DESIGN GUIDE</p> <p>To consider a report of the Chief Planning Officer outlining the consultation strategy for the Draft Householder Design Guide which is intended to be adopted as a Supplementary Planning Document within the Local Development Framework</p> <p>(report attached)</p> | 91 - 94 |
| 14 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday, 13th October at 1.30 p.m.</p> | |

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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, 15 SEPTEMBER AT 1.30 pm

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

- 1 9.50 on site - Planning application **11/02100/FU** – single storey rear extension and alterations, **11/02101/FU** – 3 air conditioning units, Advert Consent **11/02102/ADV** – 3 externally illuminated signs and 1 non illuminated sign and Planning application **11/02103/FU** – 1.6m high fencing. All applications relate to 102 Burley Road, Burley. (Meet to the front of the premises if travelling independently). Leave 10.05.
- 2 10.15 On site - Planning application **11/02856/FU** – Change of use of part of ground floor and all first floor from retail (CLASS A1) to restaurant (A3) at 77 and 77a Otley Road, Headingley (meet to the front of the premises if travelling independently) Leave 10.20
- 3 10.45 On site – Planning application **10/02739/FU** AND Listed building application **10/02738/LI** – Conversion of buildings to 22 flats and 14 houses and erection of 35 new houses, with associated car parking and landscaping at former Wharfedale Hospital, Newall Carr Road, Otley (Meet at main entrance to site off Newall Carr Road if travelling independently). Leave 11.05
- 4 11.25am on site – Planning application **11/02569/FU** – Part two storey, part single storey side and rear extension with porch to front at 82 Moorland Road, Pudsey (meet at entrance to property if travelling independently). Leave 11.40.
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 9.35 am

Yours sincerely

Andy Booth
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 18TH AUGUST, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, M Coulson, K Groves,
J Harper, T Leadley, J Matthews,
P Wadsworth, R Wood, R Pryke and
R Grahame

22 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officer to introduce themselves for the benefit of the public who were in attendance

23 Late Items

There were no formal late items, however the Panel was in receipt of the following additional information to be considered at the meeting:

Application 11/02021/FU – Headingley Carnegie Stadium LS6 – written representation from an objector (minute 28 refers)

Application 11/00897/RM – Stonebridge Lane LS12 – written representation from Councillor A Blackburn and photographs (minute 34 refers)

Application 11/01561/FU – Ings Cottage Priesthorpe Road LS28 – written representation from an objector and photographs (minute 37 refers)

Pre-application presentation – Mill Lane/Bridge Street Otley LS21 – photographs, graphics and written information submitted by the proposed applicants (minute 38 refers)

24 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:

Application 11/02012/F – Headingley Carnegie Stadium LS6:

Councillors Akhtar and Matthews declared personal interests as the report referred to comments made by the North West Inner Area Committee planning sub committee which were subsequently discussed at the NW Inner Area Committee and confirmed that they had not taken part in those discussion and had informed the Area Committee of their likely future involvement in the decision making on proposals for the South Stand as Members of the Plans Panel West (minute 28 refers)

Application 11/01400/EXT – Kirkstall Forge:

Councillor Coulson declared a personal interest through being the Chair of the Integrated Transport Authority Scrutiny Board which had

considered the issue of the proposed Kirkstall railway station, which was an integral part of the proposed development (minute 33 refers)

Councillor Leadley declared a personal interest as he stated that comments he had made regarding Leeds' bid for NGT and its impact on the proposed railway station at Kirkstall Forge had been reported in the press (minute 33 refers)

Councillor Harper declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 33 refers)

Application 11/00897/RM – Stonebridge Lane LS12 – Councillor Harper declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 34 refers)

25 Apologies for Absence

Apologies for absence were received from Councillor Hardy who was substituted for by Councillor R Grahame and from Councillor Chastney who was substituted for by Councillor Pryke

26 Minutes

RESOLVED - That the minutes of the Plans Panel West meeting held on 21st July 2011 be approved

27 Appeal Decisions - Leeds Girls High School Headingley Lane LS6

Further to minute 13a of the Plans Panel West meeting held on 21st July 2011, where Panel received a verbal update on the appeal decisions in respect of applications at the former Leeds Girls High School site, Members considered a report of the Chief Planning Officer summarising the main findings of the Planning Inspector following the lodging of appeals by the applicant against non-determination

Plans and photographs were displayed at the meeting

Officers presented the report and outlined the decisions on the five applications

Members were informed that the Inspector's decisions accorded with those which the Panel indicated at the meeting on 14th December 2010 that they would have taken had they been in a position to do so

The key issues from the appeal decisions were the Inspector's view that the principle of a housing development on the site was acceptable and that there were no planning reasons to refuse on the basis of Leeds UDP Policy N6 (protection of playing pitches) or PPG17 (protection of open space on health grounds). However, Members were informed that any future scheme would need considerable revisions from that previously submitted to address the Inspector's concerns and was likely to result in less development on the site

Members stated that the outcome largely endorsed the Panel's view and that Members had worked through the opposing views of Officers and the applicant to reach an appropriate outcome on this sensitive site. The Chair

thanked Councillor Janet Harper who had chaired the discussions on this item and in turn, Councillor Harper thanked Officers for the help and guidance she had been given on this matter

RESOLVED - To note the report

28 Application 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 - Headingley Carnegie Stadium St Michael's Lane LS6

Further to minute 15 of the Plans Panel West meeting held on 21st July 2011 where Panel considered a position statement for the redevelopment of the south stand and supporters club at Headingley Carnegie Stadium, the Panel considered the formal application

Plans, photographs, drawings and graphics were displayed at the meeting. A site visit had taken place earlier in the day

Officers presented the report and stated that in response to concerns by Panel, a noise survey had been carried out which had been considered by the Environmental Protection Team who were of the view that the proposals would not lead to increased noise and could lead to an improvement in the current situation due to the design of the proposed stand. On this matter, Officers requested that condition No 20 in the submitted report relating to a sound insulation scheme should be deleted as this was not an appropriate condition for an open-air venue

A recent visit to the stadium to see how it functioned on match days had been made by Officers who reported that the gates opened 3 hours prior to kick-off, with entertainment being provided before the match and a gradual build up of spectators during that time. There had been no visible congestion outside the ground or around the turnstiles. The provision of a match day traffic and parking management plan would be conditioned and would include the requirement for closing the bridge on St Michael's Lane 30 minutes before and after kick off to address safety concerns. The possibility of providing shuttle buses to and from the stadium would also be addressed in the traffic management plan

Officers reported the receipt of two further letters of objection, one which raised new issues in respect of sustainable solutions

The Panel heard representations from the applicant's agent and two objectors who attended the meeting

Members commented on the following matters:

- the public consultation which had been carried out, with concerns being raised that the scheme submitted for approval was higher than that consulted upon
- the height of the stand, particularly the roof height; the justification for this and whether an engineering solution could be considered to address the legal requirements linked with stadiums and the desire to provide all spectators with a good view of the pitch

- that the location of the stadium, adjoining housing, meant that a balanced approach was needed taking into account the impact on residents as well as the needs of spectators
- that whilst people would arrive at the stadium over a long period of time, they would leave together and that the additional capacity had to be catered for in terms of highways
- the need for residents to be fully informed when the bridge on St Michael's Lane was to be closed
- the level of seating for provision for people with disabilities
- that the orientation of the speakers on the stadium were towards the nearby houses and that this should be reconsidered

Members considered how to proceed

RESOLVED - That the application be approved subject to the conditions set out in the submitted report and subject to the deletion of condition No 20

(Under Council Procedure Rule 16.5, Councillor Leadley required it to be recorded that he voted against the matter)

29 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) - 5 Caythorpe Road, West Park, LS16

Further to minute 131 of the Plans Panel West meeting held on 31st March 2011 where Panel approved an application for a two bedroom detached house to garden site, the Panel considered a report seeking approval for amendments to the scheme to include front and side extensions

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and stated that the proposed front bay would add interest and respect the character of the streetscene. The side porch would be set back by 3 metres so would not appear subordinate to the main house

Despite the receipt of three letters of objection, Officers were of the view that the proposals raised no amenity issues and were recommending approval to Panel

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

30 Application 11/02289/FU - 4 bedroom detached house to land adjacent to 3 Hillcrest Rise, Cookridge, LS16

Plans, including those relating to the extant permission, photographs and drawings were displayed at the meeting

Officers presented the report and outlined the changes to the current scheme, for Members' consideration

The proposals were now wider than those of the fall-back position as the garage was now to be integral. Extensions to the back and forward projecting element were also proposed

Members were informed that objections had been received from local residents and two Ward Members regarding scale, projection, highways and impact on visual amenity

The Panel heard representations from an objector who attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and a further condition requiring the levels to be submitted and agreed

31 Application 11/02420/FU - Two dormer windows to rear and lightwell to front at 53 Ash Grove, Headingley, LS6

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day

Officers presented the report which sought permission for two dormer windows to the rear and a lightwell to the front at 53 Ash Grove LS6 which was situated in the Headingley Conservation Area

The property was a house in multiple occupation but Members were informed that if approved, the proposals would not result in an increase in the number of bed spaces in the property. The provision of small dormer windows to the rear would provide better use of the roof and the basement alterations would provide a larger kitchen/dining area, with the existing kitchen to become a utility room

The number of properties in the immediate area with dormers was noted

If minded to approve, further conditions to prevent the basement from being converted to a habitable room and submission of further details of the lightwell were suggested

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and additional conditions restricting conversion of the basement to a habitable room and the submission of further details of the lightwell

(Under Council Procedure Rule 16.5, Councillor Matthews required it to be recorded that he abstained from voting on the matter)

32 Application 10/04068/OT, Clariant Site, Horsforth and Application 10/04261/OT, Riverside Mills, Horsforth - residential developments

Further to minutes 126 and 127 of the Plans Panel West meeting held on 31st March 2011 where Panel resolved to refuse planning permission for residential development on the former Clariant site and Riverside Mills site at Horsforth LS18, Panel considered a further report of the Chief Planning Officer

Plans were displayed at the meeting

Members were informed that the refusals had been appealed and that the Secretary of State had called in both appeals and these were scheduled to be heard together at an 8 day Public Inquiry in November 2011

The report before Panel sought to update Members on the continuing discussions between Officers and the applicants ahead of the preparation of a

Statement of Common Ground. Arising from these discussions revisions had been proposed by the applicants which could impact on some of the reasons for refusal agreed by Panel, with these being contained within the report before Members

Revisions relating to reason No 5 (Calverley Lane North footway/cycleway) were outlined, with a wider ie 2m – 2.5m wide joint footway/cycleway being proposed; this being considered to be acceptable. This would also remove that element of reason No 2 – sustainable transport which related to cyclists

The VISSIM model – reason No 6 - had been given further consideration with Highways now of the view that the model was fit for purpose to undertake the traffic modelling

In terms of the travel plan some agreement had been reached on modal splits, targets, form and monitoring to enable this element of reason No 3 to be agreed

Concerns were raised that the agreements which had been reached justified the view taken by some Members that refusal of the application had been premature and that further negotiations could have taken place, so possibly avoiding a lengthy Public Inquiry

RESOLVED - That following refusal of both applications at Panel on 31st March 2011 and submission of subsequent appeals, 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

(Under Council Procedure Rule 16.5, Councillor Coulson and Councillor Leadley required it to be recorded that they abstained from voting on these matters)

33 Application 11/01400/EXT - Proposed mixed use development at Kirkstall Forge, Kirkstall, LS5

Further to minute 150 of the Plans Panel West meeting held on 25th May 2011 when Members considered a position statement on an application for an extension of time for the outline approval of a major mixed-use development at Kirkstall Forge, the Panel considered the formal application. Appended to the report were copies of the previous reports considered by Panel on 26th January 2006 and 20th April 2006

Plans and graphics were displayed at the meeting

Officers presented the report which sought an extension of time of 15 years for the submission of reserved matters, amendments to some of the original conditions as set out section 10 of the submitted report and an amendments to the S106 Agreement to provide additional funding for the train station; the development being predicated on the delivery of a new railway station on adjoining land

Members were informed that the provision of a railway station to serve the site was being considered by the Department for Transport (DfT) but that due to the Government's Comprehensive Spending Review, no decision had yet been reached on this. Local MPs had been lobbying for the station and Metro were to contribute a further £1.3m towards this, with the developer matching this funding. Officers stated that allowing for an additional £1.3

million funding for the train station as part of a revised S106 (on top of Metro's additional £1.3 million) would offer the DfT certainty over the increased proportion of local funding. The final decision on a railway station at Kirkstall was expected from the DfT in December 2011

To off-set the increased funding for the railway station, a reduction in the level of other planning contributions, which included affordable housing, would be necessary. Recession proof clauses would apply for the reassessment of viability and that a revised capped contribution of £9.9m (minimum) to £13m (maximum) would be provided as planning contributions, with Members being informed that it would be for Panel and Ward Members to consider how the final sum would be spent

The mix of proposed uses shown on the original illustrative layout were not viable in the current climate and a revised mix would be brought to Panel as part of Reserved Matters applications

Officers sought amendments to the recommendation before Panel requiring the deletion of the reference to Horsforth roundabout in relation to off-site highway works, the option of the alternative provision of up to 50 dwellings on site in phase 1 and a condition requiring the submission of an updated otter survey. Officers explained further that section 106 monies, other than for the railway station, would come well into the construction phase and that to maintain flexibility at this stage it was more sensible to refer to off site highway works rather than be specific as the need for works would depend on the situation at the time

The Panel heard representations from Councillor Illingworth as a Ward Member for Kirkstall Ward and from the developer who attended the meeting

Members discussed the application and commented on the following matters:

- the importance of a railway station to the scheme
- the length of time discussions had been ongoing on the site, with concerns that Panel Members may not be fully aware of the current situation, particularly the proposed mix of uses for the site, due to the passage of time
- that the experience of the Chair as a Ward Member for Bramley and Stanningley was that liaison, communication and consultation with the developer had been good

RESOLVED - To defer and delegate approval to the Chief Planning Officer 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 the submitted report), an additional condition requiring an updated otter survey 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, 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 station or up

to 50 residential dwellings on site) 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

34 Application 11/00897/RM - Reserve Matters application for laying out of access road and erection of supermarket with car park - Stonebridge Lane, Wortley, LS12

Plans, photographs, drawings and graphics were displayed at the meeting

Officers presented the report which sought approval for Reserved Matters relating to the supermarket only

Details of the proposed boundary treatments to the retaining wall at the rear of the site were provided

Officers reported the receipt of further representations, these being:

- two objections relating to loss of wildlife
- a petition of 670 signatures objecting to the proposals
- six letters of support
- a petition of 43 signatures supporting the proposals

Councillors Anne and David Blackburn had objected to the application, with Councillor A Blackburn requesting a reduction in delivery hours, if the application was to be approved

A further condition regarding details of the design of gullies to enable toads to cross the road was requested

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members discussed and commented on the following matters:

- the terms of the outline permission which meant that a supermarket could be built without triggering the full restoration of the Listed Buildings on the site
- that the S106 Agreement in place did not comply with latest guidance and the possibility of refusing the application and seeking to re-negotiate the whole scheme
- that a supermarket would provide employment opportunities for the area
- concern that the images circulated on behalf of an objector were undated and were capable of being misinterpreted
- that the provision of a sedum roof on the supermarket to enhance the view from nearby residences should be considered
- the delivery hours and that those requested of 7am – 10pm could not be supported due to the close proximity of the servicing area to existing dwellings

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, an amendment to the hours of delivery, these to be 7am – 8pm Monday to Saturday and no deliveries on Sundays or Bank Holidays and an additional condition requiring the submission of details for measures to enable toads to cross the road

- 35 Application 11/01656/FU - Change of use of solicitors' office to hot food takeaway including flue to rear - 23-25 Station Road, Horsforth, LS18**
 Plans, photographs and drawings were displayed at the meeting
 Officers presented the report which sought permission for a change of use of 23-25 Station Road Horsforth from an A2 (office) use to an A5 (hot food takeaway) to provide a fish and chip shop
 Members were informed that a previous application at the premises for a fish and chip restaurant with takeaway counter had been refused for reasons which included a lack of adequate parking provision. The current application provided a revised parking layout, including a disabled person's parking space and as the restaurant element had been removed from the proposals, Highways Officers were now satisfied with the application
 A condition would be included to prevent the re-letting of the upper floor of the premises and whilst Environmental Health had raised some concerns about the proposal, Officers considered these to be speculative
 Panel discussed the application and commented on the flue for the premises and parking issues with concerns that the application could have a detrimental impact on parking on Station Road
RESOLVED - That the application be granted subject to the conditions set out in the submitted report
- 36 Application 11/00903/FU - One detached house to replace existing bungalow at 16 Woodhall Croft, Stanningley, LS28**
 Plans, photographs and drawings were displayed at the meeting.
 Consideration of the application had been deferred from the previous meeting to enable a site visit to take place, which had occurred prior to the meeting
 Officers presented the report which sought approval for the replacement of the existing, vacant bungalow with a detached house which in design, took some references from the surrounding 'chalet- style' properties
 The proposal resulted in a wider property than existing but revisions had reduced the bulk of the proposal, which was now considered acceptable by Officers. The existing garage would be removed with parking to be on the forecourt
 Members were informed that the main issues of the application related to visual appearance within the streetscene and impact on surrounding properties
 The Panel heard representations from an objector who attended the meeting
RESOLVED – That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring submission of levels
- 37 Application 11/01561/FU - Front extension to toddler care centre - Ings Cottage, Priesthorpe Road, LS28**
 Plans and photographs were displayed at the meeting

Officers presented the report which sought retrospective approval for a porch to the front of a day nursery at Ings Cottage, Priesthorpe Road Pudsey

Members were informed that the porch which had been intended as part of an application for an extension to the premises in 2010 had been missed off the approved plans in error, with the report indicating that discrepancies in the approved drawings would seem to support the applicant's claim that a layer of detail on the computer-generated plans had not printed correctly

A correction to an error in the report which referred to Wadlands Rise but should read Wadlands Drive was made

The Panel heard representations from the applicant and an objector who attended the meeting

RESOLVED - That the application be granted

38 Pre-application Presentation - Proposed 60 bed residential care home following the demolition of existing vacant building - Mill Lane/Bridge Street, Otley

Plans, photographs and artist's impressions were displayed at the meeting

Panel considered a report of the Chief Planning Officer on proposals for a residential care home at Mill Lane/Bridge Street Otley on a site of a former school which would be demolished as part of the proposals

Members received a presentation on the proposals by representatives of the applicant

The site which was in a Conservation Area was close to local facilities and the river

The proposals were for a two storey stone and slate building which was sensitive to its surroundings and in terms of design, had taken references from the local vernacular

The care home would provide 60 single en-suite rooms for people with dementia. The applicant was a specialist in dementia care; recognised the complex needs of people with this illness, provided a wide range of diversional activities and had consistently received excellent reports for the quality of the care provided

As well as daily outings for residents, which would maximise the surrounding open areas in the town, a hydrotherapy pool was proposed which was an unusual feature of a care home

The proposals would also provide opportunities for local employment

Positive meetings had taken place with Officers and information in respect of flood risk had been submitted to the Environment Agency

Consultation on the proposals had been undertaken with leaflets being distributed to a wide area. Ward Members had been consulted, information had been placed in Otley Library and on the site, with a website being established to enable comments to be submitted online

Officers read out comments received from Councillor Campbell who whilst supporting the demolition and redevelopment in principle had raised issues relating to design, scale, parking and access and stated the need for a high quality scheme on the site

The following comments were made by Panel:

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

The following responses were provided:

- that some Local Authorities did not allow double rooms, preferring couples to occupy two single rooms with one possibly being used more as a sitting room
- that the boundary of the site would be secured by fencing and that nobody would be allowed by the riverside unaccompanied
- that the emergency assembly point was at the north of the site and was located above the floodplain
- that issues around the proximity of the houses on Manor Street were being considered, particularly in terms of overlooking
- that if the application was approved, work on the tendering process for the building contracts would commence immediately
- that there was a commitment to build on the site and that financially it was not an option to landbank the site

RESOLVED - To note the report, the presentation and the comments now made

During consideration of this matter, Councillor Harper left the meeting

39 Date and Time of Next Meeting

Thursday 15th September 2011 at 1.30pm in the Civic Hall Leeds

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Originator: Terry Moran

Tel: 0113 39 52110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 September, 2011

Subject: APPLICATION NUMBER 11/02856/FU – CHANGE OF USE OF PART GROUND FLOOR AND ALL FIRST FLOOR FROM RETAIL (CLASS A1) TO RESTAURANT (A3) AT 77 and 77a OTLEY ROAD, HEADINGLEY, LEEDS. LS6 3PS

APPLICANT

Turner Associates

DATE VALID

06 July 2011

TARGET DATE

31 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 use of the restaurant to be restricted to 08:00-23:00 weekdays and 08:00-22:30 Sundays and Bank Holidays.
4. The development shall not be commenced until detailed specifications of the proposed platform lift and its implementation have been submitted to and approved in writing by the Local Planning Authority.
5. The development shall not be commenced until a detailed seating plan for the proposed restaurant has been submitted to and approved in writing by the Local Planning Authority.
6. The proposed parking area for the proposals must be allocated, signed and marked appropriately before first occupation of the proposals, and must be retained and maintained thereafter for the lifetime of the development.
7. Details of proposals for the management of litter shall be submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place until details of the extract ventilation system have been submitted to and approved in writing by the Local Planning Authority.
9. No external music.

10. No food delivery service at any time from the premises to customers.
11. No provision of food or drink other than within the building.

1.0 INTRODUCTION:

- 1.1 This application is brought before Members at the request of Ward Councillor Martin Hamilton, who is concerned about the potential impact of the scheme on Highway safety. Councillor Hamilton has also requested that a detailed seating plan be submitted so that the parking needs of the use can be assessed.

2.0 PROPOSAL

- 2.1 The proposal seeks to change the use of the ground floor of 77a and the first and second floors of 77 and 77a Otley Road to a restaurant (Class A3).
- 2.2 The proposed restaurant will be accessed from Otley Road, with customer parking to the rear for 2 vehicles. No external alterations to the frontage are proposed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a distinctive, stone-built commercial property at the end of a terrace. Unusually, the property is higher than the remainder of the terrace although there is no evidence to suggest that its height has been increased since its construction.
- 3.2 The building is not Listed, although properties to the North of the site within the terrace are Grade II Listed Buildings.
- 3.3 The property is within Headingley Conservation Area and is a good example of the quality and use of local materials prevalent to this section of the Conservation Area.
- 3.4 The site is within Headingley District Centre but is not within either a primary or secondary shopping frontage.

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:-
 - 10/03744/FU - Change of use of shop to Solicitor's Office (A2). Approved 26/10/2010 subject to a restrictive condition preventing its use for any other purpose within Class A2.
 - It is considered relevant to note a recent approval nearby to the site in the Arndale Centre by Pizza Express for change of use to restaurant. This was approved by Members of the West Plan Panel on 06/04/2010, reference 10/00114/FU, subject to the approval of a detailed parking scheme within the Arndale Centre car park.
 - It is also considered relevant to note a recent approval within a short distance of the site by Salvo's Restaurant at 115 Otley Road, to change the use of a vacant retail unit to enlarged restaurant, reference 10/03806/FU. This was approved by Members of the West Plans Panel on 14/12/2010 subject to the approval of a detailed Travel Plan.

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application was submitted following discussions with the applicant in liaison with the Highways Officer. Informal advice was given that the proposal appeared to provide satisfactory parking provision given that the site is in a sustainable location and has dedicated off-street parking available on site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This application was advertised by site notices. 4 letters of representation have been received, including one letter from Ward Martin Hamilton and one letter from Councillor Sue Bentley.

6.2 The letter from Councillor Martin Hamilton is a request that this application be brought to Panel and requests that any approval should be conditioned to require a detailed seating plan and also that the premises be conditioned for use as restaurant (A3) only.

6.3 The letter from Councillor Sue Bentley raises concerns relating to the loss of a retail unit and highway safety. Councillor Sue Bentley also raises concerns relating to the Cumulative Impact Policy, which is a Licensing issue.

6.4 The other letters include an objection from the Beckett's Park Residents Association, on the grounds that there already two many restaurants in the locality and that the proposal is likely to result in subsequent changes of use of the premises to Class A4 (bars) or Class A5 (takeaways) and a separate objection from a local resident on the grounds of highway safety and potential harm if the restaurant were to offer a takeaway facility.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objection subject to approval of parking layout and bin storage.

7.2 Access Officer – No objection to revised scheme.

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 S2 refers to the appropriateness of development within Defined City Centres
- Policy SF9 refers to changes of use which are not in primary or secondary shopping frontages but are in Defined Town Centres.
- 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 T2 sets out the criteria to avoid any undue loss of available off-street parking whilst maintaining levels of highway safety for all highway users.
- Policy A4 sets out a range of guidelines to ensure that the needs of all members of the community are catered for.

Supplementary Planning Guidance

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 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 are:
- Appropriateness of use within Headingley District Centre
 - Hours of operation
 - Access for all
 - Parking provision.

10.0 APPRAISAL:

Appropriateness of use within Headingley District Centre

- 10.1 The proposed change of use is within the Headingley District Centre, in a parade of commercial units which is neither a Primary nor Secondary frontage. As such, the principle of the proposal is considered acceptable because the proposed use is likely to increase the diversity of uses within the District Centre without unduly compromising its vitality, which is in line with Policy SF9 of the Unitary Development Plan.
- 10.2 Although concerns have been raised by objectors that the proposal will result in an unacceptable increase in the number of restaurant uses in the locality, planning policies do not exist to curtail a particular form of business use in the wider setting, being instead aimed at ensuring a fair mix of uses within a clearly defined location such a parade of shops. Planning permission cannot, as a rule, be refused on the grounds of over-proliferation of a particular type of business, which is rather a matter for market forces.

Hours of operation

- 10.3 The application as submitted seeks opening hours between 08:00hrs and 00:00hrs. Given the recent approval at Pizza Express located at Units 8 and 9 Arndale Centre, it is however considered appropriate to limit the proposed hours of use in line with that approval, i.e. that the restaurant should not operate later than 23:00hrs weekdays and 22:30hrs Sundays and Bank Holidays.

Access for all

- 10.4 The Access Officer initially objected to the proposal due to lack of access for the disabled. The agent has subsequently revised the scheme to incorporate a platform lift which will provide level access to the building for wheelchair users. The Access Officer has since commented that the revised scheme is now acceptable subject to submission of detailed lift specifications prior to commencement.
- 10.5 A condition will therefore be imposed to require the submission of detailed specifications for the proposed lift, prior to first implementation of the use as a restaurant.

Parking provision:

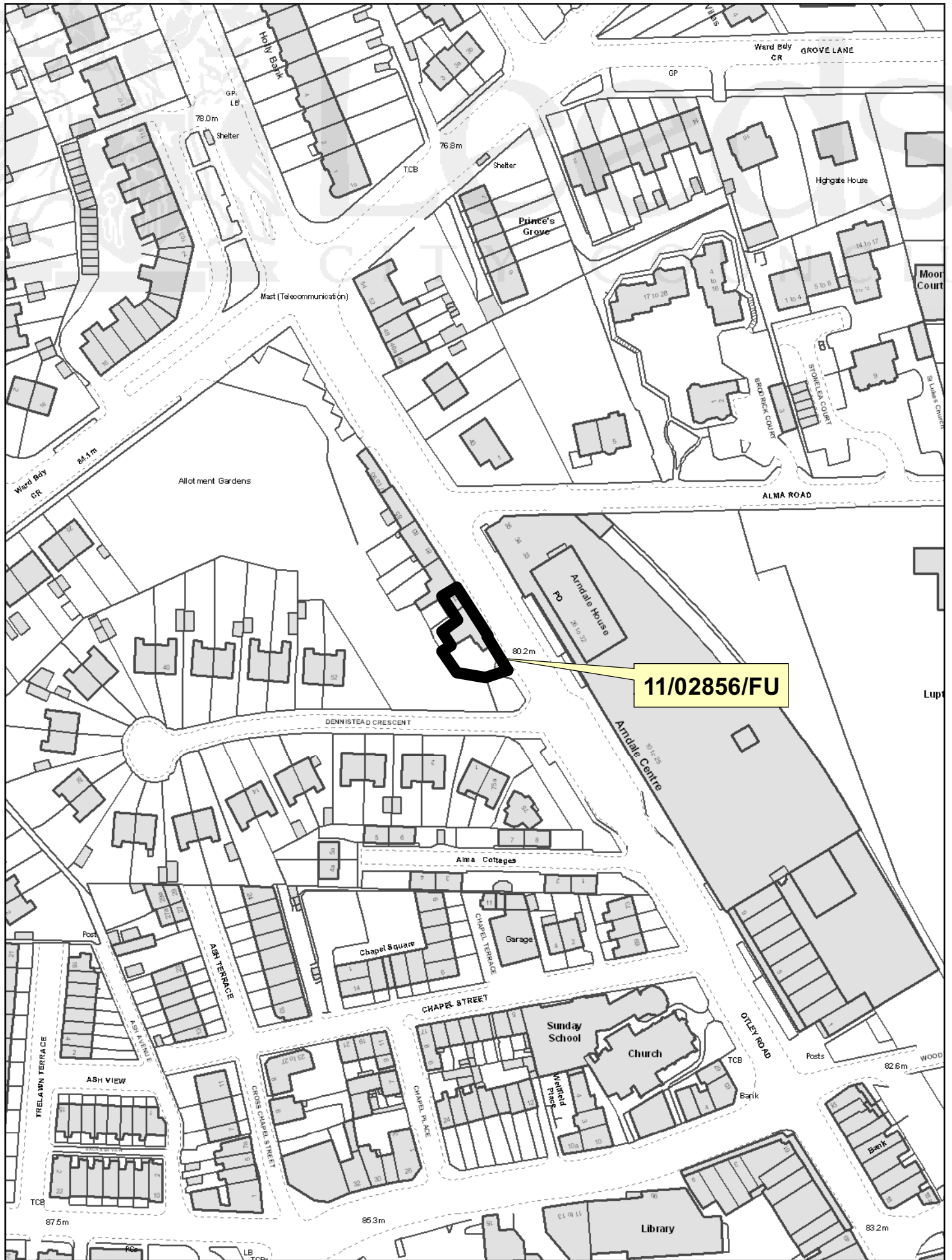
- 10.6 The application indicates that 2 off-street parking spaces will be allocated to the proposed development. The Highways Officer has responded favourably to the application acknowledging that whilst there is a shortfall in off-street parking, the site is within a highly sustainable location with TROs in operation locally and parking available within the adjacent Arndale Centre until 22:00hrs, located opposite the application site.
- 10.7 It is considered, therefore, that the proposed level of parking provision is therefore compatible with the proposal in this location.

11.0 CONCLUSION:

- 11.1 It is concluded that the proposed change of use of the property from A1 retail to A3 restaurant is acceptable, subject to the conditions outlined at the head of this report.

Background Papers:

Application and history files.



WEST PLANS PANEL



Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 September 2011

Subject: APPLICATION 11/02169/FU – SUPERMARKET WITH CAR PARKING AND LANDSCAPING AT OTLEY ROAD, GUISELEY, LEEDS, LS20 8LZ.

APPLICANT

ALDI Stores Ltd and Stirling Investments

DATE VALID

26 May 2011

TARGET DATE

25 August 2011
(*Planning Performance Agreement*)

Electoral Wards Affected:

Guiseley & Rawdon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE approval to the Chief Planning Officer, subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following: -

- **Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;**
- **Bus Shelter improvements of £10,000;**
- **Public Transport enhancements of £64,302;**
- **Agreed off-site highway works including TRO parking restrictions (completed via a S278 Agreement);**
- **Store to be a discount supermarket only; and**
- **Local employment initiatives.**

and subject to the following conditions:

1. 3 year time limit;
2. In accordance with the approved plans;
3. Area used by vehicles laid out, surfaced and drained;

4. Max gradients to areas to be used by vehicles
5. Car park max stay;
6. Details of cycle parking;
7. Details of motorcycle parking;
8. Travel Plan Measures;
9. Methods to be employed to prevent mud, grit and dirt being carried onto the public highway;
10. All off-site highway works completed before first occupation;
11. The access boundary treatment details;
12. Materials details and samples of external walling and roofing;
13. Details of surface materials;
14. Construction management plan;
15. Specific hour of construction;
16. provision for customer and coach parking for Harry Ramsden restaurant during the construction period;
17. Store Opening Hours;
18. Store Delivery Hours;
19. Delivery Scheme;
20. Noise insulation scheme;
21. Provision of facilities for storage and disposal of litter;
22. Lighting Scheme;
23. Window Adverts;
24. Submission of Landscape Details;
25. Landscape maintenance and implementation;
26. Replacement planting within 5 years;
27. Protection of existing trees;
28. Tree pit and retaining wall details;
29. Boundary details;
30. Proposed levels details;
31. Scheme to secure the car park outside opening hours;
32. Drainage details to be approved.
33. Surface water run-off rate;
34. Provision of oil interceptors;
35. Site remediation.
36. 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 Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies SA2, SA5, SP7, GP5, N12, N13, A4, BD5, BC7, N12, N19, N39, LD1, S2, S5, 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 is brought to the Plans Panel because it relates to a substantial development proposal and is subject to a Planning Performance Agreement with the applicant, which agrees that the application will be presented to Plans Panel for determination.

2.0 PROPOSAL:

- 2.1 This application seeks detailed planning permission for the erection of a single storey Aldi food store unit with car parking, servicing and landscaping. The application also provides an improved access and coach & car parking facility for the adjacent fish restaurant.
- 2.2 The proposal is to form an Aldi food store with a net sales area of 990sq.m with additional storage, staff and office facilities. The scheme provides a total of 72 customer and staff car parking spaces including 5 disabled, 7 parent and child spaces and 10 cycle spaces.
- 2.3 The redeveloped car park for the fish restaurant will comprise of 54 total spaces to include 3 disabled, 1 coach space.
- 2.4 The applicant has stated that the car park will also be made available for people visiting the facilities at White Cross and will not be restricted unless any specific issues occur.
- 2.5 The applicant contends that the accommodation has been located across the site to make best use of the existing level changes and provide an active frontage to Bradford Road, and the scale of the development is a response to the surrounding context, providing local shopping facilities and job opportunities in the Guiseley area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The total development site extends to 9,672sqm (2.39 acres) and is on the main route to Leeds, Otley, Ilkley and Bradford on the A65, Bradford Road adjacent the White Cross roundabout with the junction of Otley Road and the A6038.
- 3.2 The site falls within the Guiseley and Rawdon ward and there is a large local population with 30,000 people living within 3 km of the proposed food store site.
- 3.3 The location of the proposed Aldi is currently a vacant brownfield site formerly an amusement arcade now demolished and part car park for Harry Ramsdens restaurant adjacent. The existing 2 storey brick built Harry Ramsdens Fish restaurant lies adjacent to the Aldi site and will benefit from a new car park to the north and east of the building to serve the restaurant as part of the development application.
- 3.4 The area of vacant land to the rear of the Harry Ramsdens restaurant currently has an approval for a residential property, the building to the east side of the Harry Ramsdens restaurant is currently an Indian Restaurant with a public footpath running along the east boundary of the restaurant and through the vacant land to the rear, neither will form part of the application site.
- 3.5 The site is bound to the north by the Green Belt and a line of trees that run along the boundary with fields to the rear of the trees. The south of the site is bounded by the A65 Bradford Road with a line of trees within fields to the opposite side leading to Highroyds housing development to the south west of Bradford Road with a mix of retail units, leisure, and commercial properties and residential to the south east of Bradford Road. The east of the site is bound by the Cairn Avenue housing development with a mix of commercial and residential properties beyond. The west

of the site is bounded by a Petrol Station with residential properties running along Bradford Road beyond.

- 3.6 There is a fall of approximately 5 metres across the site running west to east and 2m running north to south with a level area to the front of the site adjacent to Bradford Road. Mature trees exist to the boundary of the site on the north screening and defining the rear boundary.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Harry Ramsden's has been located on this site since 1928. Although the application site has remained derelict and vacant for over 3 years, the following planning history on the site is considered relevant:-

- An application to renew the consent for a replacement arcade and museum shop was granted in 2000 but has now expired.
- An application was approved in 2001 for a two storey 40 bedroom travel lodge however this application was not built out and has also now expired.
- Consent was also granted in 2001 for a 5 bedroom detached dwelling with a block of 2 garages and a workshop on land that falls outside of the application boundary to the rear.
- On the part of the site occupied by Harry Ramsden's consent was granted for the change of the use of the building to 4 flats and the erection of a 3 storey building containing 6 flats, again this consent is now expired.
- On the wider site, in 2005 permission was refused for 18 flats and 5 dwellings primarily due to design and layout concerns.

- 4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Comprehensive pre-application discussions were undertaken with Aldi Stores Ltd and Stirling Investments prior to the submission and additional publicity with the local community was agreed. During the course of the consideration of the application detailed alterations have been made to the siting and the external appearance of the building, highway layout and access arrangements and enhancements of the Green Belt boundary to make the scheme more contextual to the site.

6.0 PUBLIC/LOCAL RESPONSE:

Statement of community Involvement:

- 6.1 Leeds City Council's SCI was formally adopted on 21 March 2007 and encourages developers to undertake pre application discussions and initiate early community consultation with residents considered to be affected by proposals.
- 6.2 During the pre application discussions, a meeting was held with planning officers to discuss the proposals.

- 6.3 Two meetings were held with Ward Members where representatives from Aldi and their project team discussed the proposals.
- 6.4 A public exhibition displaying copies of the proposals was held on Thursday 7 April 2011 at the Guiseley Football and Cricket Club, 72 people attended.
- 6.5 An 0800 telephone enquiry line was offered so that local residents could find out more about the proposals or register their comments via the telephone.
- 6.6 A postage paid feedback card allowed local residents to say whether they supported the proposals and to provide comments.
- 6.7 An introductory newsletter and feedback postcard were distributed to 740 homes in the local area advising them of the proposals. Additionally 5 properties adjacent to the site were sent a letter giving greater details of the proposals.
- 6.8 Overall, the applicant has reported that there has been a positive response to the proposed development at White Cross. From the 118 responses received to date 85 (72%) supported the proposals with 30 (25.5%) of respondents objecting. The remaining 3 (2.5%) neither supported or objected to the proposal.

Application Publicity:

- 6.9 The planning application has been formally advertised by the Local Planning Authority on site by means of four site notices located on Bradford Road (x3) and Cairn Avenue (x1). These site notices gave reference to a *proposed major development affecting a right of way* and they were posted from the 17 June 2011 and gave a publicity expiry period of 8 July 2011.
- 6.10 The application has been made available for public inspection at Guiseley Library and was also published in the local press (Wharfe Valley Times) on 30 June 2011.

COUNCILLORS:

- 6.11 No formal representations have been received from Local Ward Councillors.

MEMBER OF PARLIAMENT:

- 6.12 We have not received any direct comments to the application from Stuart Andrew MP (Pudsey Constituency).

LOCAL AMENITY GROUPS:

- 6.13 No representations have been received from Local Amenity Groups.

LOCAL RESIDENTS:

- 6.14 37 letters of support (*apparently originally drafted by Aldi*) have been received from local residents (mainly from addresses in Guiseley and Menston). These duplicate letters of support also included a section for residents to add their own views. The supporting comments may by residents can be summarised as follows: -

- Guiseley needs more choice in Supermarkets;
- Especially good for the elderly;
- It would improve the site;
- Nearest alternative Aldi is in Shipley.

- 6.15 2 individual letters of support have been received from local residents and their comments can be summarised as follows: -

- An area that has been an eyesore in the past may be put to better use; and
- It would also give the people of Guiseley and surrounding areas more choice as to where they shop.

6.16 6 letters of objection have been received from local residents and their objections can be summarised as follows: -

- No measures to restrict the speed in the car park;
- No consideration with parking a few meters from boundaries of properties on Cairn Garth and such close proximity will affect their privacy and create noise nuisance;
- More emphasis appears to have been given to shielding the potential housing development than existing houses;
- No need for another supermarket in Guiseley;
- Increased traffic onto the A65, adding to the already high volume of traffic that local people experience.
- Noise disturbance from delivery vehicles.
- During peak periods will freezer wagons be parking on site with chiller units operating?
- Concerns about how the proposed car park layout may allow for undesirable usage after hours

6.17 An objection on behalf of Morrisons to the proposed application has been received and their comments can be summarised as follows: -

- The application for an out-of centre food store does not satisfy the criteria set out in PPS4;
- The proposal will draw trade away from the existing in centre Morrisons stores in Guiseley;
- The applicant has failed to look at alternative preferable sites;
- Submitted transport documents failed to deal with trip generation and junction analysis; and
- Travel Plan should be extended to the Harry Ramsdens restaurant.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

HIGHWAYS:

7.1 No objections (subject to conditions) as the proposals do not raise any specific road safety concerns.

MAINS DRAINAGE:

7.2 No objections, subject to the imposition of conditions to control surface water details.

Non Statutory Consultees:

NEIGHBOURHOODS AND HOUSING:

7.3 No objections, subject to the imposition of condition to protect residential amenity.

CONTAMINATED LAND TEAM:

7.4 No objection to planning permission being granted, subject to the relevant land contaminations conditions and directions being applied.

PUBLIC RIGHTS OF WAY:

7.5 The Council's Public Rights of Way section has made comments in relation to the maintenance and any possible upgrading of Public Footpath Aireborough 36 which runs along the eastern edge of the site of the supermarket.

WEST YORKSHIRE POLICE:

7.6 No objections to the scheme are raised by the Council's Architectural Liaison Officer.

TRANSPORT POLICY (TRAVEL WISE):

7.7 No objections to the application proposals, subject to the agreement of a Travel Plan, its implementation and monitoring.

ACCESS OFFICER:

7.8 No objections, as the scheme proposes sufficient disabled spaces, new segregated level pedestrian access. Conditions regarding site levels have been requested.

METRO:

7.9 No objection in principle of the scheme, subject to improvements to the adjacent bus shelter (*bus stop number 18828*) and Metro Travel Cards for employees of the proposed food store.

8.0 PLANNING POLICIES:

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

REGIONAL PLANNING POLICIES:

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

8.3 The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgement on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.

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

LOCAL PLANNING POLICIES:

8.5 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.

8.6 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was

adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

8.7 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows;

- Policy SG4: To ensure that development is consistent with the principles of sustainable development;
- Policy SA1: Secure highest quality of the environment throughout the District;
- Policy SA2: Strategic Aim to encourage development in locations that will reduce the need to travel, promote the use of public transport and other sustainable modes and reduce the journey lengths of those trips which are made by car;
- Policy SA5: Strategic Aim to ensure a wide range of shops is available in locations to which all sections of the community, including those without access to private cars, have access by a choice of means of transport.
- Policy SP3: Seeks to ensure that new development will be concentrated within or adjoining main urban areas and settlements, with existing public transport provision or a good potential for new provision.
- Policy SP7: Strategic Policy giving priority to the maintenance and enhancement of town centres.

8.8 The application site is within the within the urban area of Guiseley and is unallocated with no specific land use allocation. The relevant Leeds Unitary Development Plan polices are considered to be: -

- Policy S2: The vitality and viability of the following town centres will be maintained and enhanced (including *Guiseley*). Non-retail development will not normally be permitted where it would reduce significantly the shopping function of a centre. Retail development will be encouraged unless it would undermine the vitality and viability of the centres or adversely affect the range of services and functions within the centres.
- Policy S5: Refers to major retail development location (sequential test) and precludes major *retail development outside S2 centres unless certain tests are met*.
- Policy GP2: Development on vacant, under-used or potential redevelopment sites;
- Policy GP5: development control considerations;
- Policy GP7: Planning obligation;
- Policy GP11: requires that, where applicable, “development must ensure that it meets sustainable design principles.”;
- Policy GP12: goes on to suggest that a sustainability assessment should be included in all applications for major development;
- Policy A4: development and refurbishment proposals designed to ensure safe and secure environment;
- Policy N12: all development proposals should respect fundamental priorities for urban design;
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- Policy N24: development abutting the Green Belt or other open land should achieve assimilation into the landscape;
- Policy N25: site boundaries should be designed in a positive manner;
- Policy N27: where a landscaping scheme will be required, an application should be accompanied by an illustrative scheme;
- Policy LD1: landscape schemes should meet specific criteria;

- Policy T2: development must be capable of being served by highway network and not adding to or creating problems of safety;
- Policy T5: Provision for pedestrians and cyclists in new development;
- Policy T6: Provision for disabled people in new development; and
- Policy T24: refers to parking guidelines for new developments.

SUPPLEMENTARY PLANNING GUIDANCE:

8.9 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:

- SPG25: Greening the Built Edge (2004).

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

- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Sustainable design and construction Draft SPD (2008);
- Street Design Guide SPD (2009); and
- Travel Plans Consultation Draft SPD (August 2011).

OTHER PLANNING GUIDANCE:

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

- Guiseley Conservation Area Appraisal and Management Plan (Draft March 2010)

NATIONAL PLANNING GUIDANCE:

8.12 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);
- PPS4: Planning for sustainable economic development; and
- PPG13: Transport (2001).

9.0 MAIN ISSUES:

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

- Principle of development;
- Design Issues;
- Highway issues;
- Landscaping Issues;
- Residential Amenity;
- Land Contamination Issues; and
- Drainage & Flooding Issues.

10.0 APPRAISAL:

Principle of development:

- 10.1 PPS4 essentially suggests retail developments of the type proposed should, where possible, be located in central locations (such as Town Centres/City Centres) where they are easily accessible from a variety of modes of travel.
- 10.2 The supermarket is to serve a catchment area of 5 minute drive time, not specifically the residents of the White Cross area. White Cross is not identified within the UDP or the Emerging Core Strategy as a local centre and whilst the applicant in their original retail statement mentioned Aldi as an anchor store to this row of shops, the intention of the store is to serve a wider catchment. The applicant talks about linked trips with the shops at White Cross however officers opinion is that the main reason for not objecting to this location is because it is sequentially preferable. The site behind Harry Ramsdens is the sequentially preferable site. There are no other sites within Guiseley centre or on the edge of Guiseley that are available, suitable or viable. Springhead Mills is a preferable site, this is not available.
- 10.3 It is not considered that White Cross would become an alternative shopping centre to Guiseley town centre. Guiseley town centre would maintain its role as the destination for weekly shopping.
- 10.4 The applicant carried out retail health checks as part of their pre-application discussions however they were not submitted with the formal application. Leeds City Council has carried out its own health checks and Guiseley and Yeadon are not considered to be unstable (as they both town centres have low vacancy rates).
- 10.5 As for the impact, the applicant has demonstrated that there is capacity within the area for further retail convenience provision which would not harm the vitality and viability of town centres within the 5 minute catchment. The Leeds Retail Study also states that there is capacity in the area for further convenience provision.

Design Issues:

- 10.6 The store has been located to the West of the site adjacent the petrol station to create a building line and active frontage to Bradford Road. This allows space for parking to the East of the site, which allows an improved and safe access off Bradford Road for the Aldi unit, parking for the fish restaurant and development site.
- 10.7 The store position minimises the proximity to adjacent residential properties whilst also retaining the trees around the site. The proposed position and orientation of the store creates an active glazed store frontage to Bradford Road, creating a natural link between the existing retail shops to the East and west, complementing and enhancing the existing local centre.
- 10.8 The car parking is situated to the side of the store making it visible from the main approach roads and allowing the existing access points to be utilised off Bradford Road. Servicing will be located to the rear of the site to maintain visual amenity of the area, away from the main store entrance and thus away from customers.
- 10.9 The residential and retail properties in the immediate area of the site vary in quality and materials (materials being largely stone, render and brick. The fish restaurant adjacent the site is in red brick the BP petrol station is stone with a mix of stone and render to the commercial and residential properties off Bradford road including the adjacent Indian restaurant, White Cross pub, telephone exchange and residential properties along Bradford Road.

- 10.10 The food store will incorporate large elements of shopfront glazing together with an oversailing canopy to signify the entrance to the store facing onto the primary elevations from which the public shall approach the store. High level glazing will flood light over the top of the sales area in a ribbon arrangement in line with the canopy structure and add interest to the long elevation facing the car park. The stone and white rendered façade will work alongside the softer landscaped elements around the boundary edge to provide a more complementary proposal for the site. The render will be coated to allow cleaning and prevent graffiti.
- 10.11 The development which is the subject of this proposal falls in an area which suffers crime in line with the National Average for England and Wales. As out of town car parks can attract anti social activities, consideration should be given to a means of securing the car park outside opening hours to prevent misuse of the facility. A condition is imposed to control this.

Highway issues:

- 10.12 A Transport Assessment was submitted with the application. Further modelling has been completed by the applicant during the negotiations with the Council Highway Engineer and it is considered that the developments impact on the highway would not be detrimental to safe and free flowing traffic. Any queues on the local highway network at peak times would be primarily caused by existing traffic levels and other committed development.
- 10.13 Alterations to the access are required and involve widening to accommodate a centre pedestrian island. These works will be conditioned to ensure they are completed before the store opens. TRO parking restrictions are suggested to be placed on the site access and access road so customers do not park next to the entrance and cause a road safety problem through inappropriate parking.
- 10.14 The off-street parking provision proposed is significantly below UDP maximum for a supermarket. However, taking into account parking surveys from a similar Aldi operation on York Road and following on-site surveys of other discount supermarket stores in Leeds on a Friday evening and Saturday peak times, on balance, the proposed level of parking provision is acceptable. The site will be conditioned through S106 to be discount retail only on highways grounds as the parking proposed would be insufficient to cater for a non-discount supermarket (following a supermarket car trip rate assessment).
- 10.15 In relation to servicing, HGV delivery vehicles will be reversing within the car park which would be unsafe during customer opening times, especially at peak times, therefore conditions are suggested to ensure these operations are completed out of hours.
- 10.16 Secure customer cycle and motorcycle parking will be provided within the layout and the proposed cycle space for staff within the warehouse shown. A staff shower/changing room/lockers will be provided for staff within the building layout.
- 10.17 A Travel Plan has been submitted with the application (including a monitoring fee) which will be secured through a S.106 agreement and the applicant has agreed to provide £10,000 to Metro to provide a cantilever shelter at bus stop 18828. It is accepted that this improvement does not mitigate an issue or deficiency, rather it enhances the existing facilities to further encourage modal shift.

Landscaping Issues:

- 10.18 The site has a number of existing mature trees running along the boundary to the rear of the site adjacent the fields. The proposed landscape scheme aims to retain the trees whilst including additional tree planting to create a buffer between the site and the Green Belt, whilst also creating a further band of tree planting to the east of the site screening the adjacent houses from the car park and food store.

Residential Amenity:

- 10.19 The nearest residential properties are on Cairn Garth, which is situated approximately 90 meters from the proposed store.
- 10.20 In relation to comments made by immediate neighbours regarding impact on their amenity. I can confirm that a condition is suggested to ensure that the car parking is either secured or monitored when the store is closed.
- 10.21 A condition is also suggested to require details of any flood light to ensure that lighting columns are sensitively located and any lights are baffled to stop light pollution.
- 10.22 It is not considered that the parking for the Aldi store will impact on residential amenity as it is 35 metres away from the closest residential property. It is accepted that the car park to the fish restaurant is close to residential properties (5metres at its closest point). Discussions with the applicant on this point did occur, in relation to amending the parking layout and increasing the landscape buffer at this edge. Officers felt this would also benefit the public footpath.
- 10.23 It is not considered that the loading area or delivery vehicles will affect residential amenity given the distance involved and that the loading area is located on the opposite site of the site.
- 10.24 The Council's Environmental Health Officer has suggested condition in relation to store opening hours, deliveries hours, lighting, storage of litter and maximum noise levels from fixed plant to be imposed in order to protect the amenity of the existing residential area. These have been discussed with the applicant as they have raised no objections to their imposition.

Land Contamination Issues:

- 10.25 There has been no development on site prior to the recently demolished buildings. There are no landfills within 250m of the site, therefore no gas protection measures necessary, although piled foundations and floor slabs are likely to be preferred.

Drainage & Flooding Issues:

- 10.26 The Flood Risk Assessment and Drainage Assessment show that the site is to be drained to Mire Beck with a limit to discharge of 10 litres per second, whilst this is satisfactory, this should be controlled by condition. As there are a large number of parking spaces, it will be necessary to provide an interceptor before discharge, again this can be controlled via condition..

11.0 CONCLUSION:

- 11.1 The proposals will result in significant improvements to the street scene through provision of a quality building and local convenience shopping will be enhanced.

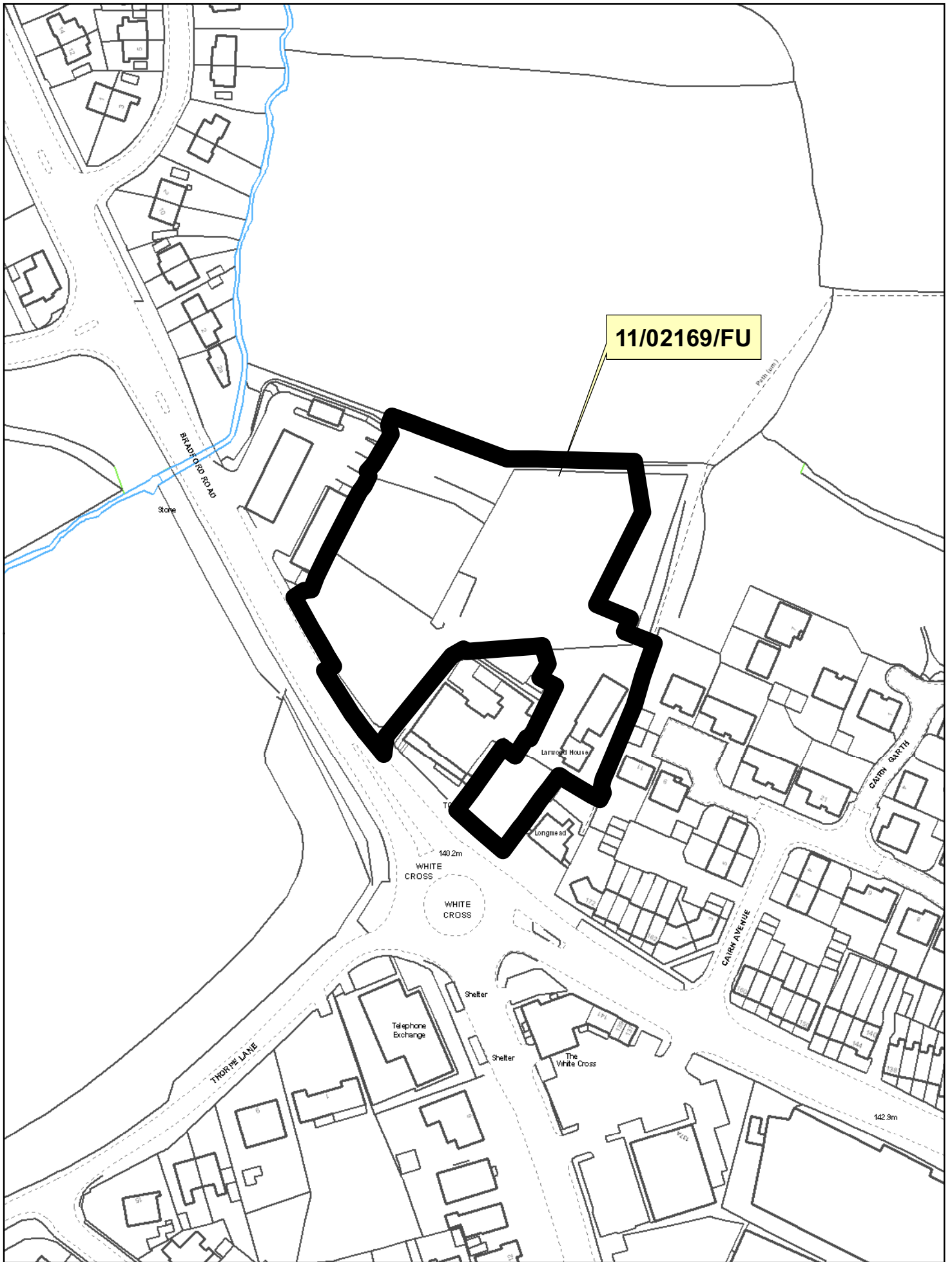
The scheme will also provide improvements to the access and parking layout for the Harry Ramsden's Restaurant.

- 11.2 The impact assessment undertaken has established that the proposals are unlikely to have any effect on the town centres of Guiseley or Yeadon. These centres are trading well; the nature of an Aldi store and the levels of turnover associated are unlikely to alter existing trading patterns to any significant extent.

Background Papers:

Application and history files.

Certificate of Ownership.



WEST PLANS PANEL





Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 September 2011

Subject: APPLICATION 11/02910/OT – OUTLINE APPLICATION TO LAYOUT ACCESS AND ERECT 98 DWELLINGS AT NETHERFIELD MILLS, NETHERFIELD ROAD, GUISELEY, LEEDS, LS20 9PA.

APPLICANT

Redrow Homes Limited
(Yorkshire)

DATE VALID

8 July 2011

TARGET DATE

07 October 2011

Electoral Wards Affected:

Guiseley & Rawdon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE approval to the Chief Planning Officer subject to the signing of a Section 106 agreement by the 7 October 2011 to ensure the following: -

- 15% Affordable Housing built on site;
 - Education contribution of £4,763.81 per dwelling;
 - Greenspace contribution of £1,445.81 per dwelling;
 - Bus Shelter improvements of £20,000;
 - Off-site highway works contribution towards pedestrian facilities on Oxford Road and Otley Road of £14,700.00;
 - Residential Metro Card scheme for residents of £57,239.94;
 - Public Transport enhancements of £1,226.00 per dwelling;
 - Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;
- and subject to the following conditions:**

1. Outline Condition (Layout, Scale, Appearance and the landscaping of the site).
2. Time Limit On Outline Permission (3 years)
3. In accordance with approved plans (site location and principal points of access only).
4. Details of Levels.
5. PD right removal (Garages)

6. Phasing Plan
7. Materials details and samples of external walling, roofing and surfacing
8. Surface materials to be submitted
9. Details of boundary treatments to be approved and carried out including existing stone boundary wall)
10. Landscape scheme to be submitted and implemented
11. Landscape Maintenance Scheme
12. Tree protection
13. Replacement trees
14. Biodiversity enhancement measures including bird and bat roosts;
15. Code for sustainable homes certification (level 3 minimum);
16. Area used by vehicles laid out, surfaced and drained;
17. Details of cycle parking;
18. Redundant access points closed and footway reinstated;
19. Implementation of travel plan measures;
20. Confirmation of off-site parking spaces relocation;
21. Max gradient of the vehicular accesses;
22. Specified operating hours (construction); no Sunday / Bank Holiday operations;
23. Construction management plan;
24. Bin storage details;
25. Details of works for dealing with surface water discharges
26. No piped discharges of surface water until completion of drainage works.
27. Feasibility study into the use of infiltration drainage methods
28. Surface water discharged from the development will be subject to balancing of flows to achieve a maximum flow rate of 15 litres per second.
29. Details of on-site storage provided for additional run-off from storm events
30. Further site investigation required
31. Amendment of remediation statement
32. Submission of verification report
33. (relevant land contamination in formatives).
34. 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).

UDPR Policies SA1, SP3, SP4, GP5, GP7, GP9, E7, BD2, BD5, H1, H3, H4, H11, H12, H13, LD1, N2, N4, N12, N13, N18A, N18B, N19, N20, N22, N23, N25, N38B, N39A, T2, T2C, T2D, T15, T24.

Supplementary Planning Guidance: Affordable Housing (SPG3); Interim Affordable Housing Guidance – Issued 1st June 2011, Greenspace relating to new housing development (SPG4); Neighbourhoods for Living (SPG13); Sustainable urban drainage (SPG22).

Supplementary Planning Documents: Public Transport Improvements and Developer Contributions; and Travel Plans.

Regional Spatial Strategy adopted May 2008: H1: Provision and distribution of housing; H2: Managing and stepping up the supply and delivery of housing; and H5: Housing mix.

National Planning Policy Guidance: PPS1: Delivering Sustainable Development; PPS3: Housing; PPS5: Planning for the Historic Environment; PPG13: Transport; and PPS25: Development and Flood Risk.

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 the Plans Panel because it relates to a substantial development proposal and is subject to a recent appeal decision and a change in officer recommendation.

2.0 PROPOSAL:

2.1 This application seeks outline planning permission to layout access and erect residential development of circa 98 dwellings at Netherfield Mills, Netherfield Road, Guiseley, Leeds, LS20 9PA.

2.2 This submission comprises an outline application (all matters reserved except for means of access) and the proposals are supported by the following package of submissions including: -

- Indicative Masterplan
- S 106 Heads of Terms
- Design and Access Statement
- Bat Survey
- Arboricultural Survey
- Foul and Surface Water Design Statement
- Habitat Survey and Protected Species Assessment
- Archaeological Desk-Based Appraisal
- Noise Assessment
- Flood Risk Assessment
- Remedial Strategy
- Geo-environmental Appraisal
- Transport Assessment
- Framework Travel Plan

3.0 SITE AND SURROUNDINGS:

3.1 The site is in Guiseley, situated directly off Netherfield Road. It is principally open fields with the exception of some the land fronting Netherfield Road which comprises buildings and car parking for the Abraham Moon mill complex located on the opposite side of Netherfield Road from the site. The site is allocated for Housing in the Unitary Development Plan Review 2006 and referred to as H3-3A09 (Phase 3 sites (2012-16)). The site fronts onto Netherfield Road which is a bus route. To the North of the site is new development land (Bellway Homes) and open greenspace together with existing properties at Greenshaw Terrace whose frontages face due South onto the new development and onto the existing footpath link running parallel to this Northern boundary.

3.2 To the South of the site is existing residential development to Oxford Avenue and Netherfield Rise of traditional 2 storey semi-detached dwellings circa 1960's. To the West of the site is a large Mill Building with multi occupation by business' and

various access points off Netherfield Road. To the East of the site are houses on Oxford Avenue. Two detached houses also adjoin the site to the northeast. These are served off a private drive running parallel to a perimeter footpath which is flanked with existing mature hedgerow. This area is relatively more modern than the Southern element of Oxford Avenue (circa 1990's).

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:-

- An application seeking outline permission to layout access and erect residential development of circa 98 dwellings was refused on 16 September 2010 under reference 10/02762/OT. The application was subsequently subject of an appeal and the Planning Inspectorate upheld the appeal and the application was granted planning permission on the 8 March 2011. A full award of costs to the appellants was also granted by the Planning Inspectorate.
- A planning application which sought outline permission to layout access road and erect 14 dwellings and 60 bed care home under reference 08/00418/OT was withdrawn in January 2009.

4.2 Although the site has been the subject of some minor historic planning applications/permissions, there are none that are relevant to this application.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by the means of nine site notices (located on Netherfield Road, Netherfield Rise and Oxford Avenue) making reference to a major development affecting a right of way. Notices were posted from 22 July 2011 and gave a response date of 12 August 2011. Notice was also published in the local press (Wharfe Valley Times) dated 21 July 2011. The application has also been made available for public inspection at Guiseley Library.

COUNCILLORS:

6.2 Councillor Graham Latty (Guiseley & Rawdon Ward) has asked to be kept informed as to the progress of the application.

MEMBER OF PARLIAMENT:

6.3 We have not received any direct comments to the application from Stuart Andrew MP (Pudsey Constituency).

LOCAL AMENITY GROUPS:

6.4 No representations have been received from Local Amenity Groups.

LOCAL RESIDENTS:

- 3 letters of objection have been received from local residents. Grounds for objection are that the scheme would impact on the privacy of existing houses, would obstruct sunlight, and would result in the loss of distant views over fields to the hills above Menston and beyond.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory Consultations:

HIGHWAYS:

7.2 No Objections, subject to conditions.

MAINS DRAINAGE:

7.3 No Objections, subject to conditions.

YORKSHIRE WATER:

7.4 No Objections, subject to conditions.

ENVIRONMENT AGENCY:

7.5 No Objections, subject to conditions.

Non Statutory Consultations:

TRANSPORT POLICY (TRAVEL WISE):

7.6 No objections, subject to conditions and S.106 Legal agreement.

PUBLIC RIGHTS OF WAY:

7.7 No Objections, subject to conditions.

METRO:

7.8 No objections, subject to conditions and S.106 Legal agreement.

NEIGHBOURHOODS AND HOUSING:

7.9 No objections, subject to conditions.

WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

7.10 No objections.

WEST YORKSHIRE POLICE:

7.11 No objections, subject to conditions.

CONTAMINATED LAND TEAM:

7.12 No objections, subject to conditions and informatives.

8.0 PLANNING POLICIES:

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

REGIONAL PLANNING POLICIES:

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

8.3 The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgement on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is

enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.

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

LOCAL PLANNING POLICIES:

8.5 Locally Leeds City Council has begun work on the 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.

8.6 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.

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy BD5: new buildings design consideration given to own amenity and surroundings
- Policy H3: housing allocations.
- Policy N12: refers to all development proposals should respect fundamental priorities for urban design.
- Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy A4: refers to development and refurbishment proposals designed to ensure safe and secure environment
- Policy T2: refers to development capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development
- Policy T24: refers to parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: refers to provision of greenspace to ensure accessibility for residents of proposed development
- Policy N10: refers to development not permitted which adversely affects a public right of way

- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape.
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy LD1: refers to all landscape schemes should meet specific criteria

8.7 This list is not inclusive or exhaustive.

SUPPLEMENTARY PLANNING GUIDANCE:

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

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11:Section 106 Contributions for School Provision; and
- SPG13: Neighbourhoods for Living.

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

- Affordable housing SPD (2009);
- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Sustainable design and construction SPD (2008); and
- Travel plans SPD (2008); and
- Street design guide.

NATIONAL PLANNING POLICY:

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

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing; and
- PPG13: Highways.

9.0 MAIN ISSUES:

9.1 It is the considered view that the main issues are:

- Principle of housing development and housing land supply;
- Design and Layout;
- Residential and Visual Amenity;
- Impact on Landscape, Ecology, Trees and Rights Of Way;
- Highway Safety;
- Flood Risk, Drainage and Ground Conditions;
- Sustainability; and
- Greenspace, Affordable Housing and Education Requirements.

10.0 APPRAISAL:

Principle Of Development:

- 10.1 It was determined at Public Inquiry that the Council did not have a five year supply of land available for housing. The Council's Interim Housing Requirement was not accepted by the Inspector as a replacement to the RSS Housing requirement and he concluded that the early development of this allocated housing site was justified in the light of the Council's continuing need to identify a viable five year supply of housing land and, on the evidence, the demonstrable shortage of deliverable land against that supply. Such an outcome would be consistent with the housing supply objectives of the development plan, and guidance in PPS3 and recent Government statements.
- 10.2 As a consequence, the principal of residential development of the site at this time has been established.

Design Issues:

- 10.3 It is noted that the application seeks outline consent with details of means of access only; layout being a reserved matter. However, an indicative sketch layout is submitted indicating that the site could be developed with 98 dwellings and it is considered that some weight needs to be given to this layout.
- 10.4 It terms of scale, the Local Planning Authority would not wish to see properties of more than two storey to the edges of the site, where they are adjacent to public footpaths, other residential properties or open countryside. Three storey properties may be acceptable away from such locations.
- 10.5 It terms of Separation distances, the Local Planning Authority would require all dwellings to achieve the minimum separation distances as set out in adopted guidance.
- 10.6 It terms of garden sizes, the Local Planning Authority would require all dwellings to achieve the minimum garden sizes as set out in adopted guidance. The Local Planning Authority would not wish to see any internal garaging proposed where it would create dead frontages on a streetscene.
- 10.7 The Local Planning Authority would wish to see a suitable housing mix within the scheme, in terms of bedroom numbers and house types. Landmark dwellings would also be encouraged on corner and/or gateway plots. The indicative scheme submitted addresses elements of the above (which are to be conditioned) and is to be formed of street frontages with predominantly enclosed 'protected' back gardens which is an advantage. However, it is considered that some alterations to the layout would be required to ensure that a future detailed scheme would benefit from the support of the Local Planning Authority. These matters would be addressed at the Reserved Matters stage.

Residential Amenity:

EFFECT ON NEIGHBOURING RESIDENTS' LIVING CONDITIONS - NOISE

- 10.8 As the application is submitted in outline the final layout of the scheme would be subject to a further reserved matters application. Provided that the properties conform to Leeds City Council's guidance on separation distances, the proposal is unlikely to generate noise and disturbance from within the buildings envelopes that would have a detrimental impact on immediate neighbour's amenity.
- 10.9 Short term construction noise would be addressed through a working hours condition.

EFFECT ON NEW RESIDENTS' LIVING CONDITIONS

- 10.10 The site is affected by noise from road traffic on Netherfield Road, overhead aircraft from Leeds-Bradford Airport and plant noise from the mill opposite the development site on Netherfield Road.
- 10.11 A noise assessment was submitted with the application that measured the existing noise levels and made recommendations for the glazing and ventilation scheme of the dwellings.
- 10.12 The consultant concluded that the existing measurements fall with Noise Exposure Category B for which PPG24 states that *"noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise."*
- 10.13 In these circumstances, careful design of glazing and ventilation systems usually provides a satisfactory internal noise environment for the future occupants. In this case the consultant has taken BS8233's "reasonable" standard as a design target for bedrooms and living rooms which is 35dB(A) and 40dB(A) respectively. The standard criteria adopted by this department is taken from the World Health Organisation's Community Guidelines 1999 as this reflects more recent research into noise annoyance. In this case the criteria is 30dB(A) and 35dB(A) for bedrooms and living rooms respectively. There is also an outdoor amenity area criteria of 50dB(A) to 55dB(A) within the guidance.
- 10.14 The consultant calculated noise break-in levels based on standard glazing with trickle vents. The houses facing onto Netherfield Road that are most exposed to road traffic achieved this department's night time standard but exceeded the daytime internal noise standard by 1dB however this amount is insignificant.
- 10.15 Subject to the imposition of conditions, the residential amenity of any new potential residents on the site through noise from the surrounding area can be mitigated.

Landscape, Ecology, Trees And Rights Of Way:

LANDSCAPE:

- 10.16 The Landscaping of the site would be assessed as part of any reserved matters application. The Design and Access Statement submitted states that "The development will contribute to carbon capture by being well treed. Tree planting will be predominantly native species selected from the range of species found in the

area. All landscape treatments will have potential for the development of new ecological habitat as landscapes mature.”

- 10.17 Careful consideration of future landscape proposals would be needed to secure a suitable scheme and to ensure that service corridors are routed under built roads or paths rather than through open space areas.

PROTECTED SPECIES:

- 10.18 An ecological assessment was submitted with the scheme. The purpose of the report was to assess the potential for protected species within the site and immediate area.
- 10.19 The report ascertains that habitats within the site are considered to be of low conservation value, predominantly comprising species-poor semi-improved grassland and areas of building and hardstanding. Scattered trees and shrubs across the site and the pond towards the northern boundary are considered to be of greater conservation value, providing potential habitats to birds, bats and amphibian species.
- 10.20 It is considered that there is a low risk of great crested newts being impacted upon by the proposed development as the areas of standing water within the site are considered to be of poor suitability and there are no ponds within 500m of the site and no records of great crested newts within the local area. Whilst no signs of badgers were detected during the survey undertaken, it is considered that the species may enter the site for foraging purposes. However precautionary working methods could be adopted during works.
- 10.21 In relation to breeding birds, conditions could be imposed stating that no vegetation clearance should take place within the breeding bird season (March - August inclusive) unless the area was checked by an appropriately qualified ecologist. In addition, mitigation could be secured through conditions, in terms of planting of native trees and shrubs and the erection of nest boxes to benefit cavity nesting species.
- 10.22 The bat survey within the ecological assessment included an internal and external inspection of the buildings, a search for existing records and an evening and dawn activity survey. No evidence to suggest the presence of any bat roosts in the buildings on the site was found although bats were active in the area. The mature trees and grassland within the site are used as bat feeding habitat. The bat survey submitted as part of the application is considered acceptable.
- 10.23 It is considered that a development of the site maintains the amount of bat feeding habitat available and consideration should also be given to habitat connectivity. There is good bat feeding habitat on the open land to the north of the site so the layout should seek to create a habitat corridor between this and Netherfield Road. This could be achieved through hedgerow planting along the northern boundary, for example, and by native tree and shrub planting within the open space and along the access roads. Planting could link with the retained mature oak discussed further in this report. Conditions could be imposed to deal with this element.

- 10.24 As bats are mobile creatures and the way they use the site may change over time, a further condition could be imposed. This would require an update survey and detailed proposals for maintaining and enhancing bat habitat and roosting sites at the reserved matters stage.

MAINTAINING AND ENHANCING BIODIVERSITY:

- 10.25 Planning Policy Statement 9 and Unitary Development Plan policy N51 require developments to maintain and enhance biodiversity. At present the site supports semi-improved neutral grassland as well as a number of trees along Netherfield Road. There is a mature oak close to the south east corner of the buildings (T21 in the arboricultural survey). This tree has potential to support roosting bats and it has good biodiversity characteristics and it should be retained as part of any development. The indicative layout does not appear to show retention of this tree.
- 10.26 Whilst it is accepted that the semi-improved grassland is not particularly species rich but it does link with the grassland and scrub habitats to the north creating a green wedge extending into this part of Guiseley. The development should seek to maintain a green corridor through the site as outlined above and it should include proposals for habitat creation. A condition to achieve this could be imposed requiring details of habitat creation and biodiversity enhancement. Appropriate habitats would be hedgerow planting, native tree and shrub planting, an area of wildflower grassland within the open space and a pond/wetland which could form part of the surface water attenuation scheme for the site.

TREES:

- 10.27 A tree survey was submitted with the application. The report concluded that the trees included in the survey are mainly located adjacent to the site boundaries. There is a mixture of species across the site; mainly aspen, interspersed with singular beech, horse chestnut and cherry trees to the northern boundary and; a mixture of lime, ash, cherry and maple to the western boundary.
- 10.28 No proposed levels or cross sections are shown on a site with increasingly steep slopes to the east and north east boundaries, which would need to be submitted to assess any potential tree retention. This could be done at Reserved Matters stage.
- 10.29 There is a fine oak tree to the south east of the existing mill-related building that should be retained, currently shown as removed, with levels around it preserved and offset from development including hard surfacing as identified via our guidance and British Standards BS5830.

PUBLIC RIGHTS OF WAY:

- 10.30 Public Footpath No.38 'Aireborough' abuts the site and runs on one boundary of the application site and has a minimum definitive width of 1.3 metres. Although submitted in outline form, it would appear from the Design and Access statement that the footpath will remain on its original line and conditions could be imposed to ensure the footpath remains open and available for use at all times. The development could be encouraged to contribute via a S106 legal agreement to the improvement of the existing PROW surfacing and signage.

ARCHAEOLOGICAL ISSUES:

- 10.31 An archaeological desk-based appraisal was submitted with the scheme. The purpose of the desk-based appraisal was to gauge the archaeological potential of the proposed development site and its surrounding landscape through the identification of known and potential archaeological sites and historic buildings.
- 10.32 The report concluded that no sites of any type have been identified within the development area as the cartographic evidence suggested that the proposed development site was probably in agricultural use by the medieval period and is shown as open fields until the 1894 Ordnance Survey map which includes industrial activity.
- 10.33 West Yorkshire Archaeological Service have reviewed the site and submitted reports and whilst there is potential for sub-surface archaeological features and deposits associated particularly with the medieval settlement in the area, these are remote from the application site. Therefore there are no objections raised to the application proposals from an archaeological viewpoint and no further archaeological investigation, geophysical surveying or trial trenching are required.

Highway Issues:

SITE ASSESSMENT:

- 10.34 The proposals involve the erection of up to 98 dwellings on an existing, largely undeveloped site. The small number of existing buildings which are within the site boundary are described in the supporting information as being used as storage buildings. The land adjacent to these buildings is used as loading/unloading area and also provides off-street parking for approximately 50 vehicles. It is still unclear whether all the parking has permission. However details of the provision for the required relocation of this parking has been agreed at the appeal. A revised condition is proposed to ensure this relocation takes place.

TRANSPORT ASSESSMENT:

- 10.35 In support of the proposals the applicant's have submitted a Transport Assessment (TA). Although the original TA has included the traffic flows associated with the development at the neighbouring site and has calculated the impact of the proposals on the Netherfield Road/Oxford Road junction.
- 10.36 The TA also takes into account the other committed developments in Guiseley and the cumulative effect of those developments and the traffic generated by this site has been assessed. Netherfield Road/Oxford Road has been assessed using the Picady model and this indicates that there will be no adverse queuing or capacity problems at that junction. The LPA agree with this statement and would also advise that improvements to this junction in the form of yellow box and keep clear markings are to be introduced at that junction as part of the S278 Agreement for the adjacent Bellway site.

ACCESS:

- 10.37 The principle of 2 access points is acceptable subject to the provision of appropriate visibility splays. The results of radar speed surveys undertaken by the Highway Consultant indicate that 85th percentile speeds exceed 34 mph in both directions. Therefore, given that Netherfield Road is a local distributor road it is considered that visibility splays of 2.4 metres x 90 metres are appropriate. Direct individual access

to dwellings via Netherfield Road is not acceptable and this has been revised by the applicant.

- 10.38 The applicant has been made aware that as part of the S278 highway works associated with the adjacent development a footway is to be provided along the Netherfield Road frontage of the Netherfield Mills site (up to the existing eastern access) at the expense of the existing Netherfield Road carriageway. However, if this current application was considered acceptable the footway must be widened to 2m along the its full Netherfield Road site frontage using land within the site boundary. This will involve setting back of the existing boundary wall.

INTERNAL ARRANGEMENTS:

- 10.39 The indicative internal layout has been designed with most of the requirements of the Street Design Guide SPD. Although the plan indicates an acceptable level of visibility at the junctions with Netherfield Road and there is an indication that the footway along that frontage will be widened the internal layout still does not conform fully to the requirements of the Street Design Guide.
- 10.40 There is an over reliance on courtyard parking, some of the road types are not clear (i.e. the road types which run parallel to Netherfield Road do not appear to have footways). Therefore the LPA cannot work out what the level of parking provision is throughout the development. Any approval should be conditional on the layout being designed in accordance with the SPD Street Design Guide and the submitted plan should be treated as indicative only.

OFF-SITE HIGHWAY WORKS:

- 10.41 Traffic Regulation Orders will be required. This is likely to take the form of waiting restrictions along Netherfield Road to prevent overspill parking from the site and a residents only permit parking scheme within the site to deter commuters or visitors to the Town Centre. The applicant's will also be required to contribute towards the cost of pedestrian facilities at the junction of Oxford Road/A65 junction. Traffic calming measures on Netherfield Road may also be required. These enhancements would need to be secured through a Section 106 Legal Agreement.

PARKING, CYCLE AND REFUSE ISSUES:

- 10.42 Parking provision must be in accordance with the Street Design Guide which also gives advice on acceptable size of parking spaces, driveways and garages. Cycle parking must be provided for each dwelling. Details for the storage of wastes from the dwellings and access for their collection would need needed.

TRAVEL PLAN:

- 10.43 A travel plan framework was submitted with the application. City Car Club has stated that they are interested in locating cars at this development. It is considered that the Travel Plan itself is acceptable in principle and any revisions that are required could be secured through conditions.
- 10.44 That being said, in accordance with adopted supplementary planning policy, the Travel Plan, provision of residential MetroCards, Leeds City Council Car Club

parking spaces and monitoring and evaluation fee, should be included and secured through a Section 106 Legal Agreement.

ENHANCEMENTS TO STRATEGIC PUBLIC TRANSPORT INFRASTRUCTURE:

- 10.45 Application proposals for this site would be expected to provide enhancements to strategic public transport infrastructure. A S.106 legal agreement would be required to provide a commuted sum of £120,169 for strategic public transport infrastructure. Given that the scheme is in outline a cost per dwelling has been agreed.

PUBLIC TRANSPORT SITE ACCESS PROVISION:

- 10.46 Application proposals for this site would also be expected to provide basic public transport site access provision and encourage and promote access by sustainable modes of travel. Whilst there are limited bus services running next to the development on Netherfield Road, improving infrastructure now would allow for increased bus services to be introduced given the level of residential development coming on stream on Netherfield Road.
- 10.47 Metro have advised that bus stop number 16894 (adjacent the development site on Netherfield Road) should have a shelter installed as a new shelter would benefit the residents of the new development. Any new shelter would include seating, lighting and bus information. The expected cost would be £10,000 (this payment also includes maintenance of the shelter).
- 10.48 Future residents would also benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop numbers 16895 and 16897 adjacent the development site on Netherfield Road) at a cost of approximately £10,000 each (including 10 years maintenance). The displays are connected to the West Yorkshire 'real time' system and give accurate times of when the next bus is due, even if it is delayed.
- 10.49 The applicant has been made aware of these requests and these enhancements have been secured through a Section 106 Legal Agreement.

Flood Risk, Drainage And Ground Conditions:

FLOOD RISK ASSESSMENT:

- 10.50 A Flood Risk Assessment (FRA) was submitted with the application as the development proposals are over 1 hectare in Flood Zone 1 as designated by the Environment Agency. The Environment Agency have confirmed that the revised FRA submitted with this application does now comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA did therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 10.51 This layout and indicative number of dwellings does not appear to take into account the use of SuDs.

- 10.52 On the basis of the information contained within the revised FRA, that the Environment Agency withdrew its previous objection provided that the above matter is addressed and the planning condition set out below is imposed requiring the following drainage details.

FOUL AND SURFACE WATER SEWERAGE:

- 10.53 The Foul Water and Surface Water Drainage Statement submitted with the application indicates that the public sewer will be diverted. The report indicates that soakaways are unlikely to be feasible. The report also confirms that foul water will discharge to a public foul/combined water sewer, and surface water to public surface water sewer, via storage, with a restricted discharge not exceeding 15 litres per second.
- 10.54 Whilst the Local Planning Authority would ideally wish further work to be undertaken into the possibility of using another form of Sustainable Drainage Systems, rather than just stating that storage will be in underground pipes, no objection are raised to the Foul Water and Surface Water drainage of the site, subject to detailed conditions.

LAND CONTAMINATION:

- 10.55 A geoenvironmental appraisal and remedial strategy for the site was submitted with the application. It was accepted that this report provided sufficient details about ground conditions at the site and the levels of contamination present. That being said, the Council required some additional information on chemical testing, exploratory holes, asbestos analysis, historic contamination and a required remediation statement, given the sensitive end use of the site. Further information was supplied by the application and following a review of this amended data and subjection to the imposition of conditions, no objections were raised to the application on contamination grounds.
- 10.56 As a local requirement, within Leeds City Council's validation criteria, a site waste management plan should be submitted with application proposing major developments.
- 10.57 Whilst such a report was not submitted, it is considered that conditions could be imposed on a acceptable scheme, that details and identifies the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

Sustainability Issues:

- 10.58 The Design and Access Statement submitted with the application proposals states that the applicants "will embrace the need for sustainable development and will actively work to meet the requirements of PPS1 for delivering sustainable development together with Leeds City Council's Policy objectives for sustainable settlements." Conditions could be imposed to ensure the submission of a sustainability statement and to ensure that all homes on this site will meet the Level 3 code for Sustainable Homes as a minimum standard.

Greenspace, Affordable Housing And Education Requirements:

- 10.59 In accordance with planning policy requirements, application proposal such as this would be subject to the additional developer contributions to cover the following elements: -

GREENSPACE:

- 10.60 Members should be aware that the green space calculation for the previous outline application was incorrect. As this is a new application, the green space calculation has been redone and is now correct in accordance with green space policy.
- 10.61 Given the scale of development, the N2.1 requirement should be provided on-site in its entirety. Based on 98 units, the N2.1 requirement on site is 0.392 ha calculated at 0.004 ha per unit. The indicative layout of the on site green space is not acceptable. It should be provided in full and be integral and useable. However this can be controlled via condition and secured through any Reserved Matters Application. Given the size of the on site green space Parks and Countryside may consider taking over the green space however, the applicant will be required to contribute towards the long term management of it.
- 10.62 The provision of green space within 400m of the site falls short of the N2.2 requirement and the provision of green space within 800m falls short of the N2.3 requirement. As such a commuted sum would be required for N2.2 and N2.3 green space which is equivalent to 0.392ha (0.004 ha per unit).
- 10.63 A contribution to off-site equipped children's play is required which has been calculated having regard to the mix of houses and flats. We calculate the average child occupancy of flats and houses based on the 2001 Census, ie 0.1 child per flat and 0.62 child per house. This generates an average of 61 children for the development.
- 10.64 The total green space commuted sum is £141,690.18, which equates to £1,445.81 per dwelling.
- 10.65 In the draft S106 it states that public access will be managed, however officers are seeking to remove this reference as the green space shall not be gated or locked from public use.

AFFORDABLE HOUSING:

- 10.66 The previous application was based on the then current policy on affordable housing (comprises both the Informal policy and existing SPG which required 30% of the development to be affordable housing with a 50% - 50% split between social rental and submarket/intermediate). This equated to 30 properties and should be a mix of houses following discussions with the affordable housing officer.
- 10.67 The current scheme is assessed against the draft Interim Affordable Housing Policy, which was implemented with effect from 1st June 2011. The policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.68 The new affordable housing policy requires 15% of the development to be affordable housing with a 50% - 50% split between social rental and submarket/intermediate. This equated to 15 properties and should be a mix of houses following discussions with the affordable housing officer. These will be secured via the S.106 Agreement.

EDUCATION:

- 10.69 As the residential development could exceed 50 dwellings, in accordance with adopted policy, there would be a requirement for a contribution to secure the provision of education facilities which will be needed as a result of the family housing proposed.
- 10.70 The birth rate within the planning area has steadily increased year on year from a low in 2003 of 314 births to an excess of 410 for 2009. The nearest schools are projected to be full by 2010/11 and across the Guiseley Yeadon, Rawdon area there is little surplus capacity. With reception intakes being close to the combined admissions limit, any current capacity in higher year groups will soon be removed as the existing population progress through the year groups.
- 10.71 Under the current requirements, the education contribution is 25 pupils per 100 dwellings for primary and 10 pupils per 100 dwellings for secondary this equates to a total education contribution of £466,853. Given that the scheme is in outline a cost per dwelling has been agreed, of £4,763.81 per dwelling.

Other material planning considerations:

CAPACITY OF A65:

- 10.72 In relation to comments regarding A65 traffic capacity principle matters. The cumulative impact of the development and other ongoing housing development at the High Royds Hospital site in Menston, developments on Netherfield Road and elsewhere in Guiseley was considered by the Planning Inspector, when outline residential consent for circa 98 dwelling at the site was granted on appeal.
- 10.73 Whilst we accept that the A65 carries high traffic flows at certain times in the day, particularly during the morning peak, the proposed and completed highway improvement works at the Netherfield Road/Oxford Road and Oxford Road/Otley Road junctions secured through the original outline consent for the site and through the former Abraham Moons site would ensure that these junctions were capable of satisfactorily accommodating the increase in traffic flows that would arise from the housing sites on Netherfield Road.
- 10.74 It is also accepted that the A65 is the only arterial road from the centre of Leeds with little or no dual carriageway or space for dualling, and limited carriageway width in places to accommodate bus lanes. This has an effect on some journeys to and from the City centre by road, lengthening peak hour travel. The A65 Quality Bus initiative will however be able to secure some improvement in bus journey times along the A65 inside the Leeds Ring Road, although the initiative does not extend into Guiseley.
- 10.75 It is therefore considered that an objection on capacity matters could not be sustained. The objective of reaching the right balance between employment and housing development in Guiseley and infrastructure capacity issues might need to be further considered as a strategic planning matter in the context of the Council's emerging Core Strategy and any subsequent Allocations Development Plan Document (DPD) or other DPD.

11.0 CONCLUSION:

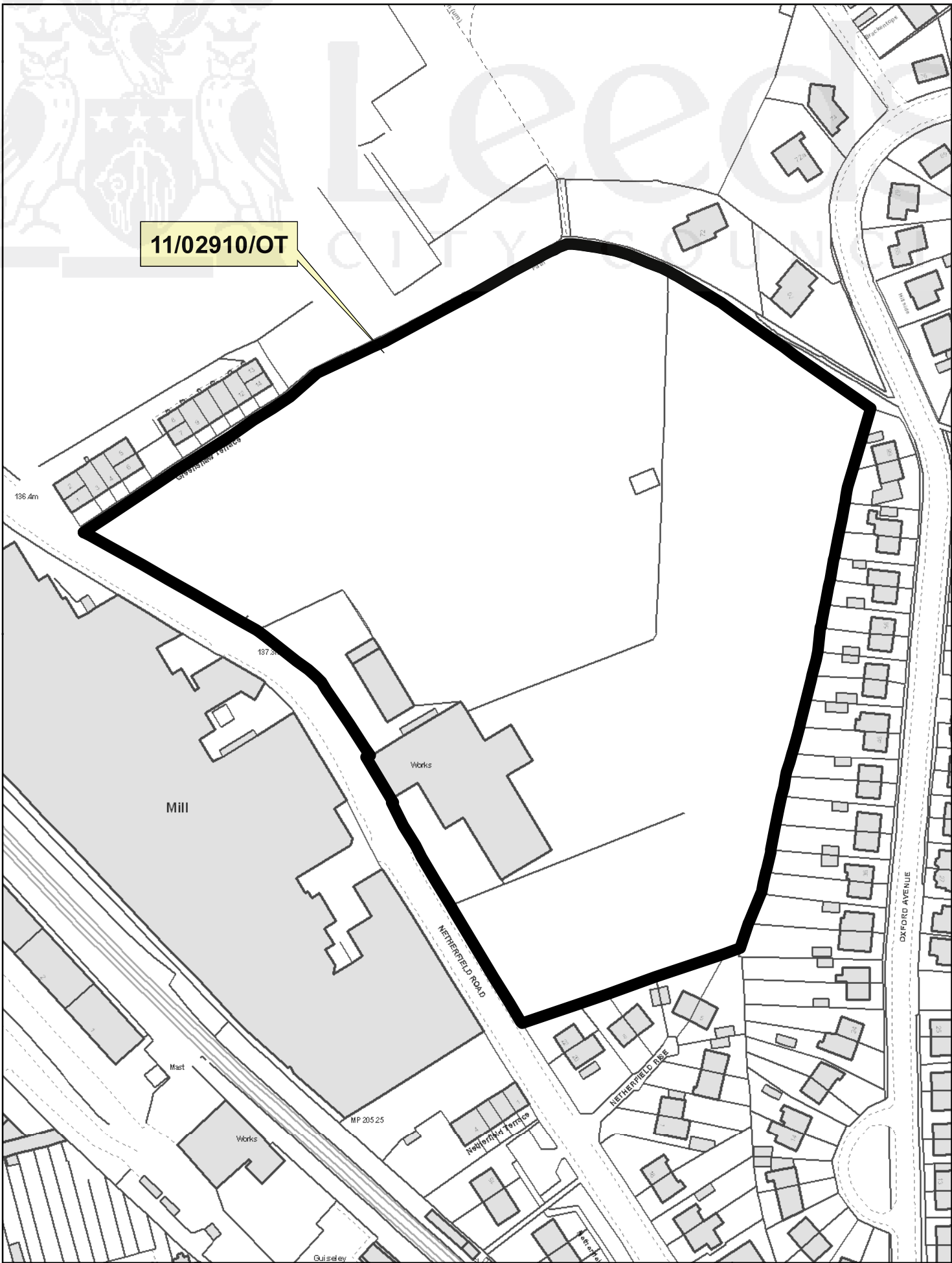
11.1 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance and as such the recommendation is that the application be approved.

Background Papers:

Application files 10/02762/OT.

Appeal Decision: APP/N4720/A/10/2137624.

Certificate of Ownership.



11/02910/OT

WEST PLANS PANEL



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Originator: Tim Poupard
Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 September 2011

Subject: PLANNING APPLICATION 10/02739/FU AND LISTED BUILDING APPLICATION P/10/02738/LI – CONVERSION OF BUILDINGS TO FORM 22 FLATS AND 14 HOUSES AND ERECTION OF 35 NEW HOUSES, WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT FORMER WHARFEDALE HOSPITAL, NEWALL CARR ROAD, OTLEY, LEEDS, LS21 2LY.

| | | |
|------------------------------|-------------------|--|
| APPLICANT | DATE VALID | TARGET DATE |
| Homes And Communities Agency | 15 June 2010 | 14 September 2010 <i>(Planning Performance Agreement)</i> |

Electoral Wards Affected:

Otley and Yeadon

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATIONS:

PLANNING APPLICATION 10/02739/FU

DEFER AND DELEGATE approval subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following: -

- 30% Affordable Housing built on site (50/50 split);
- Greenspace contribution of £39,054.02;
- Bus Shelter improvements of £10,000;
- Off-site highway works contribution of £43,000.00;
- Residential Metro Card scheme for residents of £28,304.32;
- Public Transport enhancements of £49,487.00;
- Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;

and subject to the following conditions:

1. Time Limit (3 years)

2. Development to accord with approved plans.
3. Details of Levels.
4. PD right removal (Garages)
5. Phasing Plan
6. Materials details and samples of external walling, roofing and surfacing
7. Surface materials to be submitted
8. Details of boundary treatments to be approved and carried out including existing stone boundary wall)
9. Landscape scheme to be submitted and implemented
10. Landscape Maintenance Scheme
11. Tree protection
12. Replacement trees
13. Biodiversity enhancement measures including bird and bat roosts;
14. Sustainable scheme;
15. Area used by vehicles laid out, surfaced and drained;
16. Details of cycle parking;
17. Implementation of travel plan measures;
18. Specified operating hours (construction); no Sunday / Bank Holiday operations;
19. Construction management plan;
20. Bin storage details;
21. Details of works for dealing with surface water discharges
22. No piped discharges of surface water until completion of drainage works.
23. Feasibility study into the use of infiltration drainage methods
24. Surface water discharged from the development will be subject to balancing of flows to achieve a maximum flow rate of 15 litres per second.
25. Details of on-site storage provided for additional run-off from storm events
26. Further site investigation required
27. Amendment of remediation statement
28. Submission of verification report
29. 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).

UDPR Policies SA1, SP3, SP4, GP5, GP7, GP9, E7, BD2, BD5, H1, H3, H4, H11, H12, H13, LD1, N2, N4, N12, N13, N18A, N18B, N19, N20, N22, N23, N25, N38B, N39A, T2, T2C, T2D, T15, T24.

Supplementary Planning Guidance: Affordable Housing (SPG3); Interim Affordable Housing Guidance – Issued 1st June 2011, Greenspace relating to new housing development (SPG4); Neighbourhoods for Living (SPG13); Sustainable urban drainage (SPG22).

Supplementary Planning Documents: Public Transport Improvements and Developer Contributions; and Travel Plans.

Regional Spatial Strategy adopted May 2008: H1: Provision and distribution of housing; H2: Managing and stepping up the supply and delivery of housing; and H5: Housing mix.

National Planning Policy Guidance: PPS1: Delivering Sustainable Development; PPS3: Housing; PPS5: Planning for the Historic Environment; PPG13: Transport; and PPS25: Development and Flood Risk.

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.

LISTED BUILDING APPLICATION P/10/02738/LI

1. Time Limit (3 years)
2. Development to accord with approved plans.
3. Detailed large scale plans of windows and rainwater goods and restoration of other listed building features of interest to be approved and carried out.
4. In granting Listed Building Consent the City Council has taken into account all material matters relating to the building's special architectural or historic interest, 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).

UDPR Policies, N12, N13, N14, BC1, BC2, BC6, BC7

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Plans Panel because it relates to a substantial development proposal and is subject to a Planning Performance Agreement with the applicant, which agrees that the application will be presented to Plans Panel for determination.

2.0 PROPOSAL:

- 2.1 The proposed site previously formed part of the old Wharfedale General Hospital, which has relocated into a new building immediately to the west. The site was originally used as the Wharfedale Union Workhouse. The buildings on the site are currently vacant but were previously used for a variety of uses associated with the hospital.
- 2.2 The proposal aims to provide a new residential development which combines the conversion of the existing listed historic buildings on the site with contemporary new buildings to create a series of courtyard enclosures forming a succession of private and public spaces around which dwellings are orientated.
- 2.3 The proposal by the Homes and Communities Agency aims to create a well designed character development providing a wide variety of housing accommodation within an attractive landscaped setting. The proposal will provide a total of 72 units, 40 of which are within the existing buildings and 32 within new build blocks or extensions to the existing buildings.

- 2.4 The proposals comprise of: -
- 22 one, two and three bed refurbished retirement apartments in the existing Grade II listed dining, entrance, kitchen and main buildings managed by a Registered Social Landlord (RSL);
 - 8 two bed new build houses;
 - 14 two bed refurbished/new build extension houses in 'New Infirmary' building;
 - 15 three bed new build houses;
 - 4 three bed refurbished houses in the 'Old Infirmary' building; and
 - 9 four bed new build houses.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies to the north of Otley Town Centre, with access off Newall Carr Road and covers an approximate area of 1.9 ha. The new Wharfedale Hospital is situated immediately to the west of the site and the access road to the new hospital flanks the southern boundary of the site. Within the boundary of the proposed site there are eight buildings, originally built as part of the Wharfedale Union Workhouse, subsequently converted for Hospital use but now vacant.
- 3.2 The Main Workhouse Building, Old Infirmary, and the Entrance Block and Casual Wards are included on the list of Buildings of Special Architectural or Historic Interest as Grade II. Due to their age and relation to the listed buildings on site, the non-listed buildings on site are considered to be curtilage structures and are therefore afforded the same level of protection as those on the statutory list.
- 3.3 The grounds of the proposed site are well landscaped and include a number of trees that are protected by Tree Preservation Orders.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 During the period when the former workhouse functioned as a hospital various alterations were made to the site and existing buildings, for which planning permissions were required. Development of the hospital site to date has consisted of modifications, alteration and extensions to the existing buildings, laying of an access road, installation of CCTV cameras and, most recently, the construction of the new 3 storey Wharfedale Hospital.
- 4.2 A planning application and listed building consent were submitted for the redevelopment of former Wharfedale Hospital, including part demolition and conversion of buildings to form 40 dwellings (flats and houses) and erect 39 new dwellings (flats and houses), with associated car parking and landscaping, under references 09/02785/FU and 09/02784/LI.
- 4.3 However, these applications were withdrawn in October 2009 to allow the applicant to overcome issues relating to: -
- Flood risk;
 - Residential Amenity (overlooking of adjacent hospital building and residential properties on Newall Carr Road north of the application site)
 - Legal boundary issues; and
 - Vista towards the listed main building from the current Wharfedale Hospital access road junction to Newall Carr Road.
- 4.4 The applicant believes they have now resolved all these issues.

- 4.5 In relation to Flood Risk, the applicant has stated that the current proposals incorporate the recommendations of the Environment Agency. The Environment Agency required a wayleave of a minimum 3.0m on one side and 1.0m on the other side of the recently re-classified culverted Main River (Hol Beck) flowing through the site to allow for future maintenance. Surface water run off to be 30% reduction of current rate.
- 4.6 The applicant has also stated that detailed discussions with the NHS Trust have taken place in relation to potential overlooking of hospital patients and new residents and the legal boundary. The NHS Trust have confirmed in writing that they are satisfied with the changes made to the scheme and that they have no objections. The changes made relate to the units adjacent to the hospital (units 58-61) and the uses of houses rather than apartments, splayed windows, ground floor timber pergolas and internal changes to layout.
- 4.7 The applicant has in addition stated that the legal boundary issues with the NHS Trust have now been agreed. This was due to a discrepancy between the Land Registry Plan, location of fences on site and English Partnerships development plan, affecting the southern and western boundaries. The site layout has been amended to suit the agreed boundary.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the previous scheme, the Homes and Community Agency held a 3 day open public exhibition and consultation event between 19th and 21st June 2008 at Otley Civic Centre. In addition, a presentation was made to interested local societies during the consultation identified by Leeds City Council, including: The Victorian Society, Otley Town Partnership, local ward Councilors, Otley Civic Society and the Otley Conservation Taskforce.
- 5.2 A pre application presentation for the previous scheme was presented to Plans Panel West in July 2008. Members made comments in regard to:
- The principle of the development being acceptable;
 - The acceptability of the 'modern' approach to design; and
 - Potential to open the culvert on site.
- 5.3 The applicant has stated that they did explore the potential to open to culvert but the Environment Agency considers this would increase flood risk on the site due to possible future blockages.
- 5.4 A further pre application presentation for the current scheme was presented to Plans Panel West in May 2010. Members made comments in regard to:
- The principle of the development being acceptable
 - Preservation and enhancement of Listed Buildings;
 - The design, appearance, siting, scale and massing of the new dwellings;
 - Highways layout and access; and
 - Other Matters which are highlighted in the report.
- 5.5 During the course of the determination of the application detail alterations have been made to the siting and the external appearance of the building, highway layout and access arrangements.

6.0 PUBLIC/LOCAL RESPONSE:

Statement of community Involvement:

- 6.1 It has been agreed with the applicant that letters are sent to all members of the public who commented at the exhibitions held in June 2008. Letters will also be sent to the local groups and societies who attended presentations. The letters will inform the consultees, groups and societies of the minor changes to the proposal (since the application was withdrawn), how they can find out more and how to comment on the proposal. As agreed within the Planning Performance Agreement (PPA), letters will be sent week commencing 24 May 2010. Details of the responses will be outlined in the Statement of Community Involvement which will be submitted as part of the planning application.
- 6.2 The proposed level of consultation is considered acceptable given the extensive level of consultation which was carried out in June/July 2008 and the fact only minor amendments to the scheme are proposed.

Application Publicity:

- 6.3 The planning application has been formally advertised by the Local Planning Authority on site by means of site notices. These site notices gave reference to a *proposed major development affecting the setting of Listed Buildings*.
- 6.4 The application has been made available for public inspection at Otley Library and was also published in the local press.

COUNCILLORS:

- 6.5 No formal representations have been received from Local Ward Councillors.

MEMBER OF PARLIAMENT:

- 6.6 Greg Mulholland MP has written on behalf of constituents on Newall Carr Road, who object on grounds that the single storey former Mortuary building should not be demolished, and that frontage development to Newall Carr Road is out of character with the existing neighboring development

LOCAL AMENITY GROUPS:

- 6.7 No representations have been received from Local Amenity Groups.

LEEDS CIVIC TRUST

- 6.8 Support the scheme but suggest that the approved works to the Listed Buildings are carried in advance of, or at least contemporaneously with, any new build. Certainly, no occupation should be allowed until substantial progress has been made on any refurbishment for re-use.

OTLEY TOWN COUNCIL

- 6.9 The following observations and three objections were expressed:
- Objection that inadequate parking on site which will lead to overflow onto an already congested road;
 - Objection that no control of parking in the site which will lead to abuse by hospital parking and already problematic roadside parking, these two points based on specific local knowledge of the Councillors
 - Observed that the proposal for a bus pass to residents was inadequate. The site requires that each resident is provided with a full Metro pass for buses and trains for a number of years and that the use of these passes must be monitored to

demonstrate that developers have achieved a modal shift from car use to public transport;

- Observed that the Mortuary building should be retained and developed and the demolition of this is objected to;
- Observed that the chimney should not be reduced as it is a key feature on the site
- Observed that the modern buildings to be created are not in keeping with the vernacular style of the site and its current materials

LOCAL RESIDENTS:

6.10 There have been 8 letters of objection, one letter of support and 5 letters making general comments from local residents. Objections are:

- Existing parking problems on surrounding streets caused by the hospital will be exacerbated.
- Car parking for the proposed development is not sufficient.
- The development will add to local traffic congestion.
- The former mortuary building should be retained and not demolished.
- Overlooking and overshadowing of existing nearby dwellings will result.
- Plots 1 to 3 are out of keeping with local character.
- There should have been more public consultation.

General comments are:

- Would the biomass boiler cause pollution?
- No objections provided parking on Newall Carr Road and Billams Hill does not increase.
- The scheme has much to commend it

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations:

HIGHWAYS:

7.1 No Objections, subject to conditions.

MAINS DRAINAGE:

7.2 No Objections, subject to conditions.

YORKSHIRE WATER:

7.3 No Objections, subject to conditions.

ENVIRONMENT AGENCY:

7.4 No Objections, subject to conditions.

Non Statutory Consultations:

TRANSPORT POLICY (TRAVEL WISE):

7.5 No objections, subject to conditions and S.106 Legal agreement.

PUBLIC RIGHTS OF WAY:

7.6 No Objections, subject to conditions.

METRO:

7.7 No objections, subject to conditions and S.106 Legal agreement.

NEIGHBOURHOODS AND HOUSING:

7.8 No objections, subject to conditions.

WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

7.9 No objections.

WEST YORKSHIRE POLICE:

7.10 No objections, subject to conditions.

CONTAMINATED LAND TEAM:

7.11 No objections, subject to conditions and informatives.

8.0 PLANNING POLICIES:

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

REGIONAL PLANNING POLICIES:

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

8.3 The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgement on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.

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

LOCAL PLANNING POLICIES:

8.5 Locally Leeds City Council has begun work on the 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.

8.6 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

8.7 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows;

- Policy SG4: To ensure that development is consistent with the principles of sustainable development;
- Policy SA1: Secure highest quality of the environment throughout the District;
- Policy SA2: Strategic Aim to encourage development in locations that will reduce the need to travel, promote the use of public transport and other

sustainable modes and reduce the journey lengths of those trips which are made by car;

- Policy SP3: Seeks to ensure that new development will be concentrated within or adjoining main urban areas and settlements, with existing public transport provision or a good potential for new provision.

8.8 The site lies within the urban area of Otley and is unallocated with no specific land use allocation. The surrounding area of the site is predominantly residential. The proposed site is defined as previously developed. Clearly given the historic buildings on site any conversions would be assessed against the relevant policies and new buildings on the site should promote good urban design. Acceptable landscaping proposals are fundamental to the any proposed layout.

8.9 The relevant Leeds Unitary Development Plan policies are considered to be: -

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy BD5: new buildings design consideration given to own amenity and surroundings
- Policy H3: housing allocations.
- Policy N12: refers to all development proposals should respect fundamental priorities for urban design.
- Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy A4: refers to development and refurbishment proposals designed to ensure safe and secure environment
- Policy T2: refers to development capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development
- Policy T24: refers to parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: refers to provision of greenspace to ensure accessibility for residents of proposed development
- Policy N10: refers to development not permitted which adversely affects a public right of way
- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape.

- Policy N25: Site boundaries should be designed in a positive manner.
- Policy LD1: refers to all landscape schemes should meet specific criteria

8.10 This list is not inclusive or exhaustive.

SUPPLEMENTARY PLANNING GUIDANCE:

8.11 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.

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11:Section 106 Contributions for School Provision; and
- SPG13: Neighbourhoods for Living.

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

- Affordable housing SPD (2009);
- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Sustainable design and construction SPD (2008); and
- Travel plans SPD (2008); and
- Street design guide.

NATIONAL PLANNING POLICY:

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

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing; and
- PPG13: Highways.

9.0 MAIN ISSUES:

9.1 It is considered that the main issues are:

- The principle of residential development;
- The preservation and enhancement of the Listed Buildings;
- The design, appearance, siting, scale and massing of the new dwellings;
- Highways layout and access

10.0 APPRAISAL:

Principle of development:

10.1 The former Wharfedale Hospital site is a brownfield site which is also located within an existing settlement, close to public services, leisure and employment opportunities. The decision to build a new hospital adjacent to the site a number of years ago means that the existing buildings on the site are no longer required or suitable for hospital use and it is considered that conversion for residential purposes would be the most appropriate alternative use.

Preservation and enhancement of listed buildings:

- 10.2 Across the site the listed buildings have suffered from a variety of unsympathetic extensions. The proposals create the opportunity to strip away some of the later extensions and restore significant elements of the original facades and reinstate features such as gates and railings and other historic details.
- 10.3 The scheme entails the demolition of the frontage mortuary building which is a structure of some historic significance. It has been accepted by officers however, that as the reuse of this building presents difficulties in terms of residential reuse in terms of the past usage of the building, and as the scheme as a whole results in positive benefits to the listed buildings on the site and a viable new use for them, that the loss of the mortuary building can on balance be accepted.

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

- 10.4 It is considered that the new buildings respond positively to the existing structures and historic use of the site and to the wider urban and rural context. The scale and formality of the listed buildings has informed the layout of the new buildings on the site, which have been designed to provide an appropriate setting for the listed buildings. The new dwellings have been grouped together in order to reflect the scale and massing of both the existing buildings on the site, the surrounding housing estates and adjacent new hospital block. The new build elements on the site have predominantly been designed as terraced blocks on an east-west orientation.

Highway Issues:

- 10.5 The applicant's submitted transport assessment demonstrates that the traffic impact of the development will not be significant. Vehicular access is proposed via Newall Carr Road utilising and modifying the former Hospital access. An emergency link for the new Hospital is to be maintained through the site. The footway link through the archway on the Newall Carr Road frontage is to be retained and enhanced. The site layout has been designed to create a series of hierarchical public, semi-public, semi-private and private spaces reflecting the original concept of the workhouse. The extensive number of site constraints, together with a design philosophy to maximise semi-private and private pedestrian space dictated the majority of parking to be communal reflecting the sense of community, allowing private external space to be maximized and the design meets the requirements of the Street Design Guide SPD.
- 10.6 Parking provision will be in accordance with the Street Design Guide which also gives advice on acceptable size of parking spaces, driveways and garages. Cycle parking will be provided for each dwelling. This will be in curtilage where possible. If cycle stores are the only option these will be covered, lockable and managed. Details for the storage of wastes from the dwellings and access for their collection has also been agreed.
- 10.7 A Resident's Only Traffic Regulation Order will be required on the estate roads to deter visitors to the Hospital from parking within the development site. These would be secured under the highways act through a Section 38 agreement, not a S.106. In addition to the above, Traffic Regulation Orders are required on Newall Carr Road and highways in the vicinity of the site to prevent /restrict parking. These would be secured under the highways act through a Section 278 agreement. The

applicant has been made aware that they would be responsible for the full cost implications of introducing the above proposals including a commuted sum for the ongoing costs of the Residents Only scheme.

- 10.8 A travel plan framework was submitted with the application. It is considered that the Travel Plan itself is acceptable in principle. Provision of residential MetroCards, and monitoring and evaluation fee, should be included and secured through a Section 106 Legal Agreement.
- 10.9 Under the terms of the SPD guidance, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport. In this case a contribution in the order of £49,487 is sought. In calculating the required sum a deduction of 10% has been incorporated to take account of the fact that; the development will be subject to other S106 obligations and abnormal costs associated with conversion of listed buildings.
- 10.10 Metro advise that the adjacent bus stop (10477) should have a shelter installed at a cost to the developer of around £10,000, this payment also includes maintenance of the shelter. The current shelter is old and needs replacing with a new improved shelter. A new shelter would benefit the residents of the new development. The shelter should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing. This will be secured through a S.106 agreement.
- 10.11 The applicants have agreed to the provision of Residential MetroCards for any resident that requests one for this development. The total liability in connection with providing the MetroCards shall be limited to £28,304.32. This will also be secured through a S.106 agreement.
- 10.12 A contribution has been agreed towards the upgrading the ginnel from Croft House Drive to Weston Ridge to a cycle track. Upgrading this route for cycling would benefit children from the development attending Ashfield Primary School. The upgrade of the path is estimated to cost £25,000.
- 10.13 A contribution has also been agreed towards the provision of an improved informal crossing of Newall Carr Road (i.e. kerb build outs). Pupils from the development will have to cross Newall Carr Road to attend The Whartons Primary School. This issue has already been identified in the school travel plan as a problem. The kerb builds outs are estimated to cost £8,000.
- 10.14 The applicant has also agreed to fund promotional materials for 'car share Leeds' for all the residents at £10 per dwelling.

Other material planning considerations:

AFFORDABLE HOUSING:

- 10.15 Homes and Communities Agency (HCA) in conjunction with their preferred partnering Registered Social Landlord (RSL) propose to offer 22 one, two and three bed apartments within the refurbished grade II listed entrance block, main building and kitchen/dining block as affordable residential units, to ensure economic viability of the overall development.

- 10.16 The 22 apartments provide 30% affordable housing provision. The RSL will undertake a full landlord/management role for all the affordable units, with all units being located in the listed buildings; this will ensure these important historic buildings are adequately maintained for the future.
- 10.17 Members need to be made aware that the site is in the outer area/rural north and the interim policy has increased the % requirement to 35% from 30% in this area.
- 10.18 The provision does therefore not accord with the interim guidance. However as the affordable housing details were negotiated when the scheme was submitted in June 2010 and given the costs associated with the conversion and restoration of listed buildings, it is not considered that the scheme would be able to support the provision of affordable housing beyond 30%.

GREENSPACE:

- 10.19 For a development of this size, an area of greenspace of 0.288 would be required on site in accordance with Policy N2 of the UDP. The application provides 0.1512ha of what we would assess as publicly accessible and useable greenspace. There are other pockets of amenity space, however these are either for the flatted developments or act as landscaping.
- 10.20 To make up for the shortfall, a contribution to the laying out and maintenance of policy N2.1 Local Amenity off site greenspace equivalent to 0.137 hectares is required. In addition to this, the existing greenspace in the area does not satisfy the requirements of N2.2 (Local Recreational Areas) or the requirements of N2.3 (Neighbourhood/District Parks) greenspace, therefore, a commuted sum is required for the laying out of greenspace equivalent to 0.144 ha for N2.2 and 0.144 ha N2.3 (0.002 ha per unit respectively). In addition to the above, a contribution to off site play areas is required which has been calculated having regard to the number of residential properties proposed.
- 10.21 Taking into consideration the requirements of policy N2.2 and N2.3 together with the contribution towards equipped children's play, the total greenspace contribution is £139,054.02. This will be secured through a S.106 agreement.

EDUCATION:

- 10.22 As the 22 flats are less than 3 bedrooms then there would be no education contribution as the number of "family dwellings" would be 49 and the trigger point is 50.

LAND CONTAMINATION:

- 10.23 The ground investigation report submitted with the application has identified contamination and safety issues at the Wharfedale General Hospital site, in particular associated with potential ground contamination. The contamination issues are mainly associated with the north western part of the site, underlying and immediately south of the fuel storage area. The asbestos issue relates to the dated workhouse buildings, although other areas are potentially at risk.

- 10.24 Following further specialist and intrusive investigations being carried out at the site, no objections to the application are raised on this issue subject to the imposition of the relevant land contamination conditions.

FLOOD RISK ASSESSMENT:

- 10.25 A Flood Risk Assessment (FRA) was submitted with the application as the development proposals are over 1 hectare in Flood Zone 1 as designated by the Environment Agency. The Environment Agency have confirmed that the revised FRA submitted with this application does now comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA did therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

FOUL AND SURFACE WATER SEWERAGE:

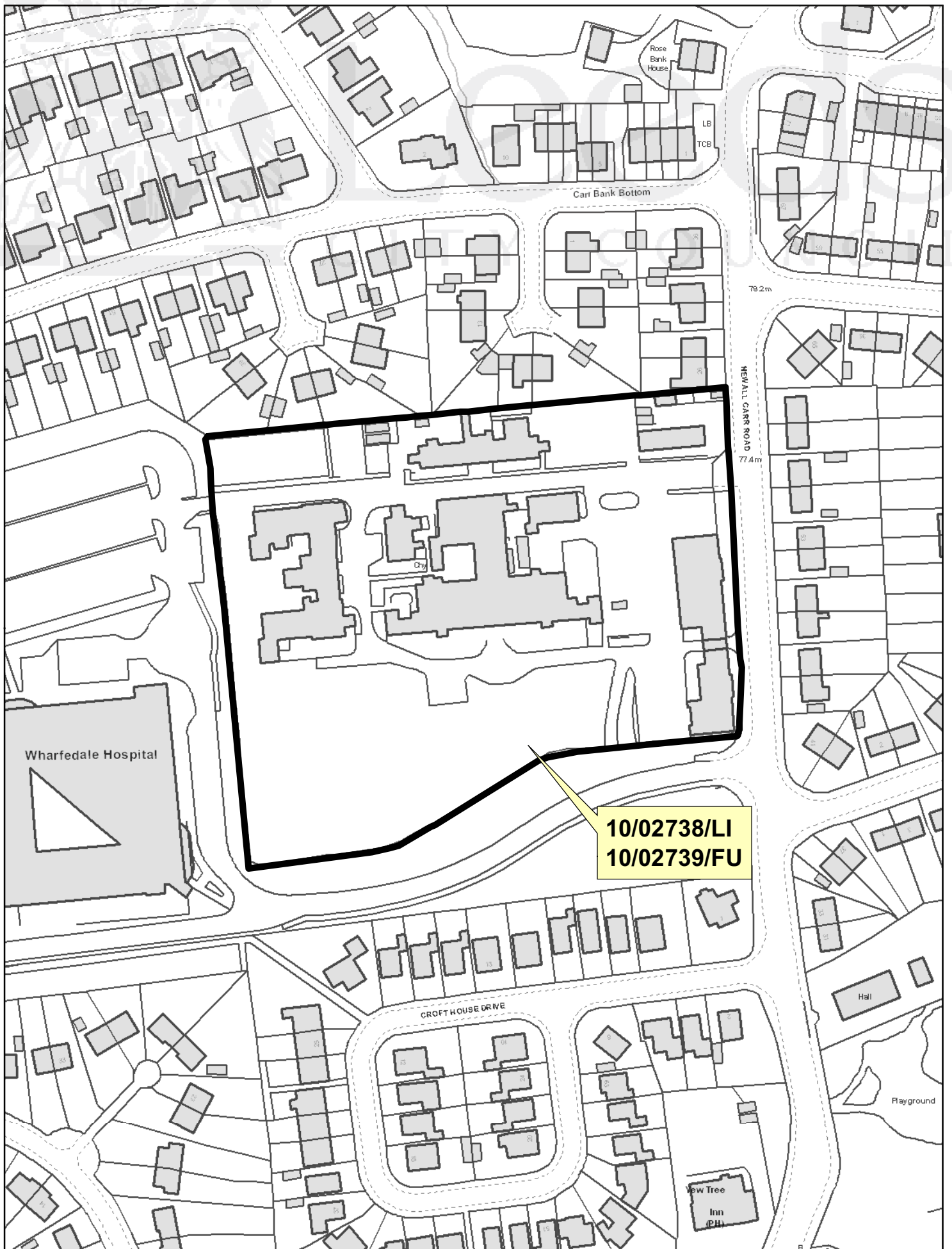
- 10.26 The FRA and Drainage Assessments have assessed the main aspects of the drainage of the development site and acceptable conclusions have been reached with regards to a drainage strategy for the site. The north to south running Hol beck watercourses which crosses the site is a Main River and this means that the 'policing' responsibility for it rests with the Environment Agency, but the land owner still has the riparian responsibility of actually carrying out any required watercourse maintenance works to the satisfaction of the EA. In addition the council can also require watercourse maintenance works of the riparian owner as part of the planning requirement for flood protection and Flood Risk Management of the site and adjacent properties.
- 10.27 The developer has undertaken a CCTV survey of the section of the watercourse within his riparian ownership and this flagged up that there were sections of the culvert which require repair or replacement. The lining of the culvert may be the most cost effective way of dealing with the entire length of the culvert which crosses the site however the developer may proposed appropriate alternative means of dealing with the repair/ maintenance of the culvert. The works must be undertaken before the surface water runoff from the redeveloped site is allowed to be discharged to the culverted watercourse.
- 10.28 The council's guidelines indicate that the peak surface water discharge from a redeveloped site should be reduced by a minimum of 30 %. This implies however that there should specifically be a reduction of the present peak rate of discharge where it exists to the watercourse and/or the public sewer. A reduction of the peak discharges from the site has been proposed however this has been arranged/ distributed in such a way that the discharge to the public sewer has been eliminated. On the whole the proposed rate of discharge does represent a decrease in the total discharge from the site but with no accompanying improvement/ flood risk reduction within the watercourse itself.

11.0 CONCLUSION:

- 11.1 This application represents an important opportunity to restore and secure the future use of the historic buildings on the site. The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance and as such the recommendation is that the application be approved.

Background Papers:

Applications 09/02785/FU and 09/02784/LI.



WEST PLANS PANEL

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Originator: Jade Corcoran
Tel: 0113 247 8016

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: APPLICATION NUMBER 11/02100/FU – single storey rear extension and alterations. APPLICATION NUMBER 11/02101/FU – 3 air conditioning units. APPLICATION NUMBER 11/02102/ADV – 3 externally illuminated signs and 1 non illuminated sign. APPLICATION NUMBER 11/02103/FU – 1.6m high fencing. All applications relate to 102 Burley Road, Burley, Leeds.

| APPLICANT | DATE VALID | TARGET DATE |
|------------------|-------------------|--------------------|
| Tesco Stores Ltd | 24 May 2011 | 19 July 2011 |

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION
APPROVE 11/02100/FU, 11/02101/FU, 11/02102/ADV & 11/02103/FU SUBJECT TO SPECIFIED CONDITIONS

APPLICATION 11/02100/FU – SINGLE STOREY REAR EXTENSION AND ALTERATIONS

1. Time limit on full permission
2. Development carried out in accordance with the approved plans
3. Total net sales area shall not exceed more than 280 sqm.
4. Non-food (clothes, toys, electrical and gardening items) shall not be sold from the premises.
5. Materials to match the existing
6. Prior to commencement of building works, full details of the alterations to property that are necessary to insert the double door to the front to be approved.
7. Details and provision or secure cycle parking
8. Details and provision of bin storage
9. Unless otherwise agreed in writing with the Local Planning Authority use of the car park should be restricted to staff only

10. The development shall not be brought into use until full details of measures to provide suitable servicing arrangements have been agreed by the Local Planning Authority and implemented thereafter.
11. Hours of opening limited to 0700 hours to 2300 Monday to Sunday
12. Delivery hours, including waste removal, limited to 0730 hours to 2100 Monday to Sunday

APPLICATION 11/02101/FU – 3 AIR CONDITIONING UNITS

1. Time limit on full permission
2. Development carried out in accordance with the approved plans

APPLICATION 11/02102/ADV – 3 EXTERNALLY ILLUMINATED SIGNS AND 1 NON ILLUMINATED SIGN

1. Development carried out in accordance with the approved plans

APPLICATION NUMBER 11/02103/FU – FENCING

1. Time limit on full permission
2. Development carried out in accordance with the approved plans
3. The fencing shall be no higher than 1.6m unless other agreed in writing by the Local Planning Authority
4. Details of the colour of the fence and air conditioning units shall be approved by the Local Planning Authority and implemented as such.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel after a request from Councillor Harper due to the impact on the local economy, vitality and viability of the local centre, parking and highway safety, noise and quality of the proposed signage.

2.0 PROPOSAL:

- 2.1 *11/02100/FU* – The application is for a single storey rear extension; single storey infill extension; and, alterations. The applicant is not seeking permission for a change of use from public house (A4) to shop (A1) as this alteration is permitted development.
- 2.2 The single storey extension is proposed to be located immediately behind an existing side extension and will effectively square this area off. To the rear there is currently a small gap between extensions that the applicant is proposing to infill. These alterations together amount to 58sqm, which is 8sqm over what could be achieved under permitted development rights. The proposals are to be constructed from matching brick, have a flat roof, and do not include any openings.
- 2.3 The side extension currently includes four small ground floor windows. The proposal includes removing these and inserting grey automatic doors. However, the stonework that currently exist above the widows is to be retained. The existing window frames to the ground floor, stall riser and door frame are also to be painted grey.

- 2.4 11/02101/FU – The application is for three air conditioning units and a Condenser to be positioned on top of the proposed single storey rear extension. The two air conditioning units for the sales area are to measure 970mm (W) x 370mm (D) x 850mm (H) and the cash office unit is proposed to be 780mm (W) x 290mm (D) x 540 (H). The air conditioning units are required to be elevated above the condenser to prevent the hot air from the air conditioning units interfering with its running.
- 2.5 11/02102/ADV – The original application has been revised so the proposal now contains three externally illuminated signs and one non-illuminated advertisement. These consists of the following:
- Externally illuminated aluminum projecting sign (positioned in the same location as the existing pub sign) measuring 800mm (W) x 90mm (D) x 800mm (H).
 - Externally illuminated aluminum projecting sign (positioned between the proposed automatic door and existing archway) measuring 800mm (W) x 90mm (D) x 500mm (H).
 - Pinned off, non-illuminated, lettering (to replace the existing signage) around the stone head of the original entranceway.
 - Externally illuminated (with low energy level compact fluorescent lamps) fascia panel with pinned off lettering measuring 1500mm (W) x 1500mm (H) (to replace existing pub signage to the rear) set 4m off the ground.
 - Vinyl signs are deemed consent.
- 2.6 11/02103/FU – The applicant is seeking permission for a 1.6m high fencing to form an enclosure around the plant equipment. The other alterations proposed do not require planning permission. The proposal has been amended and now consists of a powder coated (to match existing brickwork) aluminum louvered enclosure measuring 1.6m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a brick built historic public house with ornate stone detailing, two large bay windows, and slate hipped roof. The property is of a two storey height with a two storey flat roof side and rear extensions. To the rear there is a car park with six spaces enclosed by a large red brick wall. There is a gradient within the locality that falls from the north-east to the south-west.
- 3.2 The Queen, the Rising Sun and the Cardigan Arms are a trio of public houses built in the area be Tetley's in the late 1800s. The Cardigan Arms is listed as a great many of its original features have remained. Unfortunately, the interior of The Queen is no longer of a standard that makes it suitable for listing. The Queen is named in the adopted Little Woodhouse Neighbourhood Design Statement as a building of interest (p31).
- 3.3 Burley Road is characterised by a mix of commercial and residential property. The site is considered to be situated in a 'edge of centre' location due to the close proximity to Woodsley Road Local Centre. The land use to the rear of the site is predominately residential.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/00720/CLE: Certificate of Existing Lawful use as a public house (use class A4).
Approved on 28.03.2011

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The Highway officers expressed some concern regarding the delivery arrangements for the store and requested a delivery management strategy. Discussion regarding the appropriateness of a loading bay on Burley Road and delivery arrangements followed this. To resolve the concerns over having multiple restrictions on Burley Road, the loading bay has been relocated to Westfield Terrace and will be solely for the purpose of loading. There is a slight gradient within Wesley Terrace so the vehicle will always face Burley Road to avoid cages sliding onto the highway. Cages will enter the store via an existing door within the side elevation fronting the Westfield Terrace.
- 5.2 Originally the signage application contained 5 illuminated signs and 1 non illuminated sign. As previously outlined, the proposals have now been amended and consist of 3 illuminated signs and 1 non illuminated sign. The fascia sign has been removed due to the location (second floor of the side extension) and design of the proposal, and replaced with a projecting sign at ground floor level. The advertisement over the (original) entranceway was positioned on the stone head and obscured the detailing so this has been substituted for individual letters (pinned off lettering) positioned around the stone head. The advertisements proposed to the side elevation have been removed and replaced with a small vinyl sign inside the ground floor window.
- 5.3 The plant area and enclosure have been reduced in scale to diminish the impact on visual amenity. The air conditioning units have been bought closer together and located tighter to the building so the size of the enclosure has been reduced. In addition, the material of the enclosure has been altered from fence panelling to an aluminium louver coloured (red) to match the brick work.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of site notices posted 10th June 2011. Copies of all plans and supporting information have also been made available on public access.
- 6.2 Councillor Harper has objected to the proposal for the following reasons:
- Many local small family business's are likely to be badly affected. This could lead to the loss of local jobs and the closure of local shops and the possibility that the shops affected will be boarded up and could remain empty, which will not improve the look of the area.
 - Local residents are also concerned about the parking issues on Burley Road and in the surrounding streets. Locals who use the existing shops mostly live local so there is no problem at present but a new Tesco Express is likely to attract more passing trade and cars etc and the problem of parking and noise in the area especially the surrounding area.
- 6.3 G Mulholland MP has objected to the proposal for the following reasons:
- As Chair of the Save the Pub Group, I believe the loss of The Queen will be a serious blow to the busy Kirkstall and Burley area and surrounding communities, encouraging sociable and responsible drinking. The Queen could yet become a community pub and perform a very valuable function as a meeting place for people of all ages and contribute to social cohesion.

6.4 8 letters of comment from local residents have been received to date (2nd September 2011) and one petition with 1323 signatures received by the Local Planning Authority on 19th July 2011. Local residents comments can be summarised as follows:

- Concern over Tesco moving into the vicinity and having a negative impact on local business and community cohesion.
- The local community have several convenience stores within the locality so there is not a need for another one.
- The extension is objected to as the additional space would allow a greater range of stock raising the bar of competition that the surrounding local business can not compete with.
- Concern over the local environment in relation to discarded waste from convenience foods.
- The traffic considerations for local residents and businesses which operate around this facility will be adverse. Traffic turning into the facility from the Leeds direction will represent a potential accident risk.
- The proposed loading bay to Westfield Terrace will displace parking provision for local businesses and introduce risks to highway safety.

6.5 Comments from Leeds Civic Trust are summarised as the following:

- The Queen is an important part of the history of pubs in Leeds, one of a trio of similar period pubs in the locality which also include the Rising Sun and the Cardigan Arms on Kirkstall Road. It is also an important building in the townscape and is highlighted in the recently adopted Little Woodhouse Neighbourhood Design Statement (a Supplementary Planning Document).
- We do object to the alterations and signage, the design of which shows little respect for the quality and fine detailing of this significant heritage asset.
- The alterations to form a modern glazed entrance replacing a series of narrow arched windows with stone keystones is a crude attack on the carefully balanced original elevation.
- The proposal involves removing the interior of the ground floor to create a single space. We object to the loss of original room divisions which will no longer be discernible. We also object to the addition of opaque film to the bay windows which give a blank appearance which is no substitute for the etched glazing which boasts the name of the pub. This too provides the appropriate level of obscurity and rather more elegantly.
- One of the main features of this building is the central doorway surround, with its baroque door case including a segmental stone arch and carvings of barley and hops. The proposal is to remove the original lettering spelling out "The Queen" which follows the curve of the arch, and replace it with Tesco Metro lettering in a manner which completely ignores and obscures this fantastic feature. The removal of traditional Tetley signs at the side and rear of the building is also unnecessary: they are features which record the heritage of the building and would not detract from a new use.

7.0 CONSULTATIONS RESPONSES:

7.1 Access Team – No objection.

7.2 Highways - The Highway Authority has carefully considered the highway implications of the proposals contained within applications 11/02100/FU and 11/02102/ADV and comment as follows:

- Access to the rear parking area is through a residential car park. However, the application concerns only a small extension to an existing building which can already be used as a small convenience store without the need for further planning permission, no concerns regarding the use of the car park can be raised.
- The extension to the back of the building does not affect manoeuvrability in the rear yard area and no concerns can be raised.
- The floor area of the extension equates to an additional 1 parking space for customers over the existing use according to UDP guidance. The proposed extension does not reduce the available parking and given the sites location in an area where on street parking restrictions are in place, an objection to increased parking demand resulting from the proposal would be difficult to justify.
- Traffic Management have been consulted regarding the proposed extension in relation to whether it would be appropriate to alter the TRO. Concerns were raised regarding the likely delivery demands of the store and the applicants were asked to demonstrate how they intend to manage deliveries via a delivery management strategy.
- Secure cycle parking should be provided in accordance with UDP guidance due to the proposed increase in floor area. Details and provision of secure cycle parking should be a condition of any subsequent approval.
- No objections are raised to the proposed advertisements.

A delivery management plan and details of the loading bay on Westfield Terrace have been submitted for consideration. The Highways Authority commented as follows:

- Traffic Management will support the introduction of a loading bay on Westfield Terrace.
- No further highway objections are raised to the proposals.

7.3 Mains Drainage – No objection.

7.4 Neighbourhoods and Housing – After careful consideration the Environmental Health Team have the following comments in relation to applications 11/02100/FU and 11/02101/FU.

- There are residential properties to the rear, the nearest on Westfield Court. The proposed opening hours are 0700 hours until 2300 hours. The proposed change is likely to be an improvement on the previous use but in order to protect the amenity of the existing residential area a condition specifying hours of deliver, loading and unloading should be applied to any decision notice.
- Application 11/02101/FU contains a noise report that states the air conditioning units are at such a distance from the nearest residential premises that no noise will be audible. Therefore this department has no adverse comments to this application.

8.0 PLANNING POLICIES:

8.1 Relevant Unitary Development Plan Policies;

- Policy GP5 refers to detailed planning considerations and any loss of amenity.

- Policy N12 details that development should respect the fundamental priorities for urban design, with spaces between buildings being considered of considerable importance.
- Policy N13 refers to design and new buildings.
- Policy S6 seeks to encourage modern convenience goods retailing proposals in areas where residents have poor access to these facilities, in particular in the following areas: burley/kirkstall/hyde park/woodhouse
- Policy S8 states that the maintenance and enhancement of viable neighbourhood shopping will be promoted by the local planning authority.
- Policy T2 sets out the criteria to avoid any undue loss of available off-street parking whilst maintaining levels of highway safety for all highway users.
- Policy BD6 refers to the scale, materials, character and design of extensions.

8.2 National Planning Advice

- Planning Policy Statement 1 (PPS1) Delivering Sustainable Development – Sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth – Sets out planning policies for economic development.

9.0 MAIN ISSUES

- Principle of development
- Highways
- External alteration
- Signage
- Impact on residential amenity
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The applicant has submitted four applications in total and none of them are seeking a change of use. The explanation for this is that a change of use from a public house (A4) to a food store (A1) is permitted development. The total net sales area is to be 245 sqm which is defined as a convenience store (ie less than 280 sqm net sales) and not subject to the Sunday trading restrictions. The Tesco Express would function as a "top-up" shop serving the needs of passing trade and local residents within walking distance.
- 10.2 Due to the change of use being permitted development and the scale of the operation, the applicant is not required to conduct a sequential test. However, if a sequential test was required the site would be considered an "edge of centre" location. This is due to the site lying within 300m of the nearest Local Centre (Woodsley Road, Burley Village). The planning statement incorrectly refers to Hyde Park Corner being the nearest centre. The site is well connected to the local centre as there are a number of commercial uses on the Burley Road frontage which links to Woodsley Road (of which the Queen ph is one). There are not any suitable

premises within Woodsley Road Local Centre that would accommodate a Tesco Express. Considering these factors, a sequential test would conclude that the site was suitable.

- 10.3 The proposal is unlikely to introduce a significant impact on the Woodsley Road Local Centre as a whole. EC16.1 discusses impact and advises that a proposal located on the edge of centre should be of an appropriate scale in relation to the size of the centre and role in hierarchy of centres. The proposal is comparable to other convenience stores situated in edge of centre locations within Leeds and would comply with UDP policy S6. A survey of the Local Centre has identified a couple of units currently provide convenience goods. However, the centre as a whole has a variety of uses and so this application is unlikely to undermine its vitality. Furthermore, the change of use is permitted development and the scale of the extension is minimal.
- 10.4 In conclusion, having taken into consideration the specific circumstances of this application, it is not justified to request a sequential test or retail impact assessment.
- 10.5 A condition will be added to the decision notice restricting the total net sales area to no more than 280 sqm (which reflects the Sunday trading rules) and food sales only, to avoid the shop expanding beyond the parameters which are acceptable under this application.

Highways

- 10.6 *11/02100/FU* – This application was originally presented without any indication of how the store was going to be serviced. Considering that the proposed extension and alterations are intrinsically linked into the operation that Tesco intend for the site, it was considered necessary to request a delivery management strategy. The strategy detailed that deliveries would be undertaken via Burley Street once a loading bay had been installed. This would have been achieved by utilising the parking bays to the front of The Queen and altering the associated Traffic Regulation Order (TRO). To maintain the parking facility for residents, the applicant proposed to have 'loading only' at certain times.
- 10.7 The multiple restrictions necessary for a loading bay on Burley Road would cause confusion resulting in a lack of compliance and difficulties with enforcing the restriction. Due to these limitations, the loading bay has been relocated to Westfield Terrace. This bay will be full time so parking will not be permitted at any time. To ensure the public are aware of this restriction the wording 'Loading Bay' will be marked on the carriageway.
- 10.8 The loading bay is proposed to be 15m long to accommodate 10.35m rigid vehicles. The applicants have submitted a tracking diagram that demonstrates that such a vehicle can comfortably use the bay. Westfield Terrace has a slight gradient so to avoid cages rolling onto Burley Road vehicles will be parked facing Burley Road. To achieve this, the vehicle will turn up Westfield Crescent, drive along Westfield Road, and down Westfield Terrace facing Burley Road. The tracking diagram presented demonstrates that this is possible.
- 10.9 The goods are to be taken from the vehicles on Westfield Terrace and will access the property via an existing entrance within the side elevation of The Queens. The entrance is currently wide enough to take the cages. An internal ramp will be required within the doorway to overcome a levels difference.

External alterations

- 10.10 *11/02100/FU* – To the rear of the property, as previously outlined, the applicant has proposed two relatively modest extensions. The single storey extension is proposed to be set behind an existing side extension and will square this area off. The proposal will be built on what currently houses a flat roofed open sided structure, so will not conflict with any parking or servicing arrangements. The flat roof element is not ideal. However, a roof with a pitch would conflict with existing features found within the first floor of the property and would add to the bulk of the extension. Considering the two metre high boundary wall and the levels changes beyond the rear of the site, the proposal will not introduce visual harm. The infill extension is proposed to remove an existing gap between older extensions, which in visual terms will be an improvement. Both alterations are to be constructed from matching brick.
- 10.11 There are a number of small scale alterations to the front elevation. The most obvious being the removal and replacement of existing signage (see 10.4 for discussion) and the insertion of a glass automatic double door. The other alterations include the removal of aerials, alarm box, a vent, and lights. The proposal also involves the ground floor interior and internal walls being taken out. None of this work requires planning permission.
- 10.12 At ground floor level to the right of the main façade there is currently a row of four small windows. This is where the applicant is proposing to insert the main entrance to the shop unit, which is to be set inline with outer edges of the window frames and below the top lights. The top lights are to be in-filled and a string course inserted. This approach will not affect the symmetry of the building's main façade or the arched passageway. The proposed aluminium and glass are light materials that will sit well with the red brick of the existing property.
- 10.13 *11/02101/FU & 11/02103/FU* – The air conditioning units are proposed to be positioned on top of the roof associated with the single storey extension and screened. This location prevents the units blocking the access via the archway (fronting Burley Road) and cluttering the historic yard. The area to the rear of the public house is residential in nature and due to the gradient beyond the site the plant would be visible from the streetscene. Considering this, there was a need to reduce the scale of the plant (by clustering equipment closer together) and improve the quality of the material.
- 10.14 The conditioning equipment has been clustered closer together reducing the required plant area by 11.25m². The consequence of this is that the air conditioning units have been raised (as discussed in paragraph 2.4) so 300mm of side elevation of the end unit is visible above the enclosure. However, comparing this to the original plant size, or indeed a higher fence, the visual intrusion would be minimal. In addition, the air conditioning units can be finished in an appropriate colour (perhaps red) to further alleviate any visual harm. The outcome of these alterations is a plant area that is set closer to the building and appears less intrusive within the residential context. The screening has been altered from a wire mesh and wooden fence combination to aluminium louver panels. The panels are proposed to be a similar colour (red) to the existing property so they sit well within their context and are not prominent within the streetscene.

Signage

- 10.15 *11/02102/ADV* – The signage originally proposed was considered excessive and two of the advertisements were not sensitively located. The central doorway surround is

one of the key features associated with this historic building. There is an existing sign in this location that follows the arch of the curve. Initially the Tesco Metro sign obscured this feature but has now been altered to pinned off lettering following the arch.

- 10.16 The fascia sign positioned at first floor height has been completely removed from the scheme due to being at an inappropriate height. Fascia signs are traditionally located over the shop window that is positioned at ground floor level. Given that any signage of this nature would obscure the architectural features of the property, the applicant has proposed a projecting sign with over lighters near the front entrance. There is a second projecting sign to the front elevation with over lighters; located in the same position as the existing. Considering that such a sign is traditional with public houses, the proposal is thought to be appropriate and respond to the character of the property.
- 10.17 Previously the application incorporated two large signs to the side elevation. These were felt to be overbearing and poorly positioned on the elevation. Furthermore, with the two projecting signs positioned to the front elevation and the sign to the rear, there would be a cumulative impact in relation to level of signage over the property. For these reasons the signage has been removed from the scheme. The proposed vinyl film to the bottom windows is considered an improvement on the original scheme. However, this element benefits from deemed consent and so does not require permission.
- 10.18 To the rear of the property there is a relatively large existing sign illuminated by top lighters. The signage application intends to replace this but will respect the existing in terms of proportions and lighting. As previously discussed, the property is not listed so the prevention of features being removed, including existing signage, is not within the control of the Local Planning Authority.

Impact on residential amenity

- 10.19 *11/02100/FU* – There are residential properties near The Queen along Burley Road and to the rear of the site. Therefore, it is important to ensure that the business operation does not introduce harm to residential amenity. Environmental Health has recommended a condition regarding delivery hours which will accompany one concerning operational hours, to ensure the business function does not disturb neighbouring residents enjoyment of their properties.
- 10.20 Tesco have a policy relating to deliveries to ensure they cause minimal disturbance. Vehicle engines and chiller units will be switched off during unloading/loading. The only alarm that remains on is concerned with reversing to meet the relevant health and safety guidelines. Goods cages are fitted with rubberised wheels to minimise noise.
- 10.21 *11/02101/FU* – A noise report regarding the conditioning units has been submitted to the Local Planning Authority and reviewed by Environmental Health. They are satisfied that the distance between the units and the nearest residential property is such that any noise produced will not be audible.

Representations

- 10.22 A number of the concerns raised have been addressed in other sections of the report. Therefore, to avoid repetition, the remaining issues will be discussed here.

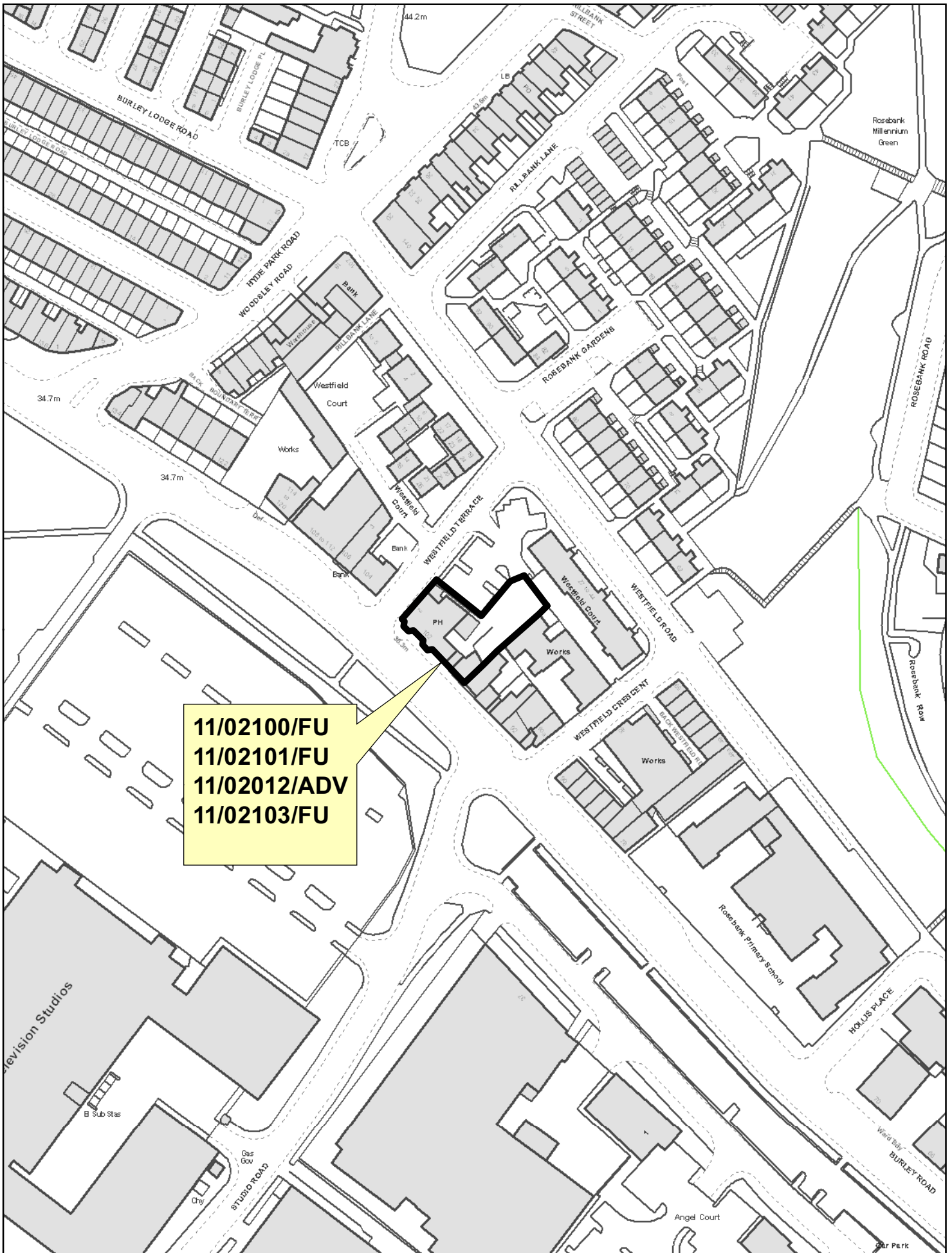
- 10.23 The matter of Tesco introducing further competition to the local area is not a material planning consideration. In relation to the loading bay on Westfield Terrace, the proposal is not removing all of the existing parking and when the Planning Officer visited the site only two cars were parked here. Furthermore, the Highways Officer who manages the TROs has not objected to the proposal.
- 10.24 Concern has been expressed that an opportunity for a community pub is being missed. The Queen has been vacant for some time and no one has come forward to run it as an A4 use. Furthermore, as previously discussed, the change of use is permitted development and so it is not within the Local Planning Authority's remit to question principle. The Queen has been closed for some time, which indicates that its function within the local community is not required.
- 10.25 Customers discarding their waste responsibly is matter of education and not a material planning consideration.

11.0 CONCLUSION

- 11.1 The proposal is considered acceptable in terms of principle, amenity, and highway safety. This development will retain this important historic property in use with minimal alterations to the architectural features. Therefore, is acceptable in relation to the property and the character of the area. Considering this, the proposal complies with the relevant provision of the adopted UDP and national planning guidance. There are no other material considerations that out weigh this finding, so a recommendation of approval is made.

Background Papers:

Application files: 11/02100/FU
11/02101/FU
11/02102/ADV
11/02103/FU



11/02100/FU
11/02101/FU
11/02012/ADV
11/02103/FU

WEST PLANS PANEL





Originator: M Walker

Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th September 2011

Subject: APPLICATION 11/02569/FU – Part two storey, part single storey side and rear extension with porch to front at 82 Moorland Road, Pudsey, LS28 8EJ

APPLICANT

Mr C Zaffair

DATE VALID

29.06.2011

TARGET DATE

24.08.2011

Electoral Wards Affected:

Calverley & Farsley



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:

Conditions

1. Time limit
2. Plans to be approved
3. Materials to match
4. No insertion of windows
5. Introduction of fencing
6. Reduction in garage
7. Justification

Reasons for approval: The application is considered to comply with Policies GP5, BD6, of the Leeds Unitary Development Plan (Review 2006), not cause harm to the character or appearance of the original house or street scene, nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

1.0 INTRODUCTION:

1.1 Councillor Andrew Carter has requested the application be brought before plans panel as, given the extensive planning history at the property and the partially completed state of the development for a significant period of time, wider scrutiny of the proposal by members is required.

2.0 PROPOSAL:

2.1 The application proposes an alteration to the previously approved part two storey, part single storey front, side and rear extensions (08/00495/FU). That application was itself a resubmission and enlargement of another prior approval (25/157/05/FU) of virtually the same description.

2.2 The applicant now seeks planning permission for the erection of a two storey side extension to the host property. The extension is proposed to be a variable 1.95 - 3.5 metres in width, the widest dimension being to the front elevation of the dwelling, the smaller towards it's rear, employing a splayed edge parallel to the tapering boundary of the site. The extension would be 4.8 metres in height to the eaves, employing a hipped roof form which would be set down from that of the original house by 300mm and recessed from the main roof plain by 600mm.

2.3 A two storey rear extension with a hipped roof is then proposed to be set 3.2 metres from the shared boundary with the conjoined neighbour, projecting 1.4 metres from the rear wall.

2.4 A porch is proposed to the front elevation, with a canopy above, wrapping around the extension with a small mono pitch roof to the side employed where the first floor is recessed by 0.5 metres from the ground floor side elevation. A ground floor bay window is also proposed to the front elevation.

2.5 The applicant proposes the use of brick external walls and Rosemary tiles to the roof.

3.0 SITE AND SURROUNDINGS:

3.1 Located near the junction of Galloway Lane and Moorland Road and within an area that is similarly residential, the property consists of a semi-detached house erected with mottled brown brickwork and hip roof over covered by weathered red clay tiles. A feature of the front elevation is the bay windows that have a pitch roof over with a mock-Tudor style gable.

3.2 To the front of the house is a good size garden area and driveway whilst to the rear is a more moderate size garden. The site is fairly flat and even in level and enclosed by brick walling, metal rails, timber fencing and robust shrubbery planting. The house is at an off-set angle from the neighbouring dwelling (80 Moorland Road) that would be adjacent to the proposed extension.

3.3 The townscape of Moorland Road is defined by semi-detached houses of similar design, appearance and period of construction with space between the semi-detached pairs, small trees and other greenery also strong characteristics of the setting.

4.0 RELEVANT PLANNING HISTORY:

4.1 Reference: 08/00495/FU
Address: 82 Moorland Road
Pudsey
LS28 8EJ

Proposal: Part two storey, part single storey front side and rear extension with retention of 1.8m front boundary wall and gates
Status: Approved
Decision Date: 20-MAR-08

4.2 Reference: 08/06770/FU
Address: 82 Moorland Road
Pudsey
LS28 8EJ

Proposal: Retrospective application to raise eaves height to main roof of previously approved application 08/00495/FU part two storey part single storey front side and rear extension
Status: Refused
Decision Date: 05.02.2009

4.3 Reference: 25/157/05/FU
Address: 82 Moorland Road Pudsey
Proposal: Part two storey part single storey side extension and porch to front
Status: Approved
Decision Date: 22-JUN-05

4.4 Reference: 0-25/34/05/MOD
Address: 82 Moorland Road Pudsey
Proposal: Part two storey part single storey side extension and porch to front
NON MATERIAL AMENDMENT: Changes to the design of the roof
Status: M01(approved)
Decision Date: 17-FEB-06

4.5 Enforcement:
Reference: 08/01239/NCP2
Address: 82 Moorland Road
Pudsey
LS28 8EJ

Breach Type: NCP2
Status: Pending

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application site was initially the subject of an application in 2005 (25/157/05/FU) and a minor modification to those plans in 2007 which approved works for a two storey extension to the side of the host property including a 2.6 metre wide first floor extension at it's widest point and proposed ground floor width of 4.5 metres, with no distance retained to the side boundary of the site.
- 5.2 In 2008 an application (08/00495/FU) was submitted to amend the previous approval and allow for a change in roof design, with a sloping side eaves line and the retention of a gap to the side boundary of 800mm, whilst increasing the width of the first floor portion of the development slightly to 3.3 metres at the widest point. This was approved.
- 5.3 In 2008, a third application (08/06770/FU) was submitted to Leeds City Council. This new proposal again involved a first floor extension width of 3.3 metres but did not features the sloping eaves line of the previous proposal, thereby producing an eaves height of 4.7 metres positioned 800mm from the common boundary for the full length of the dwelling. Although the extension appeared more sympathetic in it's design to the previous approval the application was refused on the grounds of over-dominance to the occupiers of 80 Moorland Road.
- 5.3 In February 2010 planning officers including the Head of Planning Services met the applicant on site to discuss ways to move the stalled building works forward, which had now been in a partial state of completion for a number of years and the subject of an extant enforcement case requiring conclusion. The applicant was advised that any new extension would need to correctly subordinate the property, the proposed bay windows would have to be removed from the first floor and a subservient roofline employed. It was agreed that, despite the previous refusal, a lowering of the eaves line of the property would have no real benefit to neighbours with regard to over-dominance and a boundary fence should also be erected to enclose the rear garden area. A portion of the existing rear garage would be required to be removed to provide suitable private garden space to the rear of the house.
- 5.4 In June 2011 the application under appraisal was submitted in accordance with the advice provided to the applicant in February 2010.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 One letter of objection has been received from the adjacent neighbour at 80 Moorland Road.

7.0 CONSULTATIONS RESPONSES:

Statutory & Non-Statutory Consultations:

None

8.0 PLANNING POLICIES:

8.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006).

8.2 Leeds Unitary Development Plan (Review 2006) Policies:
Policy GP5: General planning considerations
Policy BD6: General planning considerations
Policy T2: Refers to parking provision

8.3 PPS1: Delivering Sustainable Development

8.4 SPG 13 – 'Neighbourhoods For Living'

9.0 MAIN ISSUES

- i) Design and Character
- ii) Overlooking
- iii) Over-dominance/Overshadowing
- iv) Parking
- v) Private Garden Space

10.0 APPRAISAL

10.1 Design and Character

- 10.1.1 As the house is offset from its nearest neighbour, it is considered to offer no undue potential for a terracing effect to occur and also ensure that the distinct separation remains between houses, in line with good townscape principles. Many properties in the local and wider street scene feature two storey side extensions of comparable scale and massing. The property's character is derived from its hipped roof form, its mock Tudor detailing and its transverse front gable which is currently the focus of the dwelling. In its shape, form and detail (including window detail) the extension broadly replicates the appearance and features of the host dwelling and thus in this regard is considered acceptable. It is noted that in building to the side of the dwelling there is some loss of focus to the front gable however this is not to such a degree as to be detrimental.
- 10.1.2 The proposed front porch, canopy and bay window are intended to bring some fluidity between the extension which, as can be seen on site features a slightly different tone of brickwork to the mottled brown brick of the original house. The property roof form is to feature a matching tiled throughout and the new front canopy, spanning the front of the extension, the new porch and tying up to the existing front bay window should promote better visual consistency between old and new features of the property, where presently the extension appears quite stark adjacent to the original house.

10.2 Overlooking

- 10.2.1 The proposed extension does not feature any windows to its outer side and this matter will be controlled by condition to prevent overlooking to the residents of 80 Moorland Road. The proposed two storey rear extension features no side windows facing 20 Galloway Lane and again this matter will be controlled by condition. The proposed first floor rear window fails to achieve the requisite 7.5 metres to the rear boundary outlined in SPG13 – 'Neighbourhoods For Living' as suitable to prevent overlooking of the rear neighbour at 25 Moorland Drive and as this window serves a bathroom it should be obscure glazed for the privacy both the applicant and neighbour. Again this will be controlled by condition in the event of an approval.
- 10.2.1 During on site discussions the applicant was advised that the rear garden needed some further enclosure to provide some additional privacy to the occupants of 80 Moorland Road and therefore a condition for 1.8 metre fencing will be applied to the western boundary of the application site between the rear of the extended house and the reduced garage structure, giving the rear garden a greater degree of enclosure.

10.3 Over-dominance/Overshadowing

10.3.1 The proposal is acceptable in terms of overshadowing as its siting to the east of the side driveway of 80 Moorland Road means that its ability to directly overshadow the private amenity space of neighbours is limited. It is accepted that some additional overshadowing of the neighbour's driveway and side elevation will occur during the early morning, and a little to the front of the dwelling during the mid morning, however as this will not impact the private amenity space little significant detriment is anticipated.

10.4.2 The proposal is considered acceptable in terms of over-dominance, largely for the reasons noted above. It is accepted that the proposal brings the side elevation of 82 Moorland Road into closer proximity with that of 80 Moorland Road, however there is a first floor break to the side boundary of 1 metre proposed. With only a limited number of window and door openings in the side elevation of 80 Moorland Road (where the kitchen window opening is a secondary window to the main kitchen window situated to the rear elevation), on balance and in light of the lengthy amount of time the extension has been partially completed to eaves height and mindful of the earlier permissions to the property, the eaves height of 4.8 metres is not considered to be sufficiently harmful to warrant a refusal of the application.

10.4 Parking

The application site features a lengthy area of enclosed drive-space suitable for parking at least two cars off road.

10.5 Private Garden Space

Presently, a garage structure shared with 25 Moorland Drive overlaps the rear boundary of the site although the portion within the application site boundary is wholly within the ownership of the applicant. The rear garden area is compact and for the general residential amenity of occupiers it is important that an area of private garden space is retained as whilst there is some degree of enclosure to the front garden area, it is not considered private. In line with on site discussions, a condition will be applied that, prior to the completion of the extensions, the garage be reduced in size in accordance with the submitted plans, to ensure a small area of additional private garden space is produced and to prevent an over-development of the application site.

11.0 **CONCLUSION**

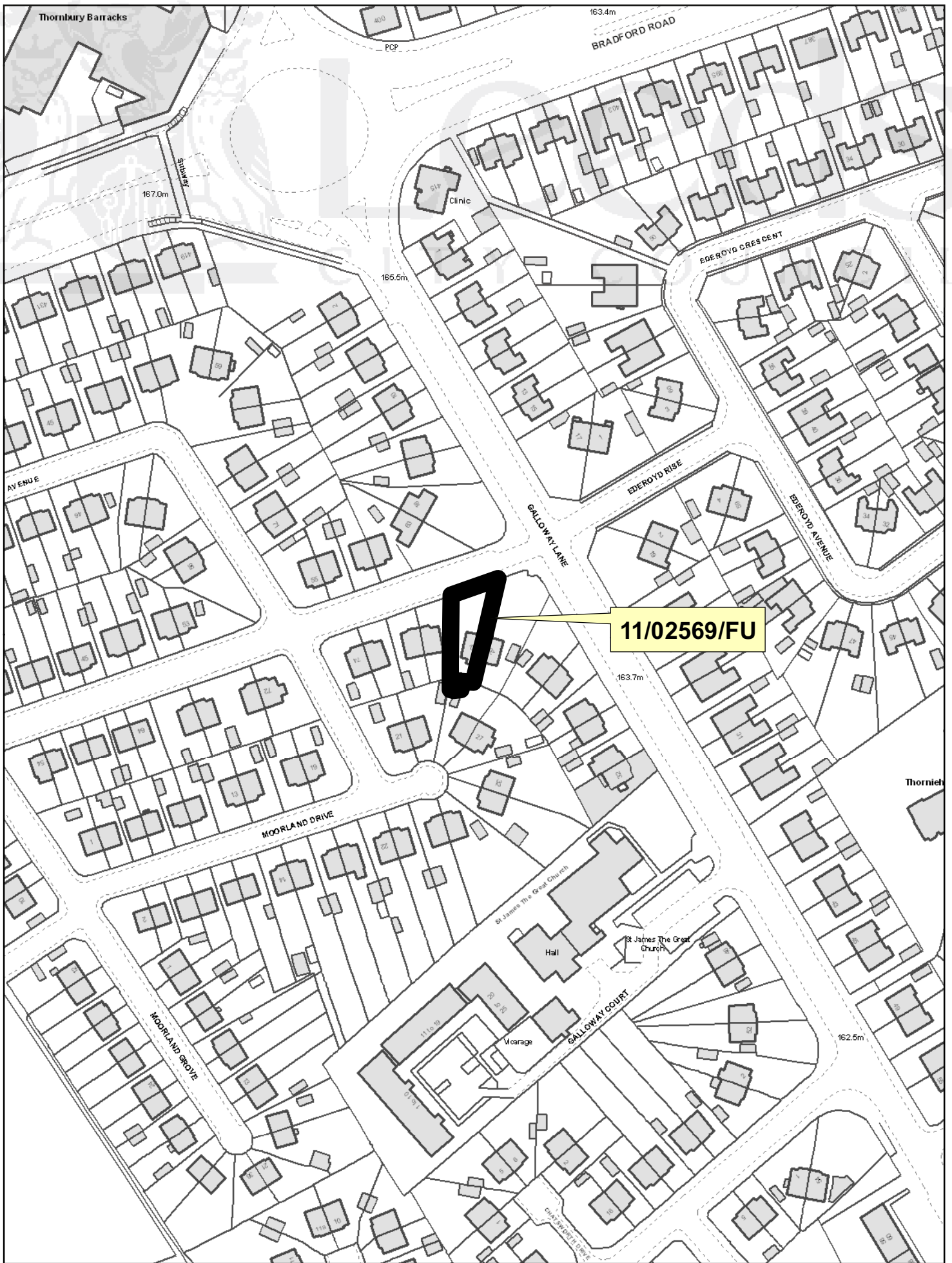
11.1 In conclusion, consideration has been given to all material planning considerations and all matters raised and it is considered that, subject to the appropriate conditions, consent be granted.

Background Papers:

Application files: 08/00495/FU, 08/06770/FU, 25/157/05/FU, 08/01239/NCP2
SPG13 – 'Neighbourhoods For Living'

Ownership Certificate:

Certificate A signed by agent



WEST PLANS PANEL



Originator: J Thomas

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL

EAST 8th September 2011
WEST 15th September 2011
CITY CENTRE 27th September 2011

Subject: Draft Householder Design Guide

Electoral Wards Affected: All

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are asked to note the contents of the report and the proposed consultation strategy.

1.0 INTRODUCTION

- 1.1 This report outlines the consultation strategy for the Draft Householder Design Guide. It is intended that the Design Guide will be adopted as an SPD within the Local Development Framework.
- 1.2 The Draft Householder Design Guide offers advice to those wishing to extend their houses and encourages good design in all aspects of building and development. This replaces the superseded Residential Design Aid 6 which was withdrawn following the introduction of Planning Policy Statement 1.
- 1.3 The design guide has been designed with two distinct purposes in mind. Its primary function is to provide clear, detailed and comprehensive advice for agents and applicants who are thinking about developing their properties. The guide is also a policy document and contains three policies which will be used when assessing and determining planning applications.
- 2.3 An Equality Impact Screening has been undertaken and is currently being assessed by the Equality Team. Initial comments suggest that a full Impact Assessment will not be necessary.

2.0 SUMMARY OF CONTENTS

- 2.1 The Draft Householder Design Guide is split into two distinct sections. The first section outlines the general areas which are to be looked at when assessing applications, such as design and character or overlooking. These are demonstrated visually through a diagram and expanded with text, with more detail being given within the following pages. The importance of considering conservation areas, listed buildings, the Green Belt and protected species is also outlined. This section essentially provides a walk through of the site appraisal process.
- 2.2 The second section provides information about the types of extensions which may be built and gives detailed advice regarding the issues which will be relevant to each particular extension.
- 2.3 A policy summary is provided at the end of the document.

3.0 SUMMARY OF NEW POLICIES

- 3.1 The Draft Householder Design Guide contains three new policies, HDG1, HDG2 and HDG3 which can be found on pages 8, 11 and 19 respectively. These are to be read in conjunction with the development plan and do not seek to supersede the UDPR.
- 3.2 Policy HDG1 expands and develops policy BD6 of the UDPR. Policy BD6 notes that “all alterations and extensions should respect the scale, form, detailing and materials of the original building.” HDG1 continues this approach but also notes that the character of the locality must be considered. Attention is also drawn to elements such as window detailing and boundary treatments.
- 3.3 Policy HDG2 expands and develops policy GP5 of the UDPR. Policy GP5 notes that “development proposals should seek to avoid...loss of amenity”. Policy HDG2 elucidates this text by noting that development proposals should protect the amenity of neighbours and should not create unreasonable levels of overdominance, overshadowing or overlooking.
- 3.4 Policy HDG3 is a Green Belt Policy which has been created following the deletion of policy GB8 during the review of the UDP in 2006. Policy GB8 was the only Green Belt policy which made specific reference to house extensions, and thus since its loss householder applications have been refused on N33, which is a summary of Planning Policy Guidance Note 2. As such householder have had no local Green Belt policy for five years. The text of this policy summaries the approach of PPG2 to house extensions within the greenbelt and seeks to define “limited extensions” as those which represent approximately a thirty percent increase on the volume of the original building.
- 3.5 It should be noted that the use of a thirty percent threshold is a new approach. The deleted GB8 suggested that a one hundred percent increase was appropriate, however the Inspectorate considered this too generous and thus an informal approach based on a fifty percent threshold was instituted. Within this environment the householder team have had a noticeable appeal success with Green Belt applications and this suggests that a lower figure may be more appropriate. The approach taken by surrounding Authorities has also been considered, and the majority of these work to between thirty and forty percent. As such it is considered that the introduction of the thirty percent threshold is reasonable and consistent with general practice and national policy.

4.0 PUBLICITY AND CONSULTATION

- 4.1 It is intended that the Draft Householder Design Guide will be adopted as an SPD. The council's commitment to this is outlined in paragraph 4.12 (pg 14) of the Statement of Community Involvement which notes that the Draft Householder Design Guide is being produced as an SPD.
- 4.2 Appendix 5 (pg 34) outlines the process of engagement and consultation for SPD's, with additional detail about the methods of consultation and participation contained within Appendix 1. In line with this advice regarding the methods of consultation and participation outlined within Appendix 1 the following consultation will be undertaken.
- The document will be made available on the Council's website with comments forms available so that all stakeholders can provide written comments.
 - Reference copies of the document and comments forms will be available in the Development Enquiry Centre and other appropriate venues across the city.
 - A letter will be sent to all libraries directing them to the document and comments forms on the website and encouraging them to provide reference copies for the public to view and offer comments on.
 - A press release will be issued and information placed on Talking Point. Information will also be placed on Twitter with a re-tweet by Tom Riordan.
 - Two half day public events, one covering the Householder West Team and one the Householder East Team will be held. These events will involve a formal public meeting. Ward Councilors, Parish Councilors and local residents/amenity/civic groups will be invited. These events will also be advertised, where possible, in the local press. Officers from the relevant team will be in attendance to answer questions and provide advice and guidance.
 - Attention will be drawn to the consultation process with regular agents through an email at the start of the consultation process. They will be directed to the information on the website.
- 4.3 Public consultation will begin on 19th September 2011 and will be for a six week period, ending 21st October 2011. The public meetings will be held on Tuesday 18th October. The West area will be in the morning with a public meeting starting at 9.30pm and a drop in session from 10.00 – 12.30pm. This meeting has been arranged toward the end of this process to allow ample time for all stakeholders to have read and absorbed the document.

5.0 RECOMMENDATION

- 5.1 Note the contents of the above report.

Background Papers:

Draft Householder Design Guide

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