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**PLANS PANEL (WEST)**

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 13th October, 2011  
at 1.30 pm

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**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><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></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><b>DECLARATIONS OF INTEREST</b></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><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the Plans Panel West meeting held on 15 September 2011</p>	3 - 10
7	Kirkstall;		<p><b>APPLICATION 11/03274/FU - BRITISH HOME STORES, BRIDGE ROAD, KIRKSTALL, LS5</b></p> <p>To consider a report of the Chief Planning Officer which gives a progress report on mixed retail development.</p> <p>(report attached)</p>	11 - 22
8	Horsforth;		<p><b>APPLICATION 11/03503/FU - ADJACENT TO EMMOTT HOUSE, TOWN STREET, RAWDON, LS19</b></p> <p>To consider a report of the Chief Planning Officer on an amendment to approved application for 4 bedroom detached dwelling house with 8integral garage (siting).</p> <p>(report attached)</p>	23 - 30

Item No	Ward	Item Not Open		Page No
9	Calverley and Farsley;		<p><b>APPLICATION 11/02569/FU - 82 MOORLAND ROAD, PUDSEY, LS28</b></p> <p>To consider a report of the Chief Planning Officer for an application for a part two storey, part single storey side and rear extension with porch to front.</p> <p>(report attached)</p>	31 - 42
10	Farnley and Wortley;		<p><b>APPLICATION 11/02847/FU - 21 LOWER WORTLEY ROAD, WORTLEY, LS12</b></p> <p>To consider a report of the Chief Planning Officer for retrospective change of use of shop (A1 Use Class) to hot food take away (A5 Use Class)</p> <p>(report attached)</p>	43 - 50
11	Horsforth;		<p><b>APPLICATION 11/02795/EXT - FORMER WOODSIDE DYEWORKS, LOW LANE, HORSFORTH, LS18</b></p> <p>To consider a report of the Chief Planning Officer for extension of time for Planning Application 08/04075/OT for outline application to layout access road and erect residential development.</p> <p>(report attached)</p>	51 - 60
12	Otley and Yeadon;		<p><b>APPLICATIONS 11/03008/LI &amp; 11/03009/FU - THE MANOR HOUSE AND CLITHEROE HOUSE, OUR LADY AND ALL SAINTS CHURCH, MANOR SQUARE, OTLEY, LS21</b></p> <p>To consider a report of the Chief Planning Officer for applications for alterations and two storey part single storey extensions to form parish centre, 6 flats and parking; internal and external alterations and demolition of store room</p> <p>(report attached)</p>	61 - 70

Item No	Ward	Item Not Open		Page No
13	Weetwood;		<p><b>APPLICATION 07/01373/FU - CARNEGIE COLLEGE CAMPUS, CHURCH WOOD AVENUE, LS16</b></p> <p>To consider a report of the Chief Planning Officer for an application for proposed variation to S106 agreement governing use of car parking by occupiers of student flats</p> <p>(report attached)</p>	71 - 74
14	Guiseley and Rawdon;		<p><b>APPLICATION 11/02910/OT - NETHERFIELD MILLS, NETHERFIELD ROAD, GUISELEY, LS20</b></p> <p>To consider a report of the Chief Planning Officer for outline application to layout access and erect 98 dwellings</p> <p>(report attached)</p>	75 - 88
15	Otley and Yeadon;		<p><b>APPLICATION 11/01803/ADV - LEEDS BRADFORD INTERNATIONAL AIRPORT, WHITEHOUSE LANE AND VICTORIA AVENUE, YEADON LS19</b></p> <p>To consider a report of the Chief Planning Officer on an application for 7 illuminated free standing hoardings</p> <p>(report attached)</p>	89 - 98
16			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Thursday, 10<sup>th</sup> November 2011</p>	

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To:

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

**Chief Executive's Department**  
Democratic Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

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 AT 1.30 pm**

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

- 1                    10.40 On site – Planning applications **11/03008/LI and 11/03009/FU**  
Alterations and part two storey, part single storey extensions to form Parish Centre, 6 flats and parking, internal and external alterations and demolition of store room – The Manor House and Clitherow House, Our Lady and All Saints Church, Manor Square Otley (Meet to the front of the premises if travelling independently). Leave 11.00.
- 2                    11.20 On site - Planning application **11/03503/FU** Amendment to approved application for a 4 bedroom detached house with integral garage – Land adjacent to Emmot House, Town Street, Rawdon (meet at access off Town Street adjacent to Sunningdale Nursing Home if travelling independently)  
Leave 11.40  
Return to Civic Hall at 12.00 approximately

**A minibus will leave the Civic Hall at 9.50 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 9.45 am

Yours sincerely

**Andy Booth**  
**Governance Officer**

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## PLANS PANEL (WEST)

THURSDAY, 15TH SEPTEMBER, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors B Chastney, M Coulson,  
K Groves, J Hardy, J Harper, T Leadley,  
J Matthews, P Wadsworth and R Wood

### 40 Chair's opening remarks

The Chair welcomed everyone to the meeting and reminded Panel Members of the need to switch off their mobile phones etc during the meeting to enable them to concentrate fully on the matters under discussion

### 41 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 11/02856/FU – 77 – 77a Otley Road LS6 – a plan of the area tabled by Officers (minute 49 refers)

Applications 11/02100/FU/11/02101/FU/11/02102/ADV and 11/02103/FU – 102 Burley Road – a drawing showing alternative proposals for the front elevation (minute 52 refers)

### 42 Application 11/02910/OT - Outline application to lay out access and erect 98 dwellings at Netherfield Mills Netherfield Road LS20

The Panel's Lead Officer requested the report on this application be withdrawn from the agenda. He explained that the issues around the affordable housing contribution had not been fully articulated within the report and that if Panel agreed to this course of action, a further report would be provided at the next meeting

**RESOLVED** - To withdraw the report from the agenda

### 43 Declarations of Interest

The following Members declared personal 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 11/02856/FU – 77 – 77a Otley Road LS6 – Councillors Chastney and Matthews declared personal interests through having attended residents' meetings on various planning applications. Both Members stated that they had not formed a view on the application (minute 49 refers)

Application 11/02169/FU – Supermarket with landscaping and car parking at Otley Road Guiseley LS20 – Councillor Harper declared a personal

interest as a member of West Yorkshire Integrated Transport Authority which had commented on the proposals (minute 50 refers)

Application 10/02739/FU – residential development at former Wharfedale Hospital Otley LS21 – Councillor Harper declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 51 refers)

Councillor Harper also stated that the report relating to Application 11/02100FU – 102 Burley Road mentioned Councillor Harper and that this referred to Councillor G Harper and not Councillor J Harper

#### **44 Apologies for Absence**

Apologies for absence were received from Councillor Akhtar

#### **45 Minutes**

**RESOLVED** - That the minutes of the Plans Panel West meeting held on 18<sup>th</sup> August 2011 be approved subject to the following amendment to minute 31 – Application 11/02420/FU – 53 Ash Grove LS6

‘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’ be amended to read:

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

#### **46 Matters arising from the minutes**

Minute 34 – Application 11/00897/RM – Stonebridge Lane Wortley LS12

Reference was made to a deputation to the Council meeting held on 14<sup>th</sup> September regarding the impact of a supermarket at the Stonebridge Mill Site on local businesses

Minute 28 – Application 11/02021/FU – Headingley Carnegie Stadium St Michael’s Lane LS6

Reference was made to a recent newspaper article regarding the future of the stadium; that there were financial issues preventing its redevelopment but that bidding would still take place to host top flight matches, with concerns being raised that the Panel had been rushed into making a decision on a scheme which could have benefited from further amendments

#### **47 Draft Householder Design Guide**

Members considered a report of the Chief Planning Officer outlining the consultation strategy for the Draft Householder Design Guide which would

commence on 19<sup>th</sup> September. A copy of the draft guide had been sent to Members separately from the agenda

Officers presented the report and informed Panel that the document formalised the current approach being used to assess planning applications and encouraged good design

Three new policies were proposed; these related to character, neighbourhood amenity and extensions to properties in the Green Belt, in particular 'limited extensions' within the Green Belt were to be defined as approximately a thirty percent increase on the volume of the original building

Members commented on the following matters:

- how the guide would be applied to permitted development
- the forthcoming changes to planning legislation and whether this document would be compatible with this
- the number of planning documents Members received and the need for a list to be circulated advising Members which documents remained current. The Panel's Lead Officer agreed to provide this

**RESOLVED** - To note the report, the proposed consultation strategy and the comments now made

**48 Application 11/02569/FU - Part two storey part single storey side and rear extension with porch - 82 Moorland Road LS28**

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

Officers presented the report which related to house extensions, partially built, at 82 Moorland Road Pudsey. Members were informed that an extant permission granted in 2008 would allow the construction of a ground floor extension up to the boundary

There were concerns about the workmanship of the extension and that if agreed, Building Control would work closely with planning officers and the applicant on the revised scheme

The Chair indicated he was minded to request deferral of the application to enable issues around the quality of the work on the site to be resolved before considering this latest application

Members commented on the following matters:

- whether the quality of the works could be considered by Panel and the purpose of the delay if determination of the application was deferred
- the need for the situation to be resolved
- that the brickwork on the corner of the extension did not accord with the approved plans and concerns that if the situation was not remedied it could lead to costly enforcement action
- the need for information from Building Control on which elements of the existing extension could be retained
- that Members needed assurances that what had been designed could be built; that measures had been taken to

improve the situation and the need for close working with Building Control

Officers stated that having checked the building control records, the walls which had been constructed were wholly unauthorised and whilst enforcement action could be taken, there was a scheme before Panel which might be considered to be acceptable

**RESOLVED** - To defer determination of the application to enable Officers to discuss and address the issues raised by Panel with the applicant and to ask the Chief Planning Officer to submit a further report in due course for Panel's determination of the application

**49 Application 11/02856/FU - Change of Use of part ground floor and all first floor from retail (class A1) to restaurant (A3) at 77 - 77A Otley Road LS6**

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

Officers presented the report which sought a change of use of a commercial property in the Headingley District Centre and Conservation Area to restaurant use

The property was not a primary shopping frontage and as previous planning permission had been granted on the property for a solicitors office, Officers were of the view that a non-retail shopping use could not be refused

In terms of car parking to be provided, this was less than the UDP maximum, however there was parking in the vicinity which could be used and it was felt that it would not be possible to sustain a refusal of the application on lack of parking

The proposals would see a new entrance at ground floor level and a provision of a lift which would access much of the property, with an aspiration to create disabled access to the whole of the building; currently disabled access to the building was limited

Members were informed of 20 objections which had been received from members of the public and that Councillors M Hamilton and Chapman had raised concerns about the application

The Panel heard representations from a local resident against the application and the owner of the property for the proposal who attended the meeting

Members commented on the following matters:

- the extent of the restaurant usage and that the proposals detailed by the owner suggested a bar (A4) use as well as that being applied for
- details of the servicing arrangements
- concerns at the loss of a retail unit
- car parking and the particular problems this caused in the Headingley Ward; that currently unauthorised parking was taking place on Council owned land to the side of the property resulting in damage to an established tree and that this would continue if the application was granted
- the level of parking being proposed; that this would not cater for those using the restaurant, particularly late into the evening and

would lead to increased on-street parking, including the blocking of Otley Road once the single yellow line restriction ceased to apply in the evening

The Panel's Highways representative explained she thought there were double yellow lines along this stretch of Otley Road and that had she known these were single yellow lines she would have requested the inclusion of a deferred TRO for the applicant to fund double yellow lines if problems occurred with the restaurant use

In view of this comment, the Chair stated that this was a material planning consideration and proposed the application be deferred for further consideration

Members considered how to proceed

**RESOLVED** - That consideration of the application be deferred and that the Chief Planning Officer be asked to submit a further report which addressed the issues raised by Panel and including details on the level of public car parking available in the Arndale Centre; access arrangements; the protected tree adjacent to the site and the background to the conversion of allotments to car parking, as shown on the plan tabled by Officers

**50 Application 11/02169/FU - Supermarket with car parking and landscaping - Otley Road, Guiseley, LS20**

Plans, photographs and graphics were displayed at the meeting

Officers presented a report which sought permission for a supermarket on an out of centre vacant brownfield site on Otley Road Guiseley which fronted Green Belt land

The store would be located towards the front of the site to enable adequate screening to the Green Belt. The servicing area would be at the rear of the site and positioned at the furthest point from the residential properties on Bradford Road to minimise noise and disturbance

The proposed materials would comprise brick and glazing which were considered to be acceptable in the area which featured a range of different finishes

Officers reported three additional letters of objection which had been received together with a letter of support from the adjacent business

Members commented on the following matters:

- highways issues
- car park security; that consideration needed to be given to additional measures including CCTV or speed bumps and that these should be discussed with Ward Members
- that a condition requiring the car park to be secured after closing time be included to address anti-social behaviour issues
- the definition of a discount operator as set out in the proposed Section 106 Agreement

Officers provided the following responses:

- that the alterations to the access to allow right and left turns had been modelled and that the assessments indicated these modifications would be effective. Furthermore the predicted trip rates would not be so great to indicate there would be a problem

- that a detailed scheme for securing the car park had to be submitted and that the concerns raised about anti-social behaviour had been noted and that Ward Members would be consulted on the proposals
- that a condition restricting the use of the premises to a discount retailer was not enforceable. Officers therefore suggested a replacement condition which tied the permission to the proposed operator; this condition being applied to ensure the proposed car parking was adequate for the proposed use

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, a revised condition tying the permission to the proposed operator, consultation with Ward Members on the detailed scheme for securing the car park and 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 co-ordinator and monitoring fee of £2500
- 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)
- local employment initiatives

**51 Applications 10/02738/LI & 10/02739/FU and Listed Building application 10/02788/LI - Conversion of buildings to form 26 flats and 14 houses and erection of 35 new houses with associated car parking and landscaping - Former Wharfedale General Hospital, Newall Carr Road, Otley, LS21**

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

Officers presented the report which sought approval for full planning permission and a Listed Building application for the conversion and development of a residential scheme on the site of the former Wharfedale Hospital at Newall Carr Road Otley LS21

Members were informed that the majority of the Listed Buildings would remain on site although the laundry building would be demolished due to problems in converting this building, as would the mortuary due to the previous use of the building, although objections to its demolition had been received, including one from the local MP. The retaining carriage-way entrance to the site would be retained as would the existing boiler house which would be used as a heating source for the development, although it was proposed to reduce the chimney by approximately 10 metres. Two of the original four red-tiled turrets to the main building which were a feature of the landscape would remain, with two turrets being replicated on the new rear extension to the building to retain this landmark. The unsympathetic 1950s/60s extensions and infills would be removed as part of the proposals

In terms of affordable housing which was negotiated before the interim policy was brought in, a level of 30% would be provided due to the level of abnormal costs associated with the site

Members commented on the following matters:

- car parking and whether the residents only parking scheme would be extended to Newall Carr Road
- pedestrian access through the site to access the bus serving the new hospital building

Officers provided the following responses:

- the permit parking would be extended to residents of Newall Carr Road
- that Officers had sought a pedestrian link through the site to the bus stop outside the new hospital and put this to the NHS Trust. Unfortunately access on to hospital land had been refused which was a disappointment

#### **RESOLVED –**

##### Application 10/02739/FU

To defer and delegate approval of the application subject to the conditions set out in the submitted report and 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
- Residential metro card scheme for residents of £28,304.32
- Public transport enhancements of £49,487
- Travel plan, travel plan co-ordinator and monitoring fee of £2500

##### Application 10/02738/LI

To defer and delegate approval of the application subject to the conditions set out in the submitted report

#### **52 Applications 11/02100/FU, 11/02101/FU, 11/02102/ADV & 11/02103/FU - Extensions and alterations, provision of air conditioning units, signage and fencing - 102 Burley Road, Burley, LS3**

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

Members were informed that the alteration from a public house (A4) use to shop (A1) use was permitted development and that the applications before Panel sought permission for alterations, signage and fencing to The Queen public house at 102 Burley Road, to form a retail store

A new, glazed element was proposed but the main public house building would be retained and improved

The Panel heard from the applicant and an objector who attended the meeting. Councillor Gerry Harper was also in attendance for this application. Members commented on following matters:

- the possibility of creating the store entrance by glazing the alleyway so retaining the 4 archways which were a feature of the front elevation of the building. Members were informed that this was not possible as the access was not solely in Tesco's control. However, an alternative plan was tabled showing the

entrance to the store affecting only two of the four arches. Members accepted this compromise

- the impact of the proposal on local businesses. The Chair advised that this could not be considered as it was not a factor in any of the applications for determination

**RESOLVED –**

Application 11/02101/FU – 3 Air conditioning units

To approve the application subject to the conditions set out in the submitted report

Application 11/02100/ADV – Signage

To approve the application subject to the condition set out in the submitted report

Application 11/02103/FU – Fencing

To approve the application subject to the conditions set out in the submitted report

Application 11/02100/FU – Single storey rear extension and alterations

That by a majority decision, to approve the application on the basis of the plan showing the reduced entrance width affecting only 2 of the archways and subject to the conditions set out in the submitted report

(During consideration of this matter, Councillor Janet Harper and Councillor Leadley left the meeting)

**53 Date and Time of Next Meeting**

Thursday 13<sup>th</sup> October 2011 at 1.30pm in the Civic Hall, Leeds





Originator:	Carol Cunningham
Tel:	0113 247 8017

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 13<sup>th</sup> October 2011

**Subject: PROGRESS REPORT; BRIDGE ROAD, KIRKSTALL – MIXED RETAIL REDEVELOPMENT AT BRITISH HOME STORES, BRIDGE ROAD, KIRKSTALL.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Metric Property Kirkstall Ltd	18 <sup>th</sup> August 2011	17 November 2011

<b>Electoral Wards Affected:</b> Kirkstall
<input type="checkbox"/> Yes Ward Members consulted (referred to in report)

<b>Specific Implications For:</b>
Equality and Diversity <input type="checkbox"/>
Community Cohesion <input type="checkbox"/>
Narrowing the Gap <input type="checkbox"/>

**RECOMMENDATION: Members are requested to note the progress report below and are invited to comment on the main issues concerning:**

**Principle of development**  
**Highway safety and car parking**  
**Public transport and travel plan contributions**  
**Design/visual amenity**  
**Flood Defences**  
**Impact on landscaping and ecology**  
**Boundary treatments**

#### 1.0 INTRODUCTION:

1.1 The purpose of this report is to inform Panel of progress on an application submitted by Metric Property Kirkstall for a mixed retail development at the British Home Stores site on Bridge Road.

#### 2.0 PROPOSAL:

- 2.1 The application is for the redevelopment of the site to provide 16,619 square metres of gross external area (GEA) and 16,232 square metres of gross internal area (GIA) divided into four areas :
- 2.2 There is a replacement BHS store plus a smaller unit proposed in one block to the rear of the site. This will have a total Gross Internal Area of 2,058 square metres. The building for the new BHS will be 54 metres by 26 metres to a height of 8.5 metres to the eaves and 9.5 metres to the pitch. The other unit will be 29 metres by 25 metres to the same height as the new BHS. This building will be two storey in height and will have its frontage onto the proposed car park and its servicing to the rear. The materials will be glass and re constituted stone cladding on the front elevation. The stone element will return round to the side elevations for the first 14 metres on each side and the rest of the side elevations and rear will be red brick with composite cladding above.
- 2.3 The second block will be 4,320 square metres of gross internal area which will run down the western boundary along side the River Aire. The building will be long 115 metres and 8.2 metres in height to the eaves and 9.8 metres to the pitch. It is a two storey block and will be a flexible building as it can be broken up into different combinations depending on retail occupier requirements. Some may have mezzanines but this floorspace has been taken into account and will not be greater than the proposed 16,232 square metres for the whole site. This buildings main frontage will be onto the car park and will be glass and red brick. The rear elevation will be onto the River Aire and will be red brick and composite cladding above. The servicing will be to the rear and the service yard will have green fences to shield the yards and provide some acoustic screening.
- 2.4 The third element will be a main store onto Bridge Road which will have a ground floor space of 1,858 square metres. This will be attached to the second block described above. This will be constructed of glazing and re constituted stone on the frontage with a small element of zinc feature cladding. The upper half of the glazing will be aluminium bris soeil. The re constituted stone will be on the side elevation for the first 20.5 metres then red brick and composite cladding for the rest . The roof will have a small pitch and will be constructed from profiled aluminium colour coated roofing system. This building will be 38 metres in width at the Bridge Road end and 46 metres where it adjoins the second block. Its length will be 34 metres at the front and 52 metres at the rear. The height will be 8.4 metres to the eaves and 9.5 metres at the pitch. The occupier of this unit with be another anchor tenant which along with BHS forms the two anchor tenants for the development.
- 2.5 The final element is the building facing Bridge Road. This will be two storey and account for 1,543 square metres. The building will be just short of 25 metres in width and the two storey element 58 metres in length. This building is two sided and can be traded from both the front and the rear. This will be marketed to a mix of retailers in the form of restaurants/cafes/ coffee shops. The plans show that there will be 5 units with the extent of mezzanine depending on the occupiers requirement. It will consist of glazing and red brick to the front elevation with a slate roof. Both ends will be red brick with a glass corridor between the two. At the western end will be an additional single storey unit fully glazed on the front and side elevation with glazing and red brick on the rear elevation.
- 2.6 The proposed access will be the existing access at the eastern part of the site next to an existing sub station. The access will be round the perimeter of the site with the egress on the western part of the site next to the adjoining office building. The car park will be in the centre of the site.

- 2.7 It is proposed to remove part of the embankment on the western boundary along the River Aire with a retaining wall and a small flood wall along the eastern side of the site. Boundary treatments will be walls and weldmesh fences. There will be landscaping comprised off individual trees within the car park plus off site tree planting subject to the landowners.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site comprises the former Alders department store in a single building of varying elements with a car park surrounding the building on all sides. The floorspace of the current building on site is 12,730 sqm. British Home Stores occupy the building at the current time. Vehicular and pedestrian access is from Bridge Road where the front entrance into the store is located. To the east of the site is the Abbey Light railway and Abbey Mills, to the west there is the Kirkstall Design Centre and the River Aire, to the north there is a single dwelling at the Weir and beyond that the River Aire and Kirkstall Abbey, to the south there is the Morrison's development and a rugby training ground. The site forms part of the defined Kirkstall District Centre in the adopted UDP. The existing building is brick and two storey fronting Bridge Road with a series of pitched roof industrial sheds behind. The landmark clock tower on top of the building was removed in 2005 for safety reasons.

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

H26/47/77 – Change of use of warehouse to retail sales. Refused 25 Jul 1977 but allowed on appeal 11 Oct 1978  
24/113/03/FU – removal of condition B of H26/47/77 (sales of durable goods only). Approved 5 Sep 2003  
24/413/04/fu – application for 9 retail units and 3 food and drink units refused permission on 22 January 2007 allowed on appeal on 7<sup>th</sup> April 2008.  
10/01298/EXT – extension of time application for the 9 retail units and 3 food and drink units approved 9/2/2011 ( was approved by panel on 12 August 2010.)

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

- 5.1 Negotiations at pre application stage commenced in early 2011. Officers have been negotiating with the developer regarding this proposal for a number of months. The plans have evolved through these negotiations concluding with the plans being presented to you today.

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

Councillor Illingworth – Essential that this application is considered and determined in parallel with the expected Tesco application at Kirkstall Lane and in full knowledge of the latest information about Kirkstall Forge. Sense Metric might be trying to 'create facts' and have their application considered as a 'minor amendment' in advance of any Tesco scheme and such attempts should be strenuously resisted. Previous scheme was granted on appeal and whilst West Panel resolved to oppose the application the issue of highways was not raised by officers at the appeal. Despite the previous planning consent granted on the site we need to reopen the

highway issue. All three major retail operators in Kirkstall need to put their heads together with the Council and the Kirkstall Forge developer in order to devise a workable solution. Council needs to ensure that public transport has priority and should continue to do so. This could involve consideration of re-alignment of the existing road network, creation of new bus lanes and a re-think of the way the network operates. There is a serious risk that a premature decision on the Metric scheme could permanently damage future development in the area. This would not be in the public interest.

Councillor Atha – I totally support Councillor Illingworths appeal for the three schemes to be considered together. To consider one scheme without considering in principle the effects of the others would make no sense.

Councillor Walshaw (Headingley Ward) I agree with Councillor Illingworth that the applications should be considered in terms of their cumulative impact and transport issues are central to this.

Keith Collridge chair of Gilbert and Sandford Residents Association – Totally agree with Councillor Illingworths comments. Kirkstall already at saturation point and residents have already expressed their fears over this issue.

John Liversedge Kirkstall Valley Communication Association – Councillor Illingworths makes very good points the focal point of the application must be the traffic issues.

Leeds Civic Trust – Offers its support for the development with the following comments;

- Developers have gained an understanding of the way in which Kirkstall operates and how a retail park on this site could make a positive contribution to the community
- Strong pedestrians links need to be developed between this site and other retail units within the district.
- Highways is very complex and feel that adding yet more traffic light junction to an already complex network is not the answer. Need to go back to first principles and develop a road layout which acknowledges the existence of the various retail parks in the area while not condemning the pedestrians to a mass of crossing interrupted by corrals on small traffic islands.

## **7.0 CONSULTATIONS RESPONSES:**

### **STATUTORY CONSULTEES**

Environment Agency – No objections subject to conditions in relation to works required as part of the submitted Flood Risk Assessment.

### **NON-STATUTORY CONSULTEES**

Highways – The proposal cannot be supported as submitted due to the following:

- The traffic assessment needs amending to include all GFA in the assessment and to represent the proposal for an element of food retailing.
- Need restriction to include no more than 706 sqm GFA of food retail

- Parking provision is very low and should be increased
- Proposed egress signals are located too close to the adjacent access road (Sandford Place) and do not provide adequate lane widths or cycling facilities on Bridge Road through the new traffic lights. Additional land from the site frontage is needed to achieve an appropriate road layout.

Amendments have been submitted to cover these matters.

The transport assessment has been revised and they are being considered by Highway Officers.

The developer is to submit information regarding the highway management of the car park spaces and their justification for a reduced level of car parking.

A revised plan showing revision of the egress has been submitted which requires minor alterations and can be accepted by highway officers.

NGT Planning Coordinator – a contribution of £223,298 should be sought for public transport improvements. This is based on the increase in GFA from the application based on the contribution required as part of the appeal which was £170,000.

Ecology – concerns regarding the treatment of the river bank and extent of works not entirely clear. May require otter survey to be submitted

Access officer – Amendments to car park required.

Policy – The proposal is within an town centre location so no objection

Architectural liaison Officer – Offers suggestions to improve safety.

Coal authority – No objections subject to conditions

Yorkshire water – No objections subject to conditions

Contaminated Land – No objections subject to conditions

Transport Policy – Amendments to the Green Travel Plan required.

## **8.0 PLANNING POLICIES:**

### **Leeds UDP Review (2006)**

- 8.1 The site comprises land outside the main urban area but inset within the green belt in the adopted Leeds UDP Review (2006). No specific allocations or designations affect the site (with the exception of the recreation ground which is a protected playing pitch under Policy N6). Relevant policies comprise:

PPS1 – Creating sustainable communities.

PPS4 – Planning for Sustainable Economic Growth

The site is unallocated in the Leeds Unitary Development Plan (2006) and is located within the town centre of Kirkstall.

Relevant Unitary Development Policies;

S2 – vitality and viability of town centres to be maintained and enhanced.

S3 – enhancement and maintenance of town centres.

S3a – priority given to refurbishment and enhancement of Kirkstall.

BD5 – new buildings design consideration given to own amenity and surroundings.

N12 – priorities for urban design.

N13 – new buildings should be of high quality.

LD1 – landscape scheme.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

### **PPS1 “Delivering Sustainable Development” 2005**

- 8.2 Para 3 states that sustainable development is a core principle underlying the planning system. Para 18/19 states that planning should seek to “improve” and “enhance” the local environment. Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

### **PPG13 “Transport” 2006**

- 8.3 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 74 states local planning authorities should identify routes for bus improvements and potential for improved transport interchange, and negotiate improvements in public transport provision. Para 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

### **Adopted SPD “Public Transport Improvements and Developer Contributions” 2008**

- 8.4 Para 4.3.15 states that the minimum level of accessibility to public transport should be 400m to a bus stop, offering a 15 minute (or better) service to a major public transport interchange, normally Leeds city centre, between 7am and 6pm, with a 30 min service up to 11pm and at weekends. Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

### **Draft SPD “Travel Plans” 2007**

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

## **9.0 MAIN ISSUES**

1. Principle of development
2. Highways
3. Public Transport and Travel Plan Issues
4. Design/visual amenity
5. Landscaping and ecology
6. Boundary treatments and flood walls

## 10.0 APPRAISAL

### 1. Principle of development

- 10.1 The whole of the site is within the Town Centre boundary of Kirkstall so policy S2 is applicable which states that the vitality and viability of town centres listed within policy S2 will be maintained and enhanced in order to secure the best access for all sections of the community to a wide range of forms of retailing and other related services. The site has one large retail unit on the site and the proposal is for a range of retail units in terms of size plus some restaurants or cafes. The mix of uses on the site provides a range of retail uses for the surrounding area rather than one existing use. This should improve the vitality and viability of the town centre and complies with policy S2. This compliance with policy S2 as well as there being an existing use on the site and the fact that there is a live permission on the site for a mixed retail development lead officers to conclude that in principle the development is considered acceptable. **Members views are requested on the principle of development on the site.**

### 2. Highways

- 10.2 Planning permission has previously been granted for retail development on the site and this was renewed by Panel in August 2010 and is still a 'live' application. This application involves the same amount of floorspace as the approved application. However, this consent includes the ability to include some food retail (706 sqm) and this will exhibit higher trips rates than non retail floorspace does. The trip rates need to be recalculated including this food retail element. This has been submitted and highway officers are currently assessing.
- 10.3 There are less car parking spaces proposed than the previous scheme. The permitted scheme has 438 car parking spaces and this application has only 350 spaces. This needs to be looked into and information needs to be submitted to justify this reduction in car parking numbers. This information is being collated by the applicant and is due to be submitted shortly for officer opinion.
- 10.4 The access to the site is using an existing access and is considered acceptable for the development. Concerns were raised by officers regarding the proposed egress from the site and the safety of cyclists on Bridge Road. Amended plans have been submitted regarding this egress which subject to a couple of minor changes can be supported by officers. **Members views are requested regarding highway safety and the level of car parking provided and regarding concerns that the application should be considered with full knowledge and understanding of the highway network**

### 3. Public transport contribution

- 10.5 There is a request for a contribution to public transport required in line with Supplementary Planning Document 'Public Transport Improvements and Developer Contributions'. The contribution requested for this development is £223,298. There is also a request to pay £3,750 towards monitoring of the Green Travel Plan. The existing approval on the site which was extended last year requested a payment of £170,000 to cover public transport improvements and monitoring of green travel plan. The developer is only willing to pay this £170,000 for both as they state the scheme would not be viable with the additional contribution required. **Members views on this reduction in contributions to public transport and the green travel plan are requested.**

#### 4. Design and visual amenity

- 10.6 The existing building to the front of the site is three storey and constructed from red brick. There was previous a clock tower on this building which was removed in 2005 as it was unsafe. This existing building presents a good quality building which faces onto Bridge Road and has a presence in the street scene. The other buildings on the site behind this frontage are constructed from a range of materials and their design does not provide positive presence in the street scene.
- 10.7 The proposed scheme involves the demolition of all these buildings. The proposal offers a two storey building constructed from red brick and glazing with a slate roof facing onto Bridge Road. This building is set in line with the road network. This building takes on board the local area in terms of the use of red brick and a design and scale that matches housing that is present in the area. The glazing elements provide a modern element to the frontage. This block has two frontages onto Bridge Road and the car park at the rear and the retail development therefore provides a active frontage on these two elevations
- 10.8 The second building on the front will be one retail user who will be an anchor tenant for the development. The building will be constructed from re-constituted stone and glazing on the front elevation which will return round onto both side elevations. The building will be a two storey height similar to the other building which fronts onto Bridge Road. The building is modern in appearance but uses re constituted stone with stone being used in the surrounding area. This building is not in line with the road and is angled into the site. This angle allows for the other frontage building to be seen and opens up the front to views into the development. The side of this building will be visible in the street scene and is desiged using materials present in the area. This set back also facilitates the opening up of a public area.
- 10.9 Behind this anchor building will be a row of retail units. The frontage is onto the proposed car park with the back for servicing being along the River Aire. These buildings are two storey in scale with brick and glazing on the elevation facing the car park. These materials tie this row to the main building on the front elevation. The glazing elements vary in design along the row which introduces variety and breaks up the row of retail units. To the rear facing the River the materials are the same bricks with composite cladding. The road leaving the site goes to the rear of this elevation but here green walls are proposed which will help to shield the service areas and vehicles from views leaving the development and across the River Aire. There is also extensive planting on the bank of the River on this side which will help to shield the rear elevation from views out of the site.
- 10.10 The final building is the large anchor building to the rear of the site. One half of this building will house the existing BHS store and the other half another retail occupier. This building will be two storey in scale and will match the front anchor building using glazing and reconstituted stone on the front elevation which wraps round to cover part of the side elevations. The rest of the two side elevations and the rear elevation will be red brick and glazing to match the other buildings on the development. Servicing for this store will be to the rear which will be shielded from any views by extensive landscaping just outside of the boundary of the development.

Overall the design of the building are considered acceptable by officers. **Members views are requested on the proposed layout and design.**



## 5. Landscaping and ecology

- 10.11 The proposal involves little additional landscaping within the development. There are a number of trees proposed scattered throughout the proposed car park. The aim is to provide high quality mature trees throughout the development rather than a larger number of smaller trees which take time to provide a presence. The applicant is looking to plant more trees outside of the application site on land not owned by the applicant. Discussions are continuing between the applicant and these landowners regarding supplementary planting and maintenance. As these sites are outside of the land ownership conditions cannot be attached to achieve this planting and maintenance and the scheme must be considered in the absence of this planting.
- 10.12 There is an area of TPO trees to the rear of the site on the boundary with Mill Race. Within this area the loss of 3 trees is proposed which have been deemed to add little value to the group of TPO trees and are dead/dying and diseased.
- 10.13 On the boundary with Abbey Mills the intention is to retain most of the trees on this boundary. The land beyond is owned by Leeds City Council and the developer is having discussions with Estate officers to do more planting within this area which will help to soften the development.
- 10.14 On the boundary with the River Aire there is a proposal for significant tree removal to facilitate the development. There is concern regarding the removal on this elevation and officers have requested additional information regarding this matter before this tree removal can be supported by officers.
- 10.15 The Councils ecologist is concerned regarding the proposed works along this River boundary and has requested an otter survey to be submitted which we are awaiting.

**Members may wish to comment on this element of the proposal.**

## 6. Boundary Treatments and Flood Walls

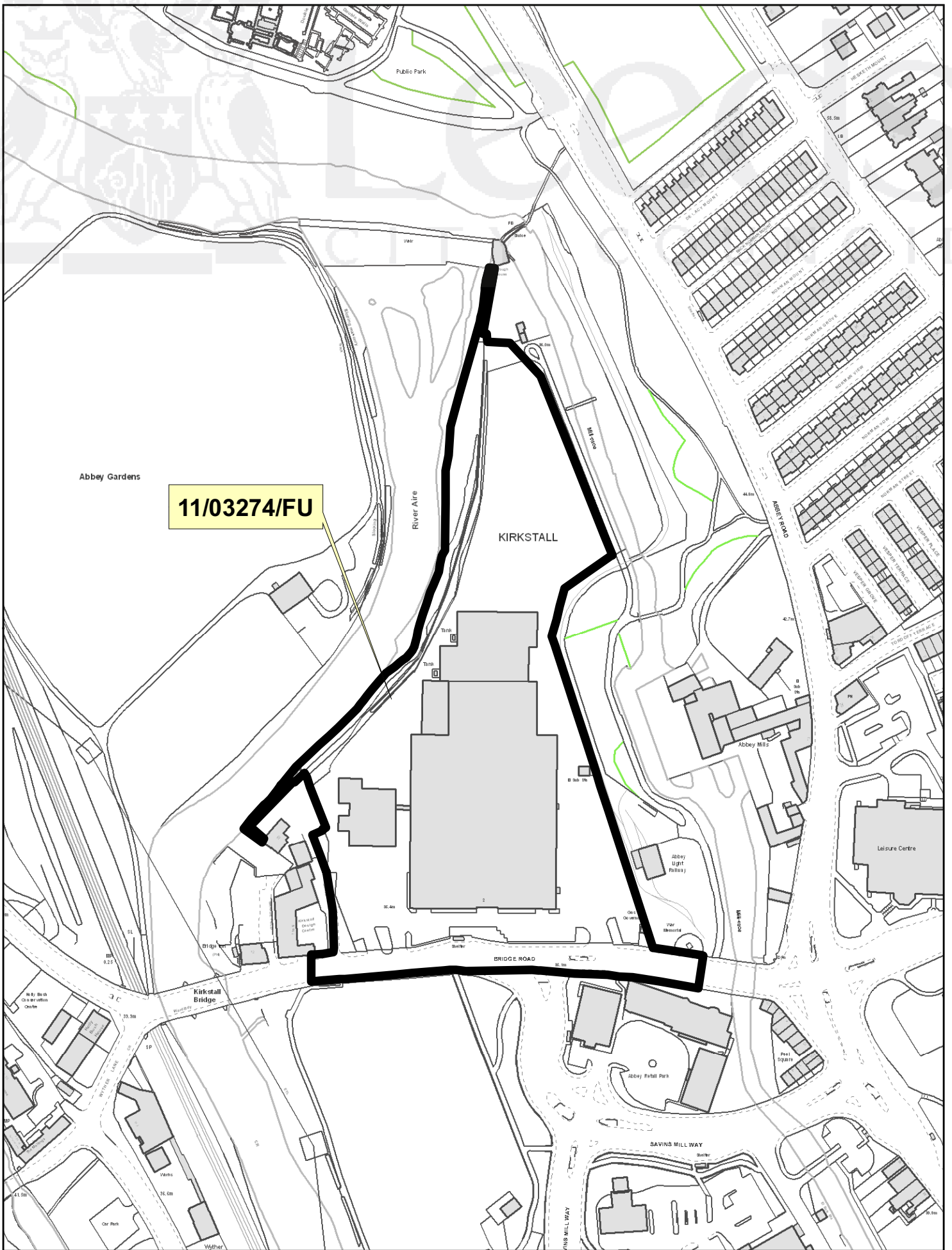
- 10.16 The site has the River Aire on the western side of the site and a subsidiary known as Mill Race/Kirkstall Goit on the eastern side of the site.
- 10.17 On the boundary with the River Aire there is an existing embankment which prevents flooding of the site from the River Aire. This development will involve digging out of the embankment on the side of the development. A new retaining wall will be constructed along this boundary which the Environment Agency support. There is concern regarding of the impact of this embankment removal on the existing trees and wildlife and further information has been requested for assessment.
- 10.18 On the opposite side of the site along the Mill Race there is a small wall required approx. 300mm in height which is acceptable to the Environment Agency and will not have an impact on the boundary visually.
- 10.19 The boundary treatment for the eastern side along the Mill Race will be a 1.5m high in total fence above the proposed flood wall. This will extend along this boundary to the proposed access to the Abbey Mills over the existing railway line. This fence will allow views out of the site to the trees and landscaping within the Abbey Mills complex but provide security.

- 10.20 The rest of this eastern boundary will be a 2.2 m (in total) weldmesh fence on top of the flood wall. This boundary treatment will be shielded from views as it is alongside the new BHS building and its servicing access and servicing car park. As the fence is weldmesh it will also allow views out of the site.
- 10.21 On the northern part of the site there is a 2.5 metres acoustics fence with climbing plants. This will not be seen from general views but is required as there is a residential property beyond this boundary.
- 10.22 Along the western side along the River Aire will be a 2 metre high weldmesh fence. This will be open and allow views into and out of the site and will offer security for the development.
- 10.23 Overall the proposed boundary treatments are acceptable but more information is required regarding the works along the embankment of the River Aire before officers can comment on the flood walls. Members may wish to comment on the measures proposed to prevent flooding and the boundary treatment.

## 11.0 **CONCLUSION**

The application is for a retail development on the site of the existing BHS. Members may wish to comment on the application especially in relation to

Principle of development  
Highway safety and car parking  
Public transport and travel plan contributions  
Design/visual amenity  
Flood defences  
Impact on landscaping and ecology  
Boundary treatments.



# WEST PLANS PANEL



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Originator: Carol  
Cunningham  
Tel: 0113 247 8017

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 13<sup>th</sup> October 2011

**Subject: Application Number 11/03503/FU – Amendment to approved application for 4 bedroom detached dwelling house with integral garage (siting) on land adjacent to Emmott House, Town Street, Rawdon.**

#### APPLICANT

Mr Chen

#### DATE VALID

24 August 2011

#### TARGET DATE

19 October 2011

#### Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

## RECOMMENDATION

### APPROVAL SUBJECT TO SPECIFIED CONDITIONS

#### PROPOSED CONDITIONS

1. Time limit for full permission
2. Development in line with the approved plans
3. Removal of permitted development for extensions, alterations to roof, porches, building within the curtilage
4. Planning permission required for windows on south and east elevations
5. No conversion of garages and car ports
6. Areas to be used by vehicles to be drained, surfaced and sealed
7. All hedges to be retained and protected
8. Existing tree screen along the southern side to be retained and not lowered without consent
9. All trees to be protected during the development
10. Boundary treatment on boundary to Emmott House to be retained and not lowered
11. The two windows on the southern elevation shall be reduced down to 2 panes

12. The bedroom window facing Emmott House shall be fitted with obscure glazing within one month of this approval and thereafter retained.

## **1.0 INTRODUCTION:**

1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel because of the retrospective nature of the application.

## **2.0 PROPOSAL**

2.1 Planning permission was granted in 2008 for a 4 bedroom detached house with integral garage and there was an extension of time application approved in December 2009. This application is a variation on this approval. The house is almost complete but not occupied. This application is to secure approval for the amended siting and design of the house that has been constructed. The size of the house in terms of floor area has remained the same as the approval. The original approved plans from 2008 had the hedge separating the garden of Emmott House and the car park of the nursing home to the western boundary of the site at a further distance away from Emmott House than exists on site. The house has been built at similar distances away from this hedge than the approved plans but as the hedge was closer to Emmott House than shown on the approved plans this has resulted in the house being shifted along the frontage so that it is two metres nearer to the house next door (Emmott House).

2.2 As well as this repositioning there have been elevation changes some of which have been approved under non material amendments and some which form part of this application. The changes approved by the first non material amendment include:

- The height of the two storey projection on the front elevation has been raised from 5.1 metres to 5.4 metres (300mm)
- Smaller rooflight to front elevation
- New front door on front elevation on ground floor
- Removal of door and window on side elevation facing Emmott House
- Internal alterations on second floor with ensuite, bathroom and landing moving
- Internal alterations on first floor with downstairs toilet and utility room
- Windows changing to sliding doors on rear elevation
- Larger landing window to rear

2.3 The second non material amendment approved:

- The second floor element on the front elevation that has no windows has been raised from 2 metres to 2.2 metres (200mm)
- The eaves of the property have been raised by 1.4 metres.
- The overall height of the property on the 3 storey side has been reduced from 10.6 metres to 9.6 metres and the height of the property on the 2 storey side from the garden level has remained the same at 8 metres.

The design of the windows has changed and the windows that have been used are shown on the submitted plans.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is within the former garden to an existing house Emmott House. Emmott House is a split property which has three storeys on the road side and single storey on the garden side. There is an existing access road down to Emmott House and this access is shared with the car park for the adjacent nursing home Sunningdale. The car park is located before the site. The garden is at a higher level than the access road. The approved house which is constructed is two stories on the garden

side and three storey on the road side. The car park to the nursing home and the application site has a laurel hedge on the boundary. There is an area of land which has been removed between this laurel hedge and the new house which is to be used for the parking a car off the highway. This has retaining walls on two sides and the application house on the third side. On the boundary between the application site and Emmott House there is a recently planted laurel hedge. To the rear is a hedge with a nursing home beyond. There are residential properties that surround the site.

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

- 4.1 11/9/00044/MOD – Non material amendment granted 4<sup>th</sup> May 2011  
This adjusted the roof pitches to 22.5 degrees, raised the eaves by 600mm and the ridge height by 300mm.  
10/04834/FU – Amendment to reserved matters 08/01628/RM granted 30<sup>th</sup> December 2010
- altered parking layout at the side, erected retaining wall and insertion of new window to garage on ground floor. Plans also increased the gap between the first floor roof and eaves increased and pitch of roof decreased.
- 10/9/00149/MOD – Non material amendment granted 24<sup>th</sup> August 2010.  
This covered the following changes;
- Smaller rooflight to front elevation
  - New front door on front elevation on ground floor
  - Raising height of single storey element to the front by 1 metre
  - Removal of door and window on side elevation facing Emmott House
  - Internal alterations on second floor with ensuite, bathroom and landing moving
  - Internal alterations on first floor with downstairs toilet and utility room
  - Windows changing to sliding doors on rear elevation
  - Larger landing window to rear
- 09/04435/EXT - extension of time to erect 4 bedroom detached dwelling house  
Approved 21/09/2009  
08/01628/RM - reserve matters application for one 4 bedroom detached dwelling house approved 3/7/2008  
27/268/05/OT – outline planning permission for one detached dwelling approved 20<sup>th</sup> November 2006

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

- 5.1 The applicant first began discussions with the Local Planning Authority in the summer of 2010 when he purchased the piece of land off the owner of Emmott House. The applicant submitted a non material amendment for alterations he wished to make to the approved plans for a dwelling. Some of his proposals were removed as they were considered not to be a non material amendment and the first non material amendment was approved for the changes detailed in 4.1. The alterations that could not be considered to be a non material amendment were submitted as part of a planning application which was approved in December 2010. Further requests were made by the applicant and a second non material amendment was approved in May 2011. At this time the authority was made aware that further alterations had been carried out which had no approval. Officers requested a planning application for these alterations and these are the ones in front of you for a decision today.

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

- 6.1 One letter of objection has been received from the owner of Emmott House which raises the following issues:
- Original approval was granted after significant negotiations with officers and the height was to be no higher than 8.19 metres from the lawn area to the ridge
  - A non material amendment was granted in June 2010 to raise the concrete base for garages by 1000mm. This approval was against National Policy and Leeds City Council own rules.
  - The applicant then submitted a full planning application and as immediate neighbour I was not consulted regarding this planning application.
  - The applicant should also have notified me of this planning application as there is a clause in the sale documents and he did not.
  - The applicant then didn't need to excavate as much as the original approval suggested saving money
  - Doesn't understand how the mistake was made regarding the house being constructed closer to Emmott House when the distance was clearly marked on the approved plans
  - The applicant was required to dig up part of the drive adjacent to the new build to taper from the drive down into the excavated 700mm of the garage block. A more convenient and simple solution was to move the house 2000mm closer to Emmott House the drive was more or less level.
  - The applicant assure me that the house would be lower than the approved 8.19 metres in height.
  - The second non material amendment raised the height of the house by another 900mm.
  - The house is closer to mine by 2 metres which exceeds the guidance on non material amendments which only allow differences of 1 metre.
  - I had consent for an extension on the side facing the new house and this will be directly affected by the 'Overbearing and close structure of the new build.' in discussions with others it was felt that for 'aesthetic' reasons abandon finishing the project at considerable cost to myself.
  - I urge refusal of this application and require the applicant to return its original approval and further more to remove 2000mm from the side of the house adjacent to Emmott House as per original planning approval.
  - The plans submitted as part of this application are incorrect drawings, they show a gap between the laurel hedge and the retaining wall for the parking space where the approved plan show this retaining wall at the roots of the laurel hedge.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None

## **8.0 PLANNING POLICIES:**

National policy guidance in PPS1 and PPS3 are relevant

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

GP5: Resolution of detailed planning considerations.

GP7: Planning obligation.

N12: Urban design principles.

N13: Building design



N23: Design of incidental open space around built development.  
T2: Access for new development.  
T24: Parking guidelines  
BD5: Amenity considerations in the design of new buildings  
LD1: Protection of existing vegetation including trees and hedges

Supplementary Planning Guidance 'Neighbourhoods for Living'

## **9.0 MAIN ISSUES**

1. Principle of development
2. Design
3. Residential amenity
4. Representations

## **10 APPRAISAL**

### 1. Principle of development

- 10.1 There is an existing permission for a residential property on the site which is still valid so the principle of development on the site is considered acceptable.

### 2. Design

- 10.2 The non material amendments have changed the design of the property. The upper floor on the front elevation which has no windows has been extended in height. The eaves have also been raised and the roof pitch has been reduced. The overall height of the property has been reduced by 0.8m from the road side and from the garden level it remains the same height as the approved scheme. The alterations on this front elevation have changed the proportions of the house with the roof pitch on the front seeming small compared the overall height of the house. The rear elevation that can be seen from the conservation area on Town Street is two storey and the reduced roof height does not appear as out of scale with the height of the house. These alterations have been approved under non material amendments.

- 10.3 The window design has been altered from the approved plans and the non material amendments. However, they are still modern in design, are used throughout the property and blend in with the building and are considered acceptable.

- 10.4 With regard to the change in the position of the house, it has moved the house 2 metres closer to Emmott House than shown on the approved plans. The reason for this is that the original approval for the property the site plan was wrong and the hedge on the boundary with the nursing home car park was shown further away from Emmott House than actually exists on site. The applicant built the property at the required distances away from this hedge which shifted the house closer to Emmott House than originally approved. These are the only two properties on this access road and in design terms a gap of just over 8 metres between the new dwelling and Emmott House is considered acceptable.

### 3. Residential amenity

- 10.5 The amendments on the previous scheme do not bring the property closer to the houses on Henley Close so there is no additional residential impact on these

houses. The changes have also not brought the property any closer to Sunningdale Nursing Home so there is no additional impact on the occupiers.

- 10.6 The main changes do have an impact on the original house called Emmott House. The main impact is on the fact that the whole of the new house has moved 2 metres closer to Emmott House than the approved scheme. This also has to be assessed with the fact that the eaves of the property has been raised and the roof pitch reduced. The overall height of the house on the elevation facing Emmott House as not changed but as the eaves have been raised this does raise the amount of stonework that Emmott House looks onto from the front of Emmott House.
- 10.7 There is a bedroom window on the new house which looks towards Emmott House (this window was on the approved plans) which at a distance of 8 metres (two metres closer than the approved plans) could cause some privacy concerns on the occupiers of Emmott House. The plans do show these windows to be obscured glazed and a condition could be attached to ensure that these windows retain the obscured glazing and thus prevent any loss of amenity in terms privacy and overlooking.
- 10.8 The second issue relates to the impact in terms of new house in on overdominance, overbearing and overshadowing of Emmott House. The property being closer should not cause anymore overshadowing that the approved scheme. Emmott House on the side facing this new property has a porch, a kitchen window and a secondary lounge window. The orientation of the house means that the garden between the front of the Emmott House and the side of the new property is the front garden. The kitchen does have two windows with one facing over the side garden of Emmott House. There are also four windows within the lounge, two face over the drive, one over the rear garden and one facing the new house. Whilst the new property is closer to Emmott House it is considered that on balance there is no detrimental impact on the occupiers of Emmott House. This is because the new house is viewed from the front garden and the secondary windows to a kitchen and lounge.

#### 4. Representations

- 10.9 The issues raised by the representation have been addressed above. Other are commented on below
- Original approval was granted after significant negotiations with officers and the height was to be no higher than 8.19 metres from the lawn area to the ridge. *The property has been built less than the original approved plans at 8 metres from the lawn area.*
  - A non material amendment was granted in June 2010 to raise the concrete base for garages by 1000mm. This approval was against National Policy and Leeds City Council own rules. *The non material amendment was dealt with by the Department in line with its own policy. It did not raise the concrete base by 1000mm. The amendments approved under this non material amendment are described in section 2.2 and 4.1*
  - The applicant then submitted a full planning application and as immediate neighbour i was not consulted regarding this planning application. *The occupier of Emmott House was not consulted regarding this application. This was a administrative error cause by the fact that the previous applications had been from the owner of Emmott House*

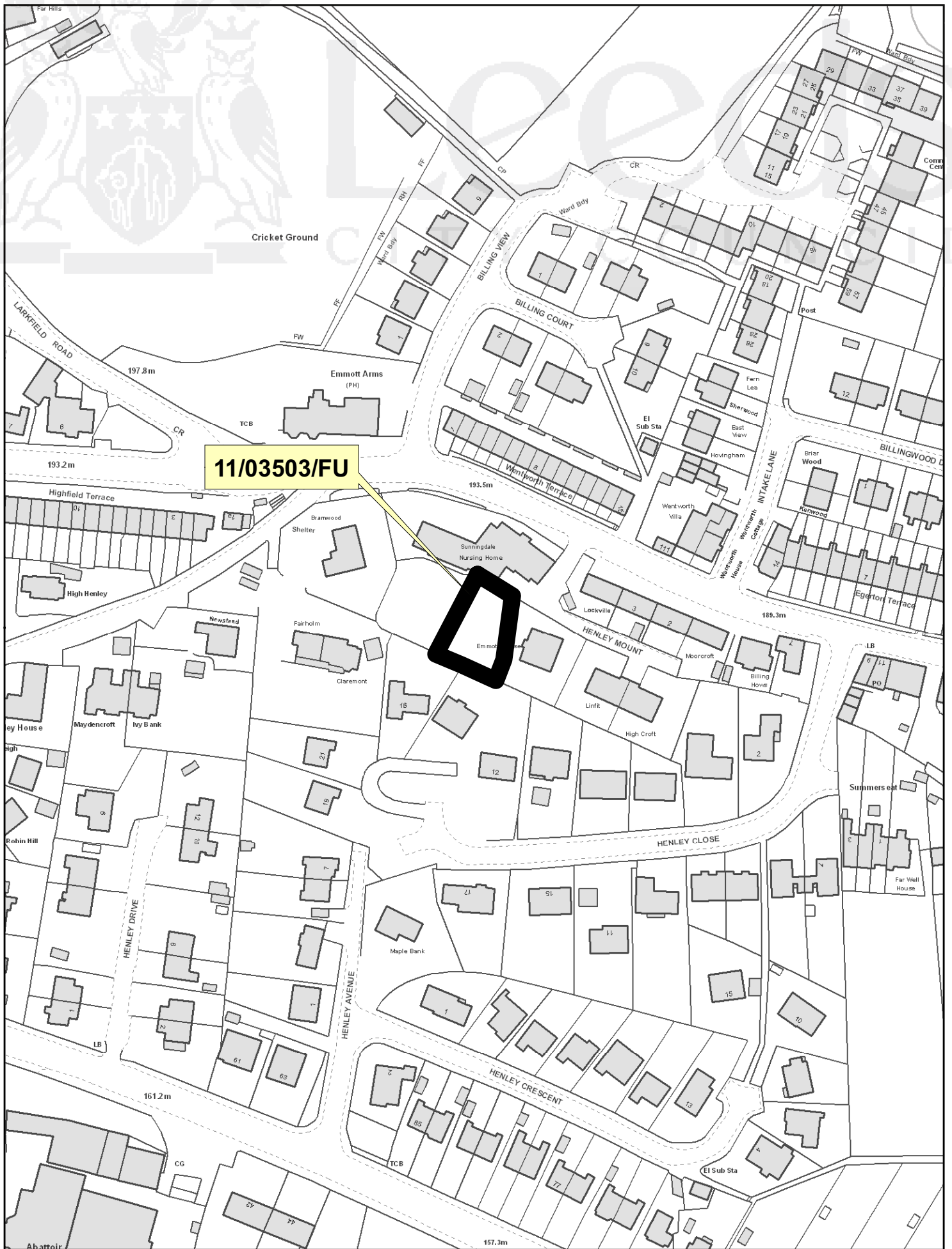
- The applicant should also have notified me of this planning application as there is a clause in the sale documents and he did not. *This is a legal matter being the two parties and not a planning consideration*
- The applicant then didn't need to excavate as much as the original approval saving money. *The applicant didn't excavate as much as the approved plans but the overall height of the house is less than the approved plans*
- Does'nt understand how the mistake was made regarding the house being constructed closer to Emmott House when the distance was clearly marked on the approved plans. *The has been addressed in para 2.1*
- The applicant was required to dig up part of the drive adjacent to the new build to taper from the drive down into the excavated 700mm of the garage block. A more convenient and simple solution was to move the house 2000mm closer to Emmott House the drive was more or less level. *This was not the reason for the dwelling moving position as explained in para 2.1*
- The applicant assure me that the house would be lower than the approved 8.19 metres in height. *Which it is as the house is 8 metres from the garden level*
- The second non material amendment raised the height of the house by another 900mm. *It raised the height of the eaves not the overall height*
- The house is closer to mine by 2 metres which exceeds the guidance on non material amendments which only allow differences of 1 metre. *The moving of the property by two metres has not been dealt with by a non material amendment as it covered by this planning application*
- I had consent for an extension on the side facing the new house and this will be directly affected by the 'Overbearing and close structure of the new build. ' in discussions with others it was felt that for 'aesthetic' reasons I should abandon finishing the project at considerable cost to myself. *This has been addressed in the appraisal*
- I urge refusal of this application and require the applicant to return its height to the approved scheme and further more to remove 2000mm from the side of the house adjacent to Emmott House as per original planning approval. *As stated in the appraisal officers considered the application to be acceptable*
- The plans submitted as part of this application are incorrect drawings, they show a gap between the laurel hedge and the retaining wall for the parking space where the approved plan show this retaining wall at the roots of the laurel hedge. *The laurel hedge was not plotted in the right position on the original plans.*

## 11. CONCLUSION:

- 11.1 The application is to approve the house in its new position closer to Emmott House by 2 metres. The application is also to approve the change in window design. The new position may have an impact on the residential amenity of Emmott House but as its impact is on the front garden and the rooms it impacts on have other windows on other elevations it is considered that on balance the new position is considered acceptable as any impact would be minimal. The new window designs are also considered acceptable.

### Background Papers:

Application file: 11/03503/fu



# WEST PLANS PANEL





Originator: M Walker

Tel: 2478000

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 15<sup>th</sup> 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 conditions outlined below:**

#### 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

#### 1.0 INTRODUCTION:

- 1.1 This application was presented to Plans Panel West on 15 September 2011 and Members also visited the site in the morning before Plans Panel. At the meeting Members expressed their concerns about the workmanship of the partially completed

extension. Officers were asked to defer the application and to meet with the Building Control Surveyor on site to look at the structural integrity of the extension. This report sets out the findings of the Surveyor and what remediation works are required. The original report is attached for information.

## **2.0 PROPOSAL:**

- 2.1 The applicant 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 BUILDING CONTROL MATTERS**

- 3.1 The team leader for Householder West met the applicant on site along with the Building Control Surveyor for the area. The Building Control Surveyor carried out a ground floor inspection from the application site and from the adjacent house. Safe access from the first floor was not available. Some defects were found, these include:
1. Adequacy of foundation for front bay window
  2. additional ventilation to ground floor void
  3. floor joists need strutting centrally
  4. Cavity walls not continuous around openings
  5. Cavity tray not provided, these are required around all openings and along the full length of the first floor side extension.
  6. Gas boiler will need a suitable discharge location
- 3.2 The most serious of these matters is item 5, the cavity trays. It would be difficult to provide them retrospectively along the side elevation without the demolition of the first floor that has already been built. Officers have discussed with the applicant the remedial works and they have agreed to demolish the first floor side extension and rebuild it complying with current Building Regulations should they be granted planning permission. Other matter identified by Plans Panel eg, rear corner brickwork and exposed lintels can also be improved upon. The brickwork can be replaced and the lintels painted.
- 3.3 The applicants have a new local builder who has met with the Building Control Surveyor and has also been provided with a list of the defects highlighted above. They are due to meet on site w/c 3 October to discuss the works. Any matters that

arise from that meeting will be verbally reported to Plans Panel. The applicant and the builder are keen to start work as soon as possible.

#### **4.0 APPRAISAL**

- 4.1 The applicant accepts that the works that have been completed so far are not to the highest of standards. It must be noted that Building Control Officers have very little control regarding the workmanship as long as an extension is built structurally sound. The demolition of the first floor will remove the worst part of the brickwork and it can then be rebuilt so that it is aesthetically pleasing and also structurally sound and the applicant acknowledges this. Building Control have agreed to keep a close eye on the progress of any works undertaken at the property.
- 4.2 The adjoining neighbour has been kept informed of the latest progress of the application.

#### **5.0 CONCLUSION**

- 5.1 It is considered that the demolition of the first floor side extension together with the other remedial works and the subsequent completion of the extensions adequately addresses the concerns that Members had regarding the structure. Officers recommend that the application be approved.

#### **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



Originator: M Walker

Tel: 2478000

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**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 15<sup>th</sup> 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

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**Electoral Wards Affected:**

**Calverley & Farsley**



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**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**

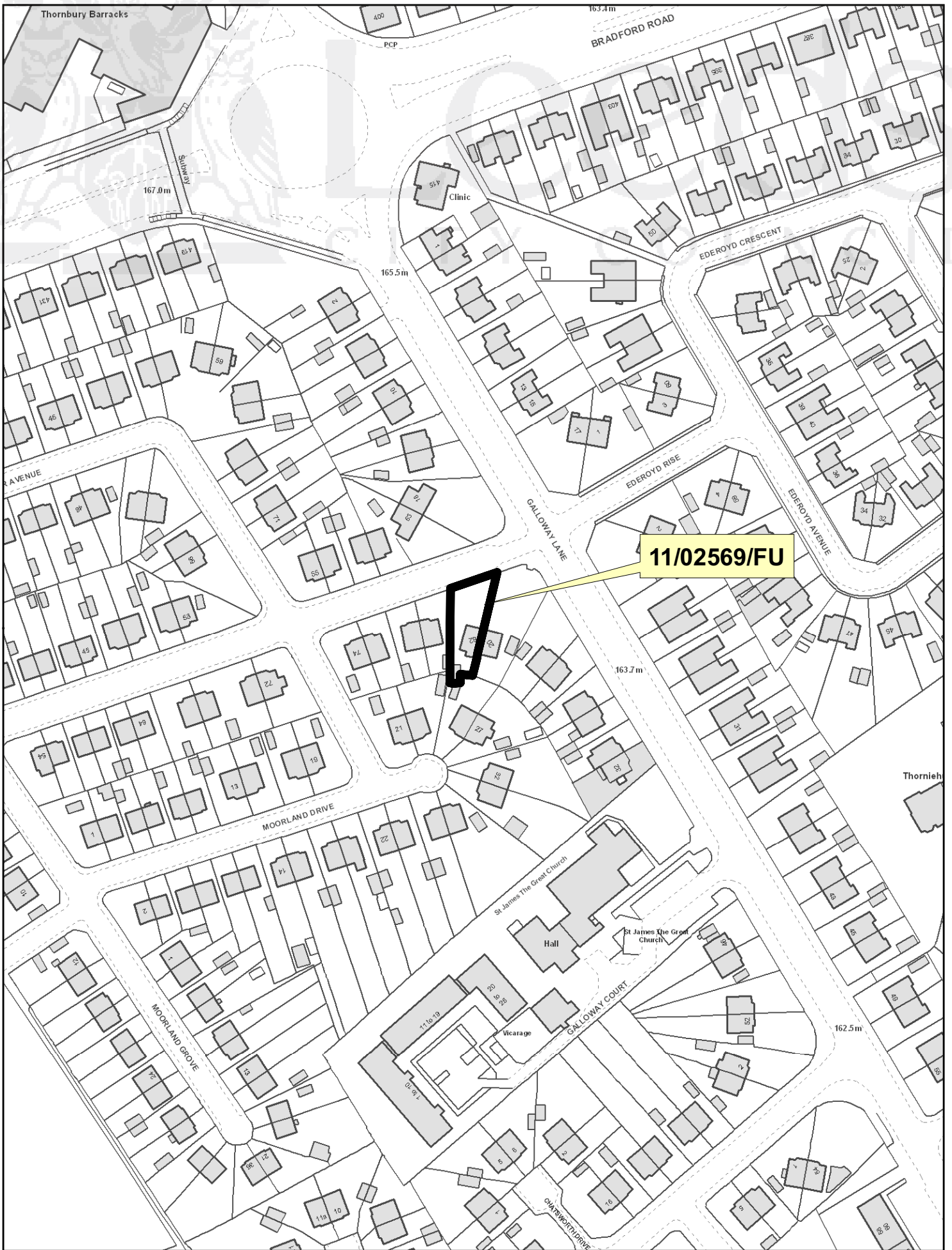
11.1 In conclusion, consideration has been given to all material planning considerations and all matters raised and it is considered that, subject to the appropriate conditions, consent be granted.

### **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



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Originator: Ian Cyhanko  
Tel: 0113 2474461

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 13<sup>th</sup> October 2011

**Subject: PLANNING APPLICATION 11/02847/FU: Retrospective change of use of shop (A1 Use Class) to hot food take-away (A5 Use Class) at 21 Lower Wortley Road, Wortley, Leeds 12**

#### **APPLICANT**

Mr R Firth

#### **DATE VALID**

1<sup>st</sup> August 2011

#### **TARGET DATE**

26<sup>th</sup> September 2011

#### **Electoral Wards Affected:**

Farnley and Wortley

N

Ward Members consulted  
(Referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**GRANT planning permission, subject to the following conditions**

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Extraction / ventilation system details to be submitted to, approved in writing, and implemented within one month of this approval.
- 4 Restrictions on opening hours: 08:00 until 19:00 on all days
- 5 Restrictions on deliveries 08.00-1800 Mon-Sat only
- 6 Details of refuse storage
- 7 Provision of grease trap
  
- 8 In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about

the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, SF15, T2 and T24

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

## **1.0 INTRODUCTION**

- 1.1 The scheme is brought before the West Plans Panel at the request of Councillor David Blackburn.

## **2.0 PROPOSAL**

- 2.1 The proposal is for the retrospective change of use of shop (A1) to hot food take-away (A5), the proposal seeks consent to open until 19:00 on all seven days of the week.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site consists of an end terraced property which lies within a parade of local shops, which include a convenience store, and a fish and chip shop. The property is brick built, with a tiled hipped roof. The property has a glazed shop frontage facing onto Lower Wortley Road, and appears to be single storey in height from the front elevation and is two storeys in height at the rear, due to the slope of the site. The rear of the property has an enclosed yard area which appears to be shared with the adjacent commercial uses.
- 3.2 The site lies in an established residential area, which is characterised by both stone and brick built properties. The property lie opposite a row of stone built terraced properties, across Lower Wortley Road. A converted chapel lies to the east, and semi-detached properties lie to the south. The site offers no dedicated off-road parking facilities.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There have been two previous applications upon this site for changes of use from A1 to A5 at these premises, in 1997 and 1998 (ref 24/61/97/FU and 24/144/98/FU).
- 4.2 Both of these applications were refused due to the adverse impact on adjacent occupiers in terms of cooking odours and levels of activity and the threat to highway safety/ lack of parking. These previous applications sought consent to open until 00:30 hours.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The application has been submitted in response to a Enforcement case regarding the unauthorised A5 use of the premises.

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

6.1 The application was publicised by a site notice which was posted adjacent to the site on 12<sup>th</sup> August 2011. To date 4 objections were received, in addition to a letter of objection from Councillor David Blackburn. The points raised in these objection are highlighted below.

- The use results in high levels of on street litter
- There are enough fast food outlets within the locality
- There is not enough on street parking
- The use attracts 'youths' who hang around outside the premises
- The proposed use will result in additional 'noise and smell'
- Previous applications upon these premises for hot food take-aways have been refused

6.2 Councillor David Blackburn has objected on parking/ highway grounds, saying the proposed use would not attract customers by foot and the highway arrangements have not altered since the previous refusal on highway grounds.

6.3 Cllr Blackburn also objects on the loss of shopping diversity, and has pointed out that a numbers of previous applications for A5 uses have been refused in the past, and another A5 use is 'likely to lead to detrimental effects to proper shopping facilities in the area' and that the proposal will create litter.

## **7.0 CONSULTATION RESPONSES:**

7.1 Neighbourhoods and Housing – No objection subject to conditions which related to extraction, opening and delivery hours.

7.2 Highways – Have raised no objection, the unit is very small and is unlikely to bring with it a very high parking demand.

7.3 Licensing – Advised that since the premises will not be providing food, drink or licensable entertainment after 11pm, a premises license is not required.

## **8.0 PLANNING POLICIES:**

### **Local Planning Policies:**

8.1 The Local Development Framework for Leeds is currently in development. In the interim a number of the policies contained in the Leeds Unitary Development Plan Review ("UDP"), which was adopted in 2006, have been 'saved'. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.

- UDP policy SF15 sets out criteria for new hot food takeaways.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

### **Government Planning Policy Guidance/Statements:**

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

PPS1 Delivering Sustainable Development.

### **9.0 MAIN ISSUES:**

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

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

### **10.0 APPRAISAL**

#### **10.1 Principle of Development**

The application is concerned with the partial change of use of an existing A1 use to A5. Policy SF15 is explicitly concerned with changes of use to A5 uses. Policy SF15 states that proposals for new A5 uses will not normally be considered acceptable unless the following criteria can be met.

- The proposal will not impact on residential amenity by virtue of visual intrusion of flues, cooking smells, litter, food spillage, operation at unsocial hours, congregating of customers, parking and vehicle movements and noise
- All highway, road safety and environmental health requirements are met
- They will not adversely affect the character or appearance of a listed building or Conservation Area
- They conform with the policies which relate to the loss of A1 uses within defined centres.

10.2 The site does not lie within a Conservation Area, near a listed building nor within any defined shopping frontage, as such the latter 2 criteria are not applicable in this assessment.

10.3 The site lies unallocated within the Leeds UDP and outside any local centre. therefore in policy terms there is no protection to the retention of an A1 unit in this location. The application is therefore, considered acceptable in principle, subject to an assessment of amenity, environmental and highway issues.

10.4 Residential Amenity

It is not considered the proposed use would harm the general levels of amenity of adjacent residential occupiers. The proposal only seeks consent to open until 19:00 hours, and this would be conditioned on approval. A later evening use is unlikely to be supported by the Local Planning Authority due to the levels of noise and activity that an A5 use is likely to result in, in the quieter evening hours when the background noise levels are lower.

10.5 It is considered the reduced opening hours overcome the previous reasons for refusal which relates to the impact on adjacent occupiers, as the previous applications for an A5 use at these premises sought to open until 00:30 hours. It is also important to note that the application site lies at the end of a commercial parade where other uses include a late opening off-licence/ convenience store and a fish and chip shop.

10.6 Environmental Health have recommended conditions which relate to extraction and ventilation to ensure there are no issues concerned with cooking odours, this will be imposed on the approval of the application. To date no complaints have been received to Environmental Health regarding cooking odours from these premises.

10.7 Highways

The gross internal floor area is 34sqm. In UDP parking terms a shop of this size would generate a maximum parking requirement of 2 parking spaces (1 staff, 1 customer), there is no specific parking guidance for a Hot Food Take Away (only for A3 'food and drink' as the UDP predates the introduction of the A4 and A5 use classes) which would have a maximum parking requirement of 5 parking spaces (1 staff, 4 customer) A Hot Food Take Away would normally be expected to have a lower parking requirement than a restaurant because people do not stay as long (although there are often more comings and goings). Parking guidelines are maximum provisions (not minimums) and we still have to take into account the statement in PPG13 which says:

10.8 "Local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls "

In this case it is not considered that any harm associated with the change of use on highway grounds could be demonstrated as:

- a) The unit is very small and does not bring with it a very high parking demand
- b) The use is retrospective and there have not been any highway safety concerns reported to the Highways Authority as a result of the current (unauthorised) use
- c) There is not any road safety accident history which has been caused by on-street car parking (3 recorded injury accidents in the last 12 years) but none specifically related to on-street parking
- d) On-street parking is available outside the parade of shops
- e) The opening hours of the premises is restricted

10.9 There may not have been any significant change to the provision of on-street parking since 1998 when the change of use was refused permission, but from a review of the

1999 and 2002 aerial photographs it does appear that the build out at the Greenside Road junction, associated layby markings and a slight re-alignment of the centreline on Lower Wortley Road have been implemented since the previous refusal, ie between 1999 and 2002. Although this does not mean that there is any additional on-street parking provision is now available, it does formalise the use of kerbside parking outside the shops. In view of this, it is not considered the proposal for an retrospective A5 use could now be refused on highways grounds, and as such the proposal would not threaten highway safety and follows the policy guidance of T2.

#### 10.10 Other Considerations

Objectors have raised concerned regarding the number of A5 uses within this locality and litter the proposal would create. The number of A5 uses within this locality does not warrant grounds to refuse the application, as stated in paragraph 10.3 the site is not protected by any shopping frontage.

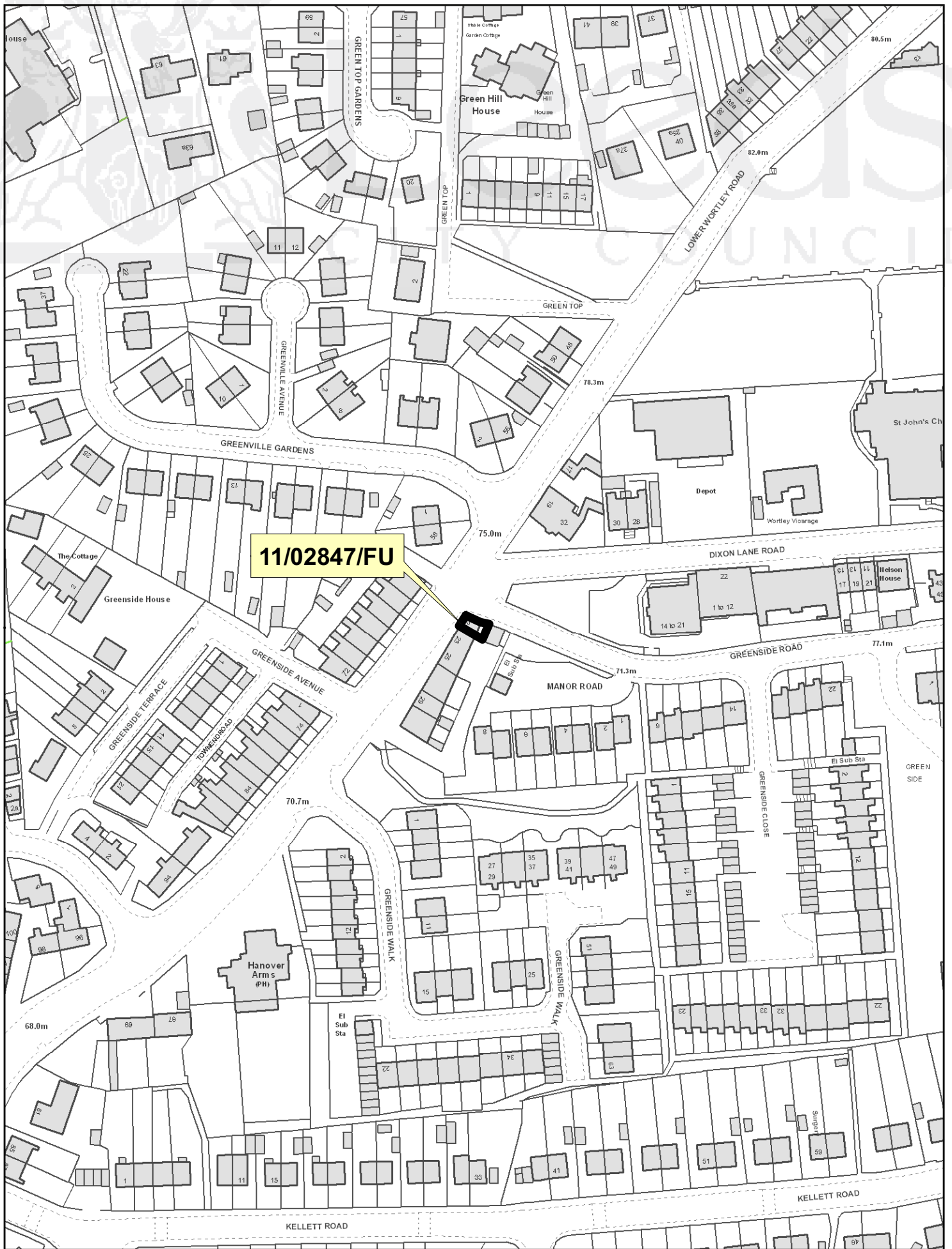
10.11 It is unlikely the proposal would create a litter problem and concern also does not warrant grounds to refuse the application. Similarly it is not considered the application could be refuse don the fact it does attract youths outside the premises. The premises close at 19:00 hours, and there are other adjacent A1 uses which have later opening hours.

### 11.0 CONCLUSION

11.1 To conclude, it is considered the proposal overcome both of the previous reasons for refusal for a hot food take-away at these premises, due to the reduced opening hours, and formalisation of the parking lay-by outside the premises, and therefore is now recommend for approval subject to conditions.

#### **Background Papers**

Application Files 24/61/97 and 24/144/98



# WEST PLANS PANEL



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Originator: Bob Packham

Tel:2478204

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 13.10.11

**Subject: APPLICATION 11/02795/EXT: EXTENSION OF TIME FOR PLANNING APPLICATION 08/04075/OT FOR OUTLINE APPLICATION TO LAYOUT ACCESS ROAD AND ERECT RESIDENTIAL DEVELOPMENT AT FORMER WOODSIDE DYEWORKS, LOW LANE, HORSFORTH**

#### **APPLICANT**

John Ogden Properties Ltd

#### **DATE VALID**

5 July 2011

#### **TARGET DATE**

4 October 2011

#### **Electoral Wards Affected: Horsforth**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Defer and delegate to Chief Planning Officer for approval subject to: the satisfactory conclusion of a Section 106 Agreement providing affordable housing – 8 units (4 shared equity, 4 social rent; metro card contribution of £23562 for travel cards; travel plan monitoring fee of £2500; greenspace contribution of £47,719.84; transport improvement contribution of £34,815; and the following conditions:**

1. Standard time limit for commencement.
2. Submission of Reserved Matters.
3. Submission of landscape scheme.
4. Landscape implementation.
5. Retained trees.
6. Safeguarding of trees during construction
7. Materials samples on site.
8. Boundary walls and fences.
9. Bin storage.
10. Cycle storage

11. Contamination validation.
12. Dust suppression.
13. Prevention of mud on highway.
14. Full details of retaining walls.
15. Provision of Greenspace and its maintenance.
16. Method statement for opening up culvert.
17. Local biodiversity and wildlife.
18. Car parking to be laid out and constructed as approved.
19. Lighting schedule for development and adjacent open space
20. Details of new bridge.
21. Sustainable drainage.
22. Location of development in relation to on site sewer
23. Gradient of access road

**Reasons for approval:** The application is considered to comply with policies GP5: E7:H4 H11: H12: H13: N2: N4: N8: N12: N31: N32: N39B: of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

## **1.0 INTRODUCTION AND BACKGROUND TO EXTENSION OF TIME APPLICATIONS:**

- 1.1 This is an application for the extension of time for the implementation of an outline planning permission (reference 08/04075/OT).
- 1.2 The application seeks to extend by a period of three years the planning consent granted on 28 July 2009. Whilst 'renewal' applications have not been routinely accepted for some years, this further extension of time is permissible under guidelines which came into effect on 1<sup>st</sup> October 2009 in response to an increase in the proportion of unimplemented consents as a result of the continuing economic downturn. The purpose of the changes is to ensure the continued delivery of housing and other development during and immediately after the downturn and to attempt to ameliorate the impact on Authorities of a sudden 'spike' in application numbers when the economy eventually leaves recession. Guidelines issued in a Letter to Chief Planning Officers on 22<sup>nd</sup> September 2009 by the previous government, permit extant, unimplemented consents approaching expiry to be 'kept alive' (or in essence renewed) by local Planning Authorities without the need for a full range of consultations, provided there have been no significant changes to the underlying policy framework in the interim.
- 1.3 This application relates to a proposal for the redevelopment of the former Woodside Mills site for residential development at Low Lane, Horsforth. The application is recommended for approval in principle and for the decision to be delegated to the Chief Planning Officer, subject to amendments to the Section 106 agreement to reflect changes in affordable housing policy since the original grant of planning permission and to incorporate additional contributions to provide metrocards and an increased off-site greenspace contribution offered by the developer.
- 1.4 The application has been brought to Panel to explain the implications of the change in the affordable housing requirement and the extent of the additional developer contributions now offered.

## **2.0 PROPOSAL:**

- 2.1 The application for which the extension of time is sought relates to a site area of 3.09 hectares of which 1.37 hectares is affected by built development. The application is outline, with access, siting and scale to be considered whilst landscape and appearance are reserved matters.
- 2.2 The scheme proposes 59 units comprising 35 houses (three to five beds) 15 two bed maisonettes and 9 one bed flats. 107 spaces parking spaces are proposed (giving 181% provision) with some being in garages.
- 2.3 0.12 hectares of open space will be provided on site and 1.725 hectares adjoining the site. The latter comprises the millpond and woodland areas plus a bridge over the beck and links to the local footpath network. This land will be managed by a Management Company.
- 2.4 The application notes that there are 228 trees in the application area. Proposals to relocate the watercourse requires removal of all those within an 11 metre corridor (approx 50). The submitted tree survey states that the majority of those to be lost are of low quality.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site straddles both sides of Oil Mill Beck and comprises the site of the former mill buildings (now demolished), the mill dam and extensive woodland extending from the beck northwards to the Leeds-Harrogate railway line and from the mill southwards to the rear of property fronting Low Lane. The cleared site to the west of the Beck includes retaining walls and extensive areas of hardstanding and the concrete bases of demolished buildings.
- 3.2 The site is currently served by a very substandard steep access road with a second equally substandard access road off Salisbury Mews. Both access roads rise steeply from the valley floor to the Low Lane level (a rise of some 7 metres) are very restricted in width and have extremely poor visibility at their junctions with the main road.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Application (07/04383/OT): for 91 dwellings comprising 57 two bedroom flats, 13 one bedroom flats, 9 two bedroom houses and 12 three bedroom houses with 163 car parking spaces. Refused on 31 January 2008 for the following reasons:
- 1 Inadequate affordable housing provision.
  - 2 Relationship of the blocks to the beck and beckside path
  - 3 Scale, height and massing of buildings along the beck, adjoining urban green corridor, greenspace and Green Belt.
- 4.2 Application 08/04075/OT: for 59 units comprising 35 houses (three to five beds) 15 two bed maisonettes and 9 one bed flats with 107 spaces parking spaces for which planning permission was granted on 28 July 2009 following a Panel site visit. The current proposal is to extend the time for implementation for a further three years.

## 5.0 HISTORY OF NEGOTIATIONS:

5.1 Following submission the applicants have agreed to provide developer contributions in accordance with current Policy requirements.

## 6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was the subject of a Major Development site notice posted on 22 July 2011 and an advertisement in the Wharfe Valley Times published on 21 July 2011.

6.2 Local Councillors have been consulted on this extension of time but have not commented.

6.3 1 letter of representation received from a local resident on the following grounds:

- noise from site preparation and building work.
- noise from residents living in such close proximity to our house.
- disturbance from vehicles using the road to enter and exit the development once it has been completed.
- that existing trees and shrubs be retained as a screen between the development and objectors house.

6.4 These objections were considered when the principal of development was accepted in 2008.

## 7.0 CONSULTATIONS RESPONSES:

**Transport Policy:** Confirm that a developer contribution of £34,815, for transport improvements, as included in the original Section 106, is still considered appropriate.

**Forward Planning and Implementation:** The new interim affordable housing policy was introduced on the 1st June 2011 and has an impact on this application. The requirement is that now 15% of the development shall be affordable with a 50/50 split between sub market and rented. This is an overall reduction since the application was originally assessed in 2008 (25%).

The green space contribution required for policy N2.3 (the green space provided meets the requirements for N2.1 and N2.2 green space).

- Laying out of green space for N2.3 £21,163.57
- Professional Fees at 16.3% £3,449.66
- Children's equipped play £23,106.60

Total green space contribution required £47,719.84.

**Metro:** Recommend the provision of MetroCard Bus Only the total liability to the developer not to exceed £23562 (subject to a further liability of any rise in the cost of MetroCard prior to its provision in respect of each dwelling.

## 8.0 PLANNING POLICIES:

8.1 The site is not allocated for any specific purpose in the adopted UDP Review but the existing buildings are in the main built up area. The land on the other side of the beck is designated as green belt, green space, urban green corridor and a Leeds Nature Area (LNA). The following policies and documents are relevant;

National guidance: PPS1 and PPS3

Adopted UDPR

GP5: General planning considerations.  
E7: Retention of employment land.  
H11: Provision of affordable housing.  
H12: Proportion and type of affordable units.  
H13: Retention of Affordable Housing.  
N1: Protected Greenspace.  
N2: Provision of amenity space.  
N4: Greenspace and residential development.  
N8: Urban Green Corridor.  
N12: Urban design principles.  
N31: Priority for reclamation of derelict land.  
N32: Green belt land.  
N39B: Support for opening up culverts.  
H4: Residential Development on non allocated sites.

Supplementary Planning Guidance.

Neighbourhoods for Living.

Supplementary Guidance No.3 Affordable Housing (Revision 2007).

Interim Affordable Housing Policy 2011

## 9.0 MAIN ISSUES

1. Principle
2. Developer contributions in relation to the extant planning permission.
3. Interim Affordable Housing Policy
4. Developer contributions in respect of the revised application

## 10.0 APPRAISAL

### 1. Principle:

10.1 The principle of development has been accepted with the grant of outline planning permission for application 08/.02795/FU. The application seeks to extend the period for implementation for a further 3 years.

### **2. Developer contributions in relation to the extant planning permission.**

10.2 In considering the previous application, the total requests for developer contributions from consultees were as follows:

- Public transport improvements: **£34815**
- Public transport packs to be provided to new residents. Metrocards to be provided at cost of £567 each to new residents (1 per household): **(£33453)**

- Travel plan monitoring fee: **£2500.**
- Greenspace contribution: **£43,688.79**

This totals about **£115000** plus 15 properties for affordable housing.

- 10.3 Following initial Panel consideration of the application the developers offered 2 alternative options for contributions which they considered viable:

**The first option** involved a change to the affordable housing split, with 11 provided for shared equity and 4 for social rented. This alteration to the tenure split would effectively release additional £81k to cover the following contributions:

- a. Public transport (£34, 815)
- b. Travel Plan (£2, 500)
- c. Greenspace (£43, 689)

**Total: £81000 (this covers everything requested except Metrocards)**

**The second option** proposed an alternative tenure mix for the affordable housing of 10 shared equity and 5 social rented. This would effectively mean there would be approx. £27k less in the figures for other contributions. Officers recommended that this option was agreed and with the reduction applied to the Greenspace contribution the result would be:

- a. Public transport (£34, 815)
- b. Travel Plan (£2, 500)
- c. Greenspace (£16, 689)

**Total: £54000 (this reduces the greenspace contribution in order to provide a Social rented unit in place of a shared equity unit in Option 1 ).**

- 10.4 Members decided to accept the second option as it offered an additional rented property and this was considered preferable to the provision of a larger greenspace contribution. In terms of Affordable Housing Policy, the proposals as approved met the percentage required for this site (25%) on the basis of Council Policy at the time the application was submitted, although the mix of social rented and shared equity varies from the 50/50 mix set out in the Affordable Housing Policy Guidance Note Annex (July 2005). The contributions referred to in the second option were the subject of a Section 106 Agreement.

### **3. Interim Affordable Housing Policy**

- 10.5 Since the original planning permission was granted the Council has adopted a revised Interim Affordable Housing Policy. The revised Policy was adopted by Executive Board on 18 May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.6 It will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012 unless there is clear

evidence of a change in market circumstances to warrant any further change in the meantime.

- 10.7 Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 10.8 The proposed changes were adopted in light of the findings of the DTZ Economic Viability Assessment (EVA) published in February 2011 which provided an up to date assessment of what affordable housing can be delivered in the current market and concluded viability was compromised in most areas of Leeds in the current recession as a result of the Affordable Housing Policy being applied prior to 1 June 2011.
- 10.9 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 25% applied to the application and from the 30% figure of the previous Interim Guidance adopted in July 2008). The requirement for a 50/50 mix of social rent and shared equity is unchanged.
- 10.10 The implication of this is that under current policy instead of the 15 affordable units required and provided in relation to the original policy the requirement is reduced to 8 affordable units, 4 for rent and 4 shared equity.

#### **4. Developer contributions in respect of the revised application**

- 10.11 The applicant has now offered a revised package of contributions which take account of the revised interim affordable housing policy and the full level of contributions in respect of other current Policy requirements, as follows:
- Affordable housing – 8 units (4 shared equity, 4 social rent).
  - Metro card contribution of £23562 for travel cards.
  - Travel Plan monitoring fee of £2500
  - Greenspace contribution of £47,719.84
  - Transport improvement contribution of £34,815

## **11.0 CONCLUSION**

- 11.1 The principle of development on this site, as well as the majority of the details of the proposal (with only landscape and appearance reserved) have previously been agreed by the Council when approving the previous application.
- 11.2 The difference between this extension application and the original outline proposal is that the applicant is seeking to amend the amount of affordable housing in accordance with the Interim Housing Policy and is additionally offering to increase contributions to meet other policy objectives of the Council.

In summary the differences are:

<b>CONTRIBUTION</b>	<b>08/02795/FU.</b>	<b>CURRENT APPLICATION</b>
Affordable Housing	15	8
Social rented	5	4
Shared Equity	10	4
Metrocard	£0	£23,562
Travel Plan Monitoring	£2,500	£2,500
Greenspace	£16,689	£47,719
Transport Improvement	£34,815	£34,815
<b>TOTAL FINANCIAL CONTRIBUTION</b>	<b>£54,004</b>	<b>£108,596</b>

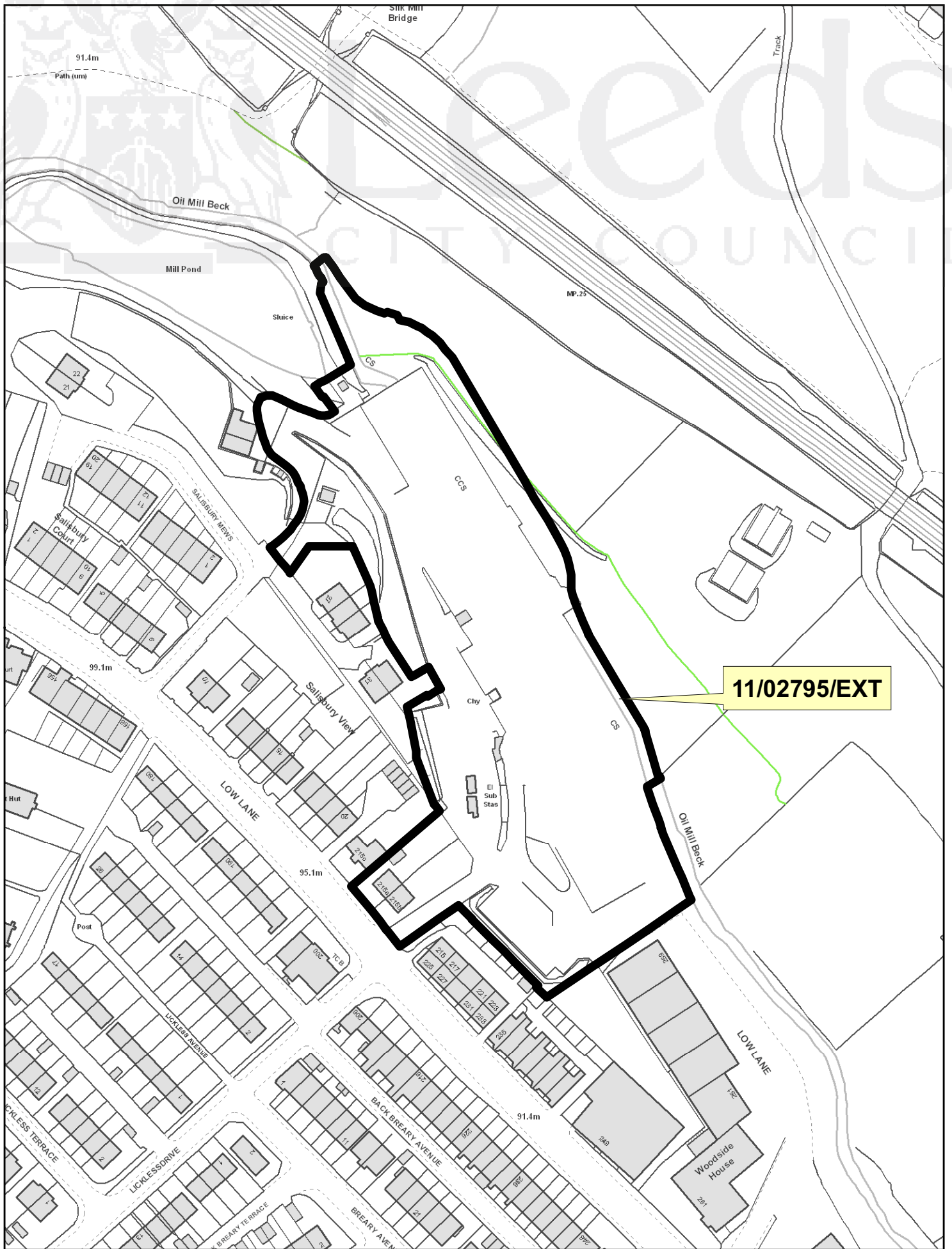
- 11.3 Officers consider that the proposal to amend the developer contributions in the 106 Agreement to comply with all current policies of the Council is reasonable and that it would be difficult to justify rejection of these proposals. This application is therefore recommended for approval, subject to a revised 106 agreement incorporating the developer contributions in accordance with current policy.
- 11.4 The Interim Affordable Housing Policy indicates that permissions granted will normally be time limited to 2 years. However it is possible to grant the normal three year permission and incorporate a mechanism in the 106 Agreement applying the 2011 Interim Policy requirements for affordable housing for 2 years and reverting to the level of affordable housing applicable at the time following the end of the two year period. This would take account of any future changes in Policy if, for example, an Affordable Housing Supplementary Planning Document is adopted in the interim, and this approach is recommended.

**Background Papers:**

Application file 11/02795/EXT and history file 08/04075/EXT.

Certificate of Ownership





# WEST PLANS PANEL



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**Report of the Chief Planning Officer**

**Plans Panel West**

**Date: October 13<sup>th</sup> 2011**

**Subject: APPLICATIONS 11/03008/LI AND 11/03009/FU – ALTERATIONS AND PART TWO STOREY PART SINGLE STOREY EXTENSIONS TO FORM PARISH CENTRE, 6 FLATS AND PARKING; INTERNAL AND EXTERNAL ALTERATIONS AND DEMOLITION OF STORE ROOM AT THE MANOR HOUSE AND CLITHEROW HOUSE, OUR LADY AND ALL SAINTS CHURCH, MANOR SQUARE, OTLEY LS21 3AY**

**APPLICANT**

The Diocese of Leeds

**DATE VALID**

1<sup>st</sup> August 2011

**TARGET DATE**

26<sup>th</sup> September 2011

**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

**RECOMMENDATION:**

**GRANT planning permission and listed building consent, subject to the following conditions:**

**Conditions**

**11/03009/FU**

1. Development to commence within 3 years
2. Plans to be approved
3. Sample panel of stonework to be constructed and approved
4. Sample of roofing and surfacing materials to be submitted and approved
5. Area to be used by vehicles to be laid out and surfaced
6. Details of the front ramp to be submitted and approved
7. Provision of cycle parking
8. Provision of bin storage
9. Details of boundary treatment to be submitted and approved
10. Landscape scheme to be submitted, approved and implemented
11. Hours of opening of the function room and bar shall be restricted to 0900hrs to 2330hrs Monday to Saturday and 1000hrs to 2300hrs on Sundays.
12. Details of the gate to the parking area to be submitted and approved

13. The Parish Centre use hereby permitted shall be carried out only by the Diocese of Leeds

14. A scheme for noise attenuation to be submitted and approved

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, T24, N12, N13, N14, N15, N16, N17, N19, BD5, BD6

Otley Conservation Area Appraisal

Neighbourhoods for Living

Street Design Guide

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.

#### **11/03008/LI**

1. Development to commence within 3 years
2. Plans to be approved
3. Survey and method statement for repair/ replacement of all doors and windows
4. Details of proposed front ramp, to include sections, materials, design and details of handrails, to be submitted and agreed
5. Details of new internal staircase between first and second floors to be submitted and approved
6. Details of measures required for sound and fire proofing the Manor House to be submitted and approved
7. Details for the treatment of the retained internal window to the meeting room of Clitherow House to be submitted and approved
8. A schedule of fixtures and fittings existing within the buildings should be made to include doors, architraves, cornices, skirtings, dado rails, picture rails, windows, window shutters, cupboards, fireplaces, mantelpieces etc. The schedule should identify these features, provide photographs and give information on proposed treatment.
9. The existing cornice in the function room of Clitherow House shall be retained.
10. Programme of architectural and archaeological recording to be implemented prior to commencement of demolition or development

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).

N14, N15, N17 and N19

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 The application has been brought to the plans panel following a request by ward councillor, Cllr Campbell who is concerned about the impact of the proposed parking on the setting of the listed building and character and appearance of the Conservation Area. He also has concerns about the detail of the rear elevation of the extension to Clitherow House.

## **2.0 PROPOSAL:**

- 2.1 The application seeks to form 6 flats within the Manor House building with 6 new parking spaces within the grassed area behind the site and adjacent to the church. The properties are intended to form self-contained retirement accommodation for priests with one parking space allocated to each flat. Internal alterations include the removal of the service staircase to allow a lift to be installed and the addition of a new staircase between the first and second floors. A disabled access ramp will be constructed alongside the existing steps to the front door.
- 2.2 A two storey extension is proposed to the rear of Clitherow House to create additional parish facilities for the church. A link will be provided between the existing small single storey rear extension to the Manor House and the new extensions to Clitherow House.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is within the Conservation Area and contains a Grade II listed building. The property is believed to date from 1792 and is on the site of the Archbishop of York's manorial estate from the late Anglo-Saxon period. The main Manor House is three storeys with the third storey a later addition above the parapet. At a later stage a two storey wing was added to both sides of the property, although only the left hand one survives in the property known as Clitherow House. The property is square and imposing in character with a large porch to rear.
- 3.2 The Manor House is currently vacant but was previously in use as housing association flats. The subdivision of the building was done some time ago and some of the partition walls have been somewhat insensitively placed. Clitherow House is currently used as offices and a function room by the church.
- 3.3 Adjacent to the site is a 19<sup>th</sup> century church, a modern flat roofed primary school and a two storey flats' development. There is a small hard surfaced parking area to the front of the site which is accessed via a drive which serves the site, adjacent primary school and a health centre.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Applications 10/04845/LI and 10/04846/FU for alterations and extensions to the Manor House to form a parish centre with flats above were withdrawn.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicants have engaged with officers over a prolonged period of time to discuss their aspirations to bring the buildings back in to use and improve the parish facilities associated with the church. Issues relating to scale and design of the

extension, parking provision and internal alterations were discussed with planning and conservation officers who have both made a number of visits to the site.

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

- 6.1 Otley Town Council have made representations in relation to the applications. They do not object to the proposals but make comment that they do not think the use of green space is necessary for car parking.
- 6.2 Councillor Campbell has objected to the proposal on the grounds that the design of the extension, and in particular its rear elevation, lacks enough detail. He expresses concern about the siting of the parking area to the rear of the church and its impact on the setting of the listed building. He also asks for conditions linking the parish centre to the church and restricted the use of the flats to retired priests.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Environmental Health has suggested a number of conditions in order to protect the amenity of occupants of the flats.
- 7.2 Highways have requested some clarification regarding parking provision for the function room in Clitherow House although they have agreed parking levels for the residential scheme. Conditions for cycle parking and hard surfacing of vehicular areas have also been recommended.
- 7.3 West Yorkshire Archaeological Service has indicated that previous excavations of the site have found traces of pre-Norman conquest structures on site. They have recommended that a more detailed evaluation of the importance of any below-ground archaeology, including trial pits, is undertaken to assess the impact construction of the scheme may have. They have requested that this is carried out prior to determination of the application but have suggested a condition requiring archaeological recording should the LPA be minded to grant approval prior to these works being carried out.
- 7.4 Access officers asked for clarification on the design of the front access ramp.
- 7.5 English Heritage have welcomed the proposal to bring the building back in to use. They have raised concern that the removal of the service stairs has not been fully assessed. Our Conservation Officer has noted that these stairs are a later 20<sup>th</sup> century addition to the building and do not constitute part of the special character of the listed building. Their loss would appear acceptable as part of a proposal which secures a future for the building.

## **8.0 PLANNING POLICIES:**

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

### **Development Plan:**

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

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

BD6 – extensions should respect the scale, form, detailing and materials of the host building.

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

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

T24 – parking provision requirements

N12 - development proposals should respect the main principles of good urban design

N13 – the design of all new buildings should be of high quality and regard to the character and appearance of their surroundings

N14 - presumption in favour of the preservation of listed building. Demolition or substantial demolition will only be permitted in exceptional circumstances

N15 – proposals for the change of use of listed buildings will be considered if the new use does not diminish the special historic value of the building and its setting.

N16 – extensions to listed buildings will only be accepted where they relate sensitively to the original building

N17 – existing detailing and features of listed buildings should be preserved.

N19 – new buildings and extensions in Conservation Areas should preserve or enhance the character or appearance of that area

### **Relevant supplementary guidance:**

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

Street Design Guide  
Neighbourhoods for Living  
Otley Conservation Area Appraisal

### **Government Planning Policy Guidance/Statements:**

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

PPS1: Delivering Sustainable Development (2005)

PPS5: Planning for the Historic Environment (2010)

## **9.0 MAIN ISSUES:**

9.1 The principle of the development

9.2 Design and character

9.3 Highways considerations

9.4 Amenity issues

9.5 Representations

## **10.0 APPRAISAL:**

### **Principle of the development**

10.1 The last authorised use of the Manor House was as 12 housing association flats. This proposal seeks to improve the quality of the flats and subdivision of the listed building and is acceptable in principle.

10.2 Clitherow House is currently in use as offices and a parish centre, the proposal provides an extension and improvements to this use.

### **Design and character**

10.3 The external alterations to the Manor House are minimal. A new disabled access ramp is proposed to the front. This is formed by extending the existing steps to the front door and ramping them down to the side. This is an accepted solution to the issue of achieving level access to a listed building and the impact on the character of the property is minimal.

10.4 Internally, the subdivision of the Manor House is more sympathetically achieved than the current subdivision in to bedsits. The major internal alteration to this building is the removal of the service stairs to incorporate a lift shaft and the addition of a new stair way between the first and second floors. The new staircase will be situated within the first floor landing of the building and is designed to be as open and visually unobtrusive as possible with a contemporary style in wood, glass and steel. It will be set off the walls allowing the original cornice to be retained and is sufficiently different in design to the existing stairs so as to not appear in any way a pastiche of these. The existing columns within the landing area provide enough separation between the old and new staircase to ensure there is no visual harm to the existing stairs which are of considerable architectural value. The details of the new staircase are to be controlled via planning condition.

10.5 Other internal alterations are sensitively handled so as to retain architectural detailing and the proportions of the rooms. Where doorways are to be blocked up the original doors are to be retained and small cupboards formed. Repairs and alterations to the windows will be controlled by planning condition.

10.6 A new two storey extension is proposed to the rear of Clitherow House replacing the existing small extension. This is simple and unobtrusive in style so as to ensure that it remains subordinate to the listed building and does not visually compete with the Manor House. Detailing of the extension is simple with stone surrounds to the windows to match the existing building.

10.7 Internally, a new doorway will be knocked through from the function room to the extension. The existing cornicing is to be retained and this will be controlled via condition. The detail of the blocking up of the window to the rear elevation of the existing Clitherow House will also be controlled via condition.

10.8 The proposed extension and alterations are considered sympathetic to the special character of the listed building and the character and appearance of the Conservation Area. The conversion into flats is more sensitively achieved than the current subdivision of the property and the extension is designed so that it remains



subordinate to the host building. The proposals are therefore considered to comply with policies N12, N13, N14, N15, N16, N17, N19, and BD6.

### **Highways considerations**

- 10.9 Parking for the flats is provided at the rate of 1 space per flat. This is considered acceptable given the sustainable location and the existing use of the property, which currently provides no parking for residents. The parking area is within a lawned area to the rear of the church and is accessed via an existing gravelled track which is currently used as informal parking by visitors to Clitherow House and the church. The proposal will formalise parking arrangements to the rear of the building by widening the parking area, improving landscaping and adding a gate to restrict views of the parking area from the front of the Manor house.
- 10.10 Parking for Clitherow House will be to the front of the property as is currently the case. Additional out of hours parking will also be available within the adjoining school car park when required for functions.

### **Amenity issues**

- 10.11 Levels of amenity for future residents of the flats are considered acceptable. Noise attenuation measures will be required to ensure no disturbance to residents but it is considered that these can be achieved without significant harm to the special character of the listed building. Hours of use of the proposed function room have been conditioned to ensure this does not cause unacceptable loss of amenity to residents.

### **Representations**

- 10.12 Councillor Campbell has expressed concern about the design of the extension and the lack of interest to the rear elevation. Council officers have considered this and discussed the issue with the architect but have come to the conclusion that the proposal is a successful solution to the issue. The simplicity of the design keeps the form of the existing buildings and uses a palette of the same materials but is simple enough in detail that it does not in any way compete with the listed building.
- 10.13 Councillor Campbell also queries the need for the additional parking to the rear of the church within a lawned area. There is currently vehicular access to this area in the form of a gravelled track which is used as parking; the increased landscaping to the area as well as a gate restricting views in to the area proposed in these applications will improve the situation. On balance it is considered that the proposal will, in this respect, preserve the character and appearance of the Conservation Area.
- 10.14 Finally, a suggestion has been made that the occupation of the flats should be restricted to retired priests. While this is the current proposal, there is no sound planning reason to impose such a condition. A condition linking the parish centre to the church is recommended so as to ensure that the function room/ bar cannot be run as a separate business.

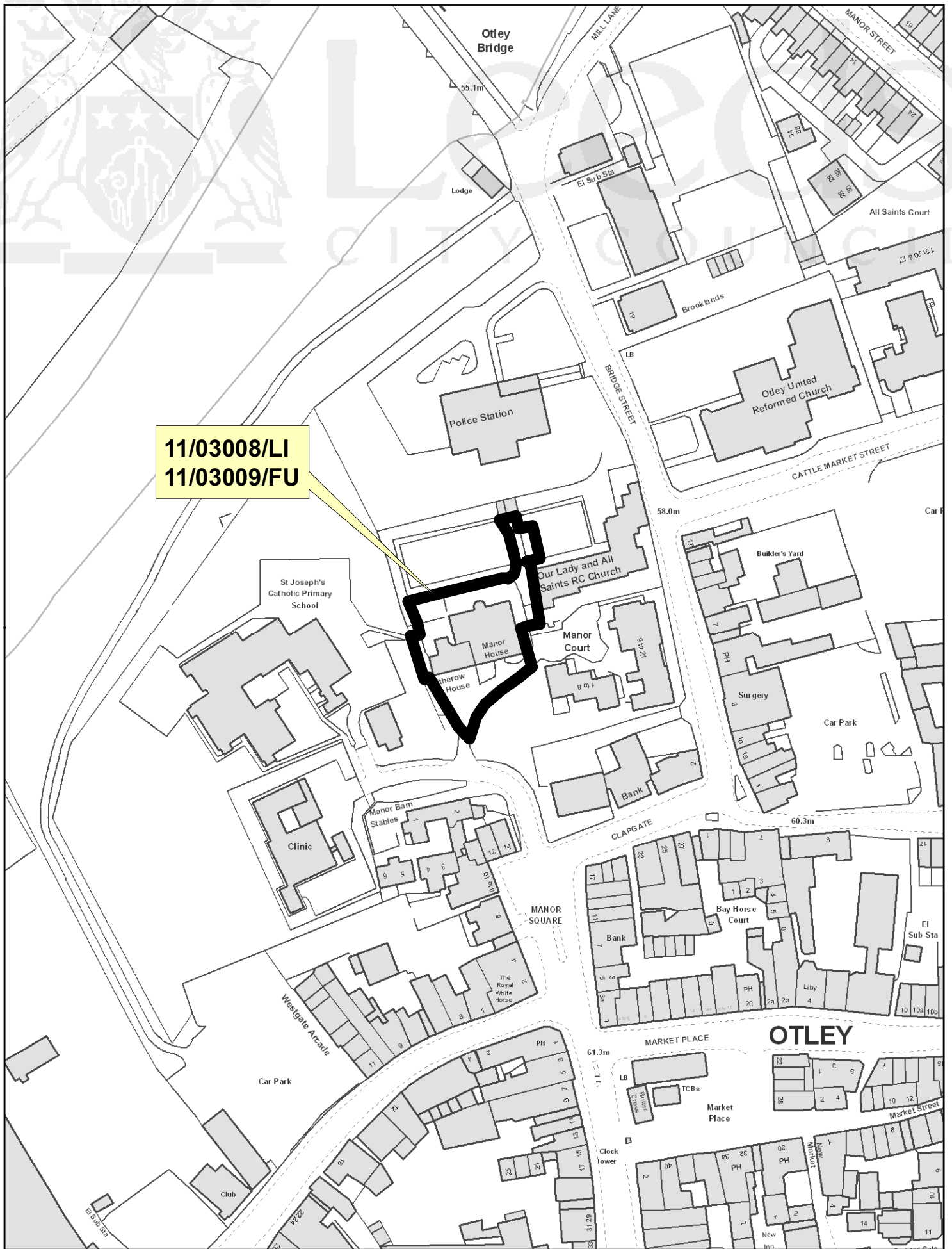
### **11.0 CONCLUSION:**

The proposal complies with relevant policy and is considered to have no significant harm on the character of the listed building and enhances the character of the Conservation Area by bringing back in to a sustainable use this prominent listed

building. The scheme is considered to be a sensible re-use of the building which will allow for a number of internal improvements as well as securing a viable long-term future for the building with a low density, high quality scheme.

**Background Papers:**

Application and history files.



11/03008/LI  
11/03009/FU

# WEST PLANS PANEL



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Originator: Mathias  
Franklin  
Tel: 0113 2477019

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

13 October 2011

**Subject: PROPOSED VARIATION TO S106 AGREEMENT GOVERNING USE OF CAR PARKING BY OCCUPIERS OF STUDENT FLATS AT CARNEGIE COLLEGE CAMPUS, CHURCH WOOD AVENUE, LEEDS 16**

#### **APPLICANT**

Leeds Metropolitan  
University

#### **DATE VALID**

#### **TARGET DATE**

#### **Electoral Wards Affected:**

**Weetwood**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**Members are recommended to agree to the proposed variation to the S106 legal agreement to permit the use of the car park by student occupants of the flats at the campus**

#### **1.0 INTRODUCTION:**

- 1.1 Planning permission was granted on 26 February 2008 for the erection of 23 cluster flats in 5 blocks, totaling 483 bedrooms, for student use, and a car park with 55 spaces. This application was approved by the Plans Panel West on 1 November 2008.
- 1.2 An accompanying S106 agreement stipulates that student occupiers undertake not to use a car in association with their occupation of the flats.

1.3 This report is brought to the Panel as parking issues were discussed at length by the Panel when the planning application was considered.

## **2.0 PROPOSAL:**

2.1 The proposal is to vary the terms of the S106 agreement to enable the University to issue up to 55 permits to students who are residents of the Carnegie student accommodation to park on the campus car park. Students without a permit would continue to be bound by the terms of the agreement requiring cars not to be used. Permits would be issued on a first-come-first-served basis

2.2 The proposals have been brought forward by LMU following discussions with Ward Members and follow on from concerns expressed by local residents about staff and student car parking in surrounding residential streets.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is the Headingley Campus of Leeds Metropolitan University which is within Far Headingley. The campus contains a variety of sports pitches and buildings of various ages and some of them are listed buildings but the site is not within the Conservation Area.

3.2 The site is accessed from St Chad's Drive and Church Wood Avenue both of which pass through the residential area which lies to the east of the Campus and to the west of the A660 Otley Road.

3.3 The car park subject of the S106 agreement which this proposal relates to lies to the SW of the site adjacent to the sports pitches.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 07/01373/FU – Erection of 23 cluster flats in 5 blocks comprising 483 bedrooms and formation of 55 space car park – approved 26 February 2008.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Discussions with officers, LMU and Ward members have taken place.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 Not applicable.

## **7.0 CONSULTATIONS RESPONSES:**

### Highway Authority

7.1 No objections to an amendment to the S106 to allow those students purchasing parking permits to bring a car to Leeds but the restriction for those who do not should be retained. This is the way that the Kirkstall Brewery site is run, initially there were overspill problems there but this has been managed better in recent years.

## **8.0 PLANNING POLICIES:**

8.1 NA

## **9.0 MAIN ISSUES:**

9.1 Highway safety

9.2 Residential amenity

## **10.0 APPRAISAL:**

10.1 The planning permission for the enlarged car park approved under the same application as the cluster flats was additional general car parking for the campus such as staff parking and not provided to serve the student flats, indeed, the terms of the accompanying legal agreement prevent student occupiers from using cars in connection with their occupation of the flats.

10.2 In practice it has emerged that the campus car park is underused and there is evidence of staff and students parking on surrounding residential streets to avoid the parking charges levied. It has in practice proved difficult for the University to enforce the student 'no car' rule, as cars can legally be parked on the highway subject to any prevailing traffic regulation orders.

10.3 On balance it is therefore considered sensible to allow the University to issue a number of parking permits to student occupiers of the flats with the aim of displacing parking on surrounding residential streets into the underused car park.

## **11.0 CONCLUSION:**

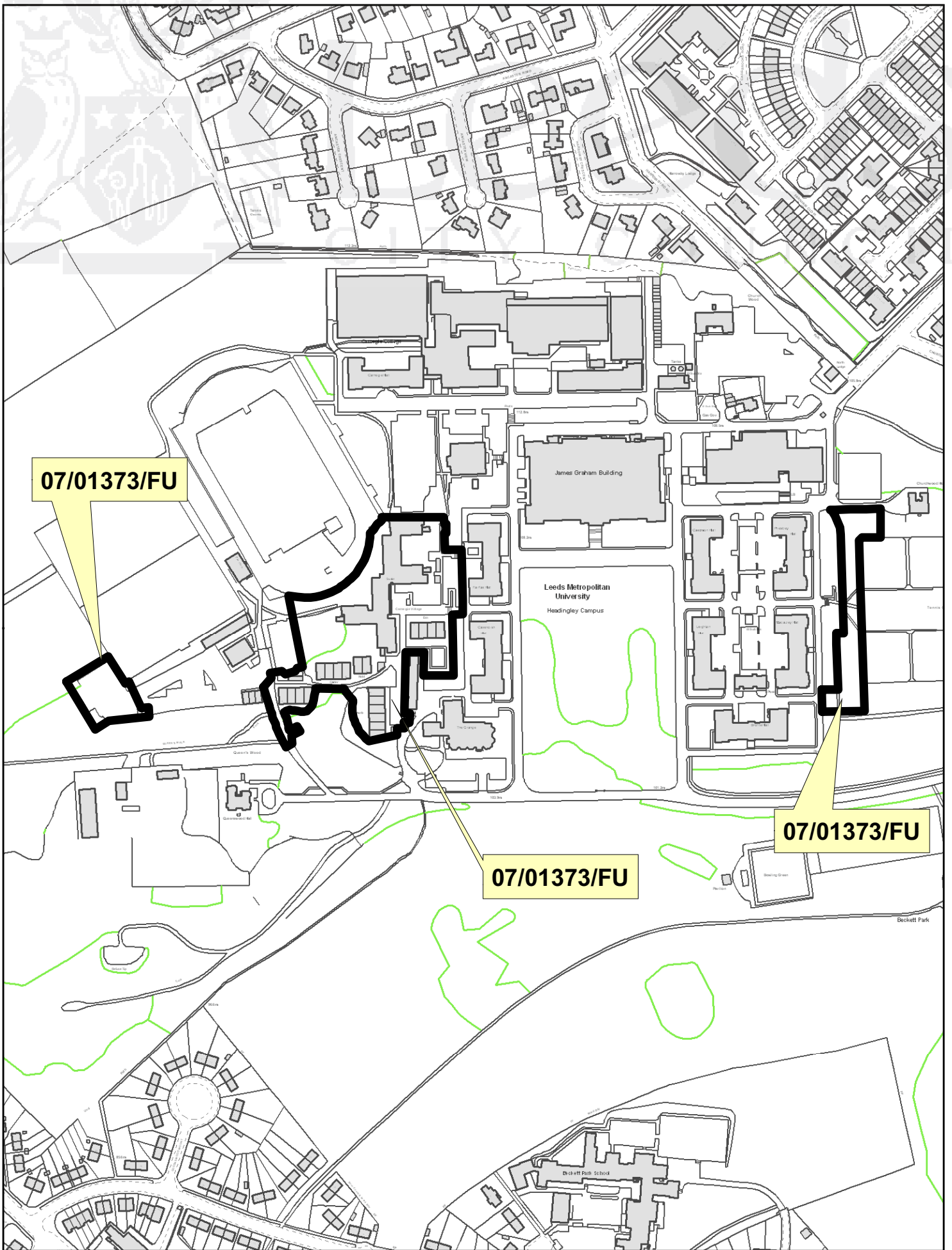
11.1 It is considered that the proposal to issue permits will help to reduce university related parking on surrounding residential streets, in particular the reported long-stay parking of 10-15 cars.

11.2 Members are recommended to authorise the Chief Planning Officer to amend the S106 agreement as set out in this report.

### **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: 13 October 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**

7 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 subject to the signing of a Section 106 agreement within three months from the date of the resolution 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 £20,000.00;
  - 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 £2,500.00;
- and subject to the following conditions:**

1. Outline Condition (Layout, Scale, Appearance and the landscaping of the site).
2. Time Limit On Outline Permission (2 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 informatives).
34. **Reasons for approval:** The application is considered to comply with 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 of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

## **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 following a public inquiry.
- 1.2 The planning permission granted on appeal is an outline consent which is valid until 8 March 2014, and is subject to a requirement to provide affordable housing at a ratio of 30%, which was Council policy at the time of the appeal decision issued on 8 March 2011.
- 1.3 On 18 May 2011, the Council's Executive Board approved an Interim Affordable Housing Policy which, in the case of this site, now requires affordable housing at a lower ratio of 15%. The applicant has submitted the current application on the basis of provision at this 15% level.

## **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. This submission comprises an outline application (all matters reserved except for means of access).

## **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 by the Council 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 appellant 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

#### SUPPLEMENTARY PLANNING GUIDANCE:

- 8.7 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.
- 8.8 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:

- 8.9 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;
  - Interim Affordable Housing Policy;
  - Other Developer Contributions;
  - Design and Layout issues;
  - Residential and Visual Amenity matters;

- Impact on Landscape, Ecology, Trees and Rights Of Way;
- Highway Safety;
- Flood Risk, Drainage and Ground Conditions;
- Sustainability; and
- Other Material considerations.

## **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.

### **Interim Affordable Housing Policy:**

- 10.3 Since the original planning permission was allowed on appeal the Council has adopted a revised Interim Affordable Housing Policy. The revised Policy was adopted by Executive Board on 18 May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.4 It will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.
- 10.5 Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 10.6 The proposed changes were adopted in light of the findings of the DTZ Economic Viability Assessment (EVA) published in February 2011 which provided an up to date assessment of what affordable housing can be delivered in the current market and concluded viability was compromised in most areas of Leeds in the current recession as a result of the Affordable Housing Policy being applied prior to 1 June 2011.
- 10.7 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 30% applied to the application and from the 30% figure of the previous Interim Guidance adopted in July 2008). The requirement for a 50/50 mix of social rent and shared equity is unchanged.

- 10.8 The implication of this is that under current policy instead of the 30 affordable units required and provided in relation to the original policy the requirement is reduced to 15 affordable units.
- 10.9 In relation to the detailed application for the site (reference 11/02690/FU) which is currently undetermined, this shows 87 units, which would equate to 13 affordable units. 6 for rent and 7 shared equity.
- 10.10 The Policy indicates that permissions granted will normally be time limited to 2 years.

**Other Developer Contributions:**

- 10.11 As with the original outline consent that was secured at appeal, the application proposal include a package of contributions which take account of the revised interim affordable housing policy and the full level of contributions in respect of other current Policy requirements. These being: -
- Education contribution of £4,763 per dwelling;
  - Greenspace contribution of £1,445 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;
  - Residential Metro Card scheme for residents of £57,239;
  - Public Transport enhancements of £1,226 per dwelling; and
  - Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500.

**Design Issues:**

- 10.12 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.
- 10.13 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.
- 10.14 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.
- 10.15 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.
- 10.16 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:**

- 10.17 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. Short term construction noise would be addressed through a working hours condition.
- 10.18 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. 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:**

- 10.19 The Landscaping of the site would be assessed as part of any reserved matters application. Careful consideration of future landscape proposals would be needed to secure a suitable scheme.
- 10.20 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. The report ascertains that habitats within the site are considered to be of low conservation value. 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.
- 10.21 Whilst it is accepted that the semi-improved grassland is not particularly species rich 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.
- 10.22 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. 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.
- 10.23 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.

- 10.24 An archaeological desk-based appraisal was submitted with the scheme. 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.

### **Highway Issues:**

- 10.25 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.
- 10.26 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. 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.
- 10.27 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.
- 10.28 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.
- 10.29 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. 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.
- 10.30 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.

### **Flood Risk, Drainage And Ground Conditions:**

- 10.31 A Flood Risk Assessment (FRA) was submitted with the application as the development proposals are over 1 hectare in Flood Zone 1. 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.
- 10.32 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.

### **Sustainability Issues:**

- 10.33 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.

### **Other material planning considerations:**

- 10.34 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.
- 10.35 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.
- 10.36 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.
- 10.37 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:**

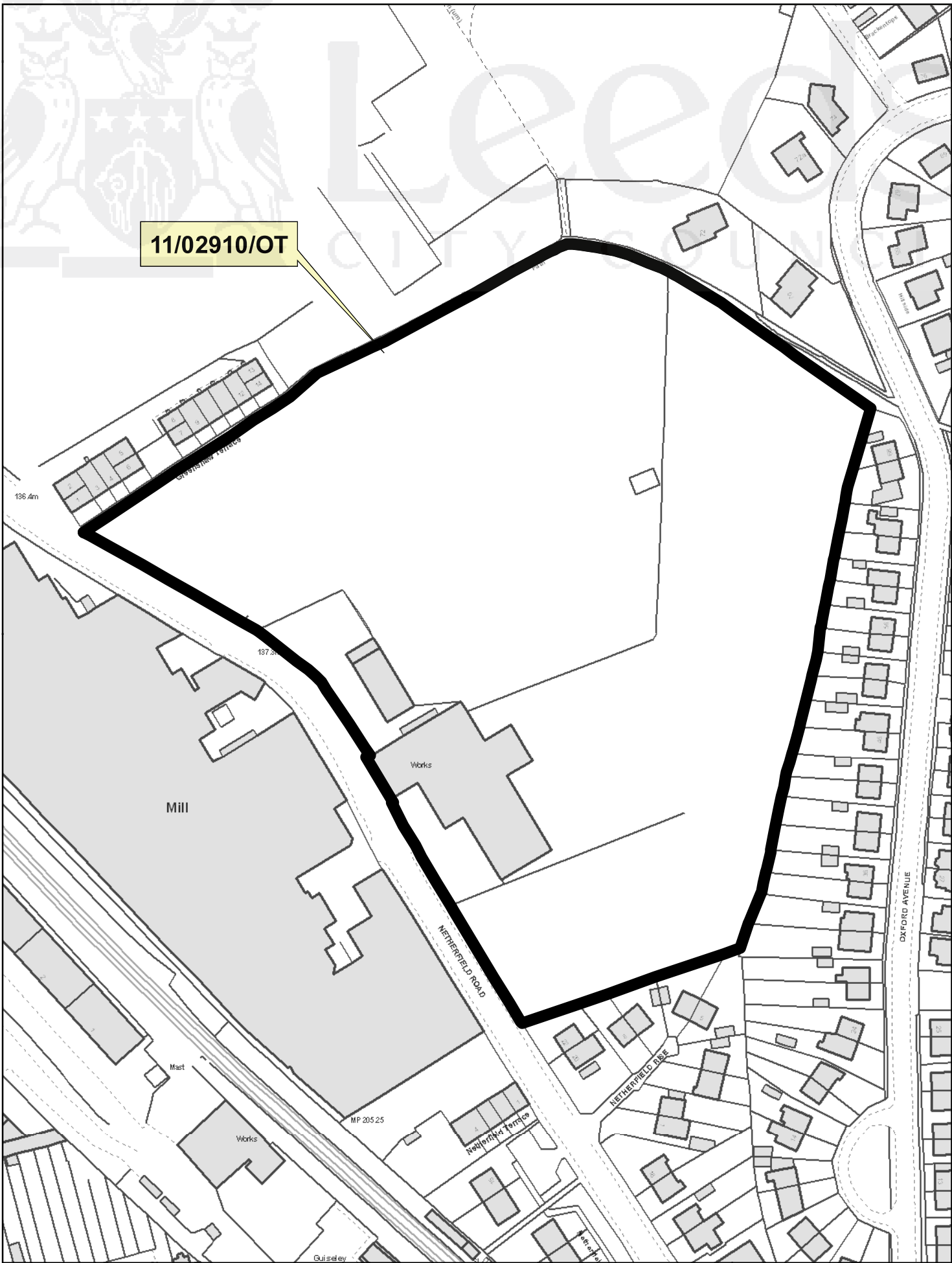
- 11.1 The principle of residential development on this site, as well as the details of the access have previously been agreed by the Planning Inspectorate when allowing the previous appeal.
- 11.2 The difference between this extension application and the original outline proposal is that the applicant is seeking to amend the amount of affordable housing in accordance with the Interim Housing Policy and is maintaining the offering to increase contributions to meet other policy objectives of the Council.
- 11.3 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 subject to a revised 106 agreement incorporating the developer contributions in accordance with current policy.

### **Background Papers:**

Application files 10/02762/OT.

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

Certificate of Ownership.



11/02910/OT

136.4m

137.2m

Mill

Works

NETHERFIELD ROAD

OXFORD AVENUE

NETHERFIELD BISE

MP 205 25

Netherfield Terrace

Mast

Works

Guissey

# WEST PLANS PANEL



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Originator: Tim Poupard

Tel: 0113 2475647

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

Date: 13 October 2011

**Subject: APPLICATION 11/01803/ADV – 7 ILLUMINATED FREE STANDING HOARDINGS AT LEEDS BRADFORD INTERNATIONAL AIRPORT, WHITEHOUSE LANE AND VICTORIA AVENUE, YEADON, LEEDS**

#### **APPLICANT**

Leeds Bradford International  
Airport

#### **DATE VALID**

4 May 2011

#### **TARGET DATE**

29 June 2011

#### **Electoral Wards Affected:**

**Otley & Yeadon**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**GRANT ADVERTISEMENT CONSENT subject to the following conditions**

1. This Consent shall be restricted to a period of five years from the date of the Consent.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Maintenance scheme for advertising hoarding.
4. In granting consent for the advertisement/s the City Council has taken into account all material planning considerations relating to amenity and public safety, including those arising from the comments of any statutory or other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and policies within

The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policy GP5 (UDP)  
Policy BD8 (UDP)  
Policy BD12 (UDP)

On balance, the City Council considers the advertisement/s would not give rise to any unacceptable consequences for amenity or public safety.

## **Informative**

Under the provisions of Part 2 to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (or any Regulation revoking and re-enacting those Regulations with or without modification) the following standard conditions are applied to all advertisement consents express or deemed:

- (i) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- (ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- (iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- (iv) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (v) No advertisement shall be sited or displayed so as to obscure, or hinder the reading interpretation of any road traffic signs, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway/including any coastal water or aerodrome (civil or military).

This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council's Leeds Environment Department, Department of Highways and Transportation (Highways Maintenance and Main Drainage Divisions), and Department of Housing Services; the West Yorkshire Fire Officer or the Health and Safety Executive.

### **1.0 INTRODUCTION:**

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of its significance and its impact on the local area and at the request of a Local Ward Councilors (*Councilors Ryk Downes and Colin Campbell – Otley & Yeadon Ward*).

### **2.0 PROPOSAL:**

- 2.1 This application seeks advertisement consent for the erection of 7 x 48 poster sheet billboards within Leeds Bradford International Airport's (LBIA) ownership boundary.
- 2.2 The hoardings will measure 3.3m in height, 6.0m in width and will be between 1.2 to 3.0 metres off the ground.
- 2.3 The hoardings are located on:
  - Sites 1 and 2: Victoria Avenue approach to Southern Tunnel
  - Site 3: Welcome to LBIA (Whitehouse Lane roundabout)
  - Site 4: Welcome to Yorkshire Sign (Whitehouse Lane)
  - Sites 5 and 6: Split signage on White House Lane
  - Site 7: Entrance to front of terminal.



### **3.0 SITE AND SURROUNDINGS:**

3.1 The seven advertising hoardings will be located within Leeds Bradford International Airport's (LBIA) ownership boundary. The sites are within the operational land boundary of the airport identified on the Unitary Development Plan (UDP) in an area of Green Belt.

### **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:-

- H29/222/83 – One internally illuminated free standing sign (size 0.99m x 0.83m) on airport forecourt – granted consent on 12 December 1983.
- H29/177/83 – One internally illuminated free standing sign (size 0.99m x 0.83m) on airport forecourt – granted consent on 31 November 1983.
- H29/100/86 – 11 internally illuminated double sided post signs (1.59m x 1.08m) on airport forecourt – refused permission 7 July 1986.
- 29/78/95/SI – 5 externally illuminated free standing hoardings on airport forecourt – granted temporary consent for two years on 7 July 1995.
- 29/51/97/SI – 5 externally illuminated free standing hoardings on airport forecourt – granted temporary consent for two years on 22 April 1997. This was a renewal of the 1995 application.
- 29/30/99/SI – 5 externally illuminated free standing hoardings on airport forecourt – granted temporary consent for two years on 4 May 1999. This was a renewal of the above 1997 application.
- 29/146/01/SN – 5 externally illuminated free standing hoardings on airport forecourt – granted permanent consent on 4 September 2001. This was a renewal of the above 1999 application.
- 29/1/01/SI – 8 internally illuminated signs and 2 externally illuminated signs to airport building – granted 5 March 2002.
- 11/00194/ADV – 9 non illuminated free standing hoardings at Whitehouse Lane And Victoria Avenue, Yeadon – withdrawn 2011.

4.2 There is no other relevant planning history for the site in relation to this advertisement consent application.

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

5.1 During the course of consideration of the application the number of proposed hoardings has been reduced from 9 to 7, in addition detailed alterations have been made to their siting, location and their appearance.

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

6.1 There is no statutory requirement for local planning authorities to publicise advertisement applications.

#### **COUNCILLORS:**

6.2 Councillor Colin Campbell has objected to this application on the following grounds: -

- The Council has in the past objected to large advertising hoardings adjacent to the highway given that they are seen as a distraction to motorists. The applicant points out that there is an accident history in the area (12 according to their figures). Given that the Council are to introduce traffic regulation orders in the area on road safety grounds and that the police regard the area as an area of

concern associated with speeding then highway safety would be made worse by the signs.

- The environmental support statement just seems plain wrong. The first sentence refers to the airport being in an urban setting, true it has residential properties to the south but to the west, north and east is open green belt leading to the Chevin ridge recognised in the UDP as an important landscape area. The signs would detract from the open aspect of the area and provide visual clutter. The airport argument seems to suggest that there are some large buildings in the area so a few signs won't matter, it might be better to plant some trees to screen them rather than emphasise them with brightly coloured hoardings. They also seem to make a counter argument that some signs will be in front of a tree screen and will somehow blend in. I find this difficult to believe.
- It would seem that the signs are a way of generating income for the airport and have nothing to do with its operations. I would hope that the Council would therefore reject the application.

6.3 Councillor Graham Kirkland has objected to this application on the following grounds: -

- The site is on a busy road and would distract the attention of road users and increase the risk of accidents. The number would create visual clutter.

MEMBER OF PARLIAMENT:

6.4 We have not received any direct comments to the application from Greg Mulholland MP (Leeds North West Constituency).

LOCAL AMENITY GROUPS:

6.5 We have not received any direct comments to the application from local amenity groups.

LOCAL RESIDENTS:

6.6 7 letters of objection have been received from local residents and their objections can be summarised as follows: -

- Hoardings are pure and simply for advertising and profit making purposes alone
- Danger to road safety
- Distraction to drivers
- Hoardings will be a major eyesore
- Contrary to Green Belt policies
- The signage will also act as a litter trap

6.7 The revised scheme has been re-advertised and previous contributors notified. A further 9 letters of objections have been received but they raised no new issues that are not summarised above.

## 7.0 CONSULTATIONS RESPONSES:

**Statutory:**

LEEDS AND BRADFORD AIRPORT:

7.1 No physical safeguarding issues

**Non-statutory:**

HIGHWAYS:

- 7.2 No objections are raised to the free standing hoardings numbered 4, 5, and 6 subject to the conditions. Highways have objected to the provision of signs 1,2,3 and 7. The objection to signs 1,2 and 3 relate to lack of safe access. However the primary objection to sign 3 is one of driver distraction due to its location on a roundabout where drivers need to concentrate more closely on the need to give way, etc. The objection to sign 7 is also one of distraction, though this is exacerbated if the LCC taxi rank proposal is introduced.

**BUILDING CONTROL ACCESS OFFICER:**

- 7.3 As the proposed hoardings are not located on, and do not obstruct or overhang the pedestrian pavement, this application is not objected to on access grounds.

**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 having regard to 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).

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

**Local Planning Policies:**

- 8.4 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.
- 8.5 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 bellow. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.
- 8.6 The sites are within the operational land boundary of the airport identified on the Unitary Development Plan (UDP) in an area of Green Belt, therefore the specific development Leeds Unitary Development Plan polices are: -
- Policy GP5: development proposals should seek to avoid loss of amenity.
  - Policy BD8: signs should be well designed and sensitively located.
  - Policy BD12: advertising hoardings may be acceptable where they screen unsightly areas but elsewhere will be generally discouraged.

**Supplementary Planning Guidance:**

- 8.7 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:

- Advertisement Design Guide (Leeds City Council) 2006.

### **National Planning Policy:**

- 8.8 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:
- Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development.
  - Planning Policy Guidance 19 (PPG19) – Outdoor advertisement control.

### **9.0 MAIN ISSUES:**

- 9.1 Having considered this application and the representations, it is considered that the main issues in this case are:
- Impact on the visual amenity of the host site, the street scene and the character of the area; and
  - Highway safety.

### **10.0 APPRAISAL:**

#### **Principle of development:**

- 10.1 The two fundamental control practice criteria for advertisements are, amenity and public safety. Amenity considerations are stated to be those relating to the effect of advertisements on the appearance of buildings or the immediate vicinity of where they are displayed. Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians.
- 10.2 The airport has stated that in common with other airports, business parks and industrial estates, there is a need for Leeds Bradford International Airport to advertise its services and facilities. They make reference to PPG19 'Outdoor Advertisement Control' which states that "Outdoor advertising is essential to commercial activity in a free and diverse economy."
- 10.3 It is accepted by all parties that there has been an ad hoc approach to advertisements around LBIA. The airport believe that this application will ensure that in the future a coordinated and formalised method is pursued for all advertisements. This will provide consistency and certainty for LBIA and the city council going forward.

#### **Visual amenity:**

- 10.4 Leeds Bradford International Airport is characterised by its green setting, offset from Yeadon township and in the Greenbelt. Retention of this character is important, and the Council have, as an example, allowed car park extensions with a condition that they be heavily planted with native shrubs and trees, to blend in with the very fine countryside setting.
- 10.5 Original proposals to include hoardings that disturbed long distance views of the undeveloped part of the airfield and The Chevin were removed as this could not have been described as a commercial or industrial setting and is inappropriate for

advertisement hoarding. Through negotiations with the airport, the opportunity to upgrade the quality of the hoardings to include some iconic gateway features to the main airport drop-off has been taken. This also included backlit LED lighting as highlighting. Originally proposed hoardings that dominated the airport approach and the amenity of planting screens were re-located to reduce their visual impact

- 10.6 From a strategic view point, the proposals can be seen in this wider context, assisting the effective and successful operation of the airport, not in isolation from it, in that, the immediate setting of the airport is one that is characterised by being adjacent to the main urban area and by the buildings and operations of an international airport together with adjacent industrial estates and business parks, which include advertisement hoardings on Harrogate Road.
- 10.7 All of the signs proposed are located on the 'airport side' of highways which run to the immediate north and east of the airport. They are therefore seen within the context of a fully functioning airport and not in the backdrop of the wider landscape.
- 10.8 The airport is a major piece of infrastructure with associated buildings that are large in scale and some already displaying prominent signage. Whilst it is accepted that the airport landscape should be attractive to visitors and be effectively integrated with its setting, it should also reflect and in fact celebrate its commercial nature and characteristics that are a positive force for economic growth in the region. If sited in a sensitive way, poster advertisements can help to do this without compromising the broader landscape characteristics.

#### **Highway safety:**

- 10.9 The Council's Highway Engineer has two main issues with the proposed hoardings. One being whether the proposed hoarding would distract drivers to the detriment of their safety and safety of others and whether the hoardings be serviced and maintained safely.
- 10.10 Leeds City Council Road Safety Engineer has stated that the proposed hoardings on Victoria Avenue (site 1 and 2) whilst are sited close to the entrance of the tunnel, would not be a distraction to drivers as the decision of which lane to take would have already been made when they become visible. No objections on distraction grounds are raised by highways in relation to the hoardings at sites, 3, 4, 5 and 6.
- 10.11 Any Airport taxi proposals would involve the construction of a mini roundabout at the junction of Whitehouse Lane/car park entrance. It is considered by the Road Safety Officer that a hoarding in this location (site 7) could be a distraction to drivers giving way at the roundabout. However it is considered that it would be hard to resist a scheme on this basis. A condition could be placed on any decision requiring the advert to be moved if any new mini roundabout scheme were implemented. the Road Safety Officer that also stated that a hoarding at location 3 could also be a distraction.
- 10.12 Driver distraction is a relevant consideration for advertisement consents and the road safety manager has raised concerns on the grounds of driver distraction because of the specific locational aspects of signs 3 and 7.
- 10.13 Government Guidance on adverts does state that "LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians."

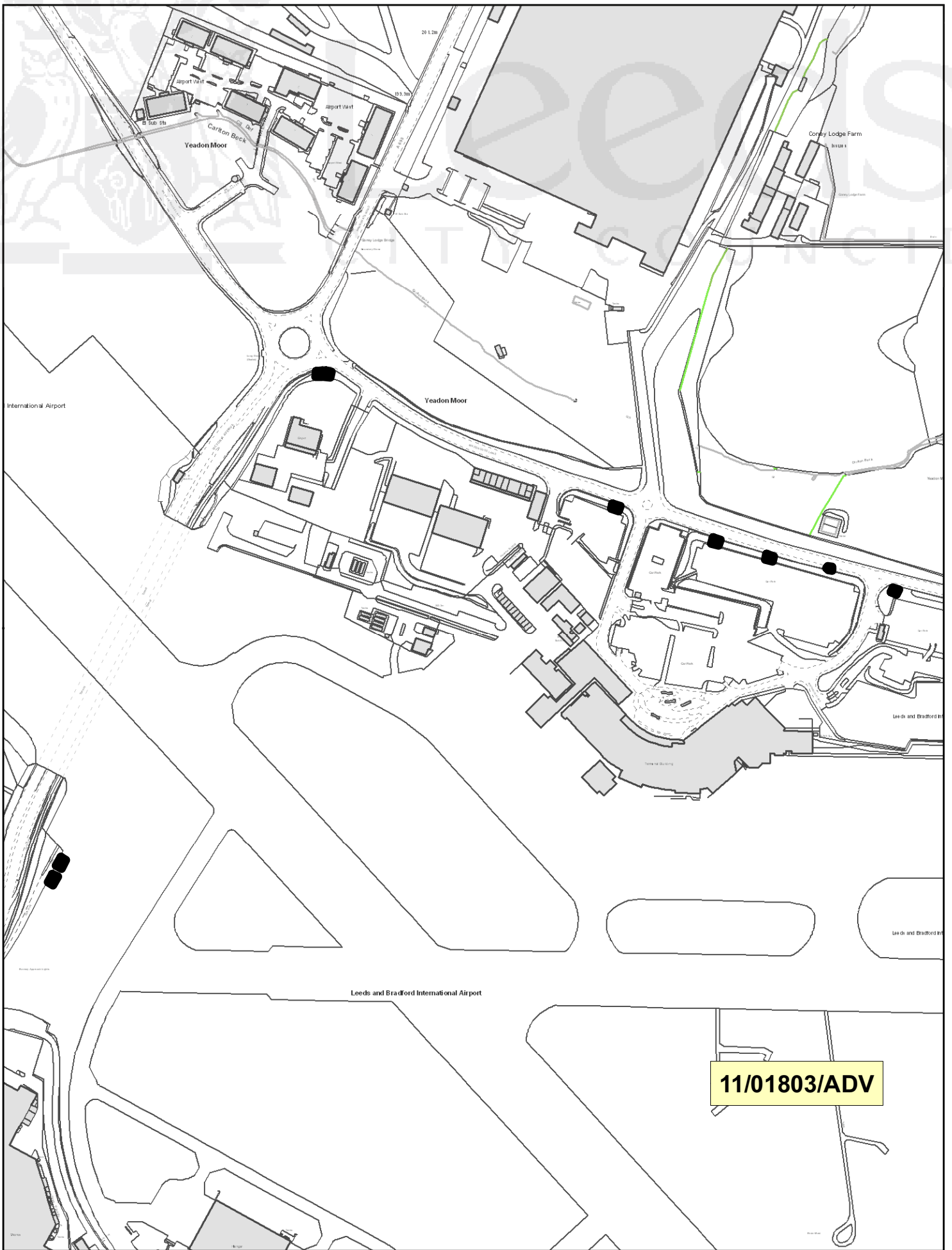
- 10.14 Overall it is considered that the hoardings themselves or their exact location are not likely to be so distracting, or so confusing, that they create a hazard.
- 10.15 Turning to maintenance, Traffic Regulation Orders are in place on Whitehouse Lane and Victoria Avenue which prohibit loading and waiting. The Council's Highway Engineer has stated that the hoardings numbered 4, 5, and 6 can be maintained from within the car park. However they have raised concerns regarding the hoardings 1, 2, and 3, in that any maintenance work would necessitate vehicles parking on the highway which is prohibited in these location.
- 10.16 A transportation statement was submitted by the airport to address queries raised by the highways department in relation to how the signs will be maintained in the future. The scheme included a outline method statement explaining the maintenance requirements and regime. It confirms that all airport contractors will be made aware that they can not park on the grass verges, pavement or carriageway and must make use of existing parking facilities within the airport. from there they can be escorted to the signs and that the maintenance and upkeep can be done on foot.
- 10.17 The airport have confirmed that these requirements will be strictly applied and have asked members to note that the airport is heavily regulated and illegal parking will not be permitted in the interests of health and safety and importantly airport security.
- 10.18 Subject to a maintenance agreement being conditioned, it is considered that there should not be any public safety concerns with the proposed maintenance regime and the proposals are consistent with the guidance set out in the Advertising Design Guide and PPG19.

## **11.0 CONCLUSION:**

- 11.1 On balance, and in light of the above, the application is considered to be acceptable, and is considered to comply with the relevant national and local planning policies as set out in the report and is recommended for approval subject to the conditions listed.

### **Background Papers:**

Application and history files.  
Certificate of Ownership.



11/01803/ADV

# WEST PLANS PANEL



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