



SOUTH AND WEST PLANS PANEL

**Meeting to be held in the Civic Hall on
Thursday, 28th March, 2013
at 1.00 pm**

MEMBERSHIP

Councillors

J Akhtar	J Bentley	P Wadsworth	R Finnigan
M Coulson		R Wood	
C Gruen			
J Harper (Chair)			
C Towler			
P Truswell			
J Walker			

**Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 24 74325**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information 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 Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following 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, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 28 FEBRUARY 2013</p> <p>To confirm the minutes of the meeting held on 28 February 2013 as a correct record.</p>	1 - 4
7	Farnley and Wortley		<p>APPLICATION 13/00828/FU - 2 CASTLE INGS GARDENS, NEW FARNLEY, LS12</p> <p>To consider the report of the Chief Planning Officer for a retrospective application for a new 1.8m high fence to side.</p>	5 - 12
8	Bramley and Stanningley		<p>APPLICATION 12/02434/FU - MANOR PARK SURGERY, BELLMOUNT CLOSE, LS13</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a part two storey, single storey front; side and rear extension including pharmacy and opticians and laying out of car park</p>	13 - 30

Item No	Ward	Item Not Open		Page No
9	Calverley and Farsley; Horsforth		<p>APPLICATION 12/04929 - FORMER CLARIANT WORKS, CALVERLEY LANE, HORSFORTH, LS18</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a reserved matters application for 331 dwellings including internal highways, landscaping and 2 retail units.</p>	31 - 42
10			<p>APPLICATION 13/00550/FU - LAND ADJ WOODHOUSE METHODIST CHURCH, WOODHOUSE STREET, LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a retail unit with storage area, office and parking.</p>	43 - 52
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 25 April 2013 at 1,30 p.m.</p>	

Agenda Item 6

SOUTH AND WEST PLANS PANEL

THURSDAY, 28TH FEBRUARY, 2013

PRESENT: Councillor M Coulson in the Chair

Councillors J Akhtar, J Bentley, R Finnigan,
C Gruen, J McKenna, E Nash, P Truswell,
P Wadsworth, N Walshaw and R Wood

58 Late Items

There were no late items but a supplementary report for Agenda Item 8, Application 09/05553/OT – Land off Royds Lane was admitted to the Agenda.

59 Appointment of Chair

Due to the absence of Councillor J Harper, the Panel was asked to nominate a Chair for the meeting.

RESOLVED – That Councillor M Coulson be appointed as Chair for the meeting.

60 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of interest.

61 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Harper, C Towler and J Walker.

62 Minutes - 31 January 2103

RESOLVED – That the minutes of the meeting held on 31 January 2013 be confirmed as a correct record subject to the following amendments:

Minute No 52 – Application 12/04894/FU – Ash Grove Social Club, 16 Ash Grove, Headingley

Page 3, second bullet point to read ‘There was already an approved extension for 6 flats which would result in a total of 13 flats including the existing 3 flats’

Page 4, fourteenth bullet point to read ‘Planning permission had previously been granted that would have allowed a total of 33 residents at the premises’

63 Application 12/04984/FU - 16 Ash Grove, Leeds

Draft minutes to be approved at the meeting
to be held on Thursday, 28th March, 2013

The report of the Chief Planning Officer referred to an application regarding the change of use of a social club to form 4 flats with landscaping and car parking at Ash Grove Social Club.

Members were reminded of the decision to defer this item at the previous meeting to allow officers to draft detailed reason/s for refusal further to concerns expressed by the Panel and the report outlined those reasons for refusal.

In response to Members comments and questions, the following issues were discussed:

- Further to a question of whether the lack consultation could be included within the reasons for refusal, it was reported that policy did not cover consultation but further representations could be made to developers regarding engagement with communities.
- It was requested that officers discuss the possibility of using the building for provision of family housing.
- It was requested that the Panel should receive a further report on Paragraph 50 of the National Planning Policy Framework which addressed housing and mixed communities.

RESOLVED – That the application be refused as per the recommendation outlined in the report.

64 Application 09/05553/OT - Land off Royds Lane, Lower Wortley, Leeds

The report of the Chief Planning Officer presented an outline planning application for residential development at land off Royds Lane, Lower Wortley, Leeds. A supplementary report was also submitted regarding the allocation of the site for waste management.

Site photographs and plans were displayed at the meeting.

Further issues highlighted in relation to the application included the following:

- Members were reminded of previous consideration given to this application and changes to the application since it was last brought to Panel. These included a reduction in the number of proposed dwellings, increased costs and the proposed Section 106 agreement.
- Highways improvements – it was reported that the scheme was not sufficient enough to signalise the Ringways roundabout.
- The supplementary report informed the Panel of the allocation of the site for waste management. This was approved in March 2009 and remained valid until March 2014. Due to this and further issues regarding the Section 106 agreement it was recommended that the application be deferred for further consideration before a further report be brought back to the Panel.

In response to Members comments and questions, the following issues were discussed:

- Increased cost of the proposed development due to contamination. There had been an exhaustive look at the site in relation to this and the geology of the site to satisfy viability issues.
- There had been discussion with Ward Members who were keen for the development to proceed.
- The education contribution of the Section 106 agreement and provision towards additional school places.
- Provision of jobs and training for local people as part of the development.
- The need to develop brownfield sites.

RESOLVED – That the application be deferred as per the recommendation as outlined in the supplementary report.

65 Application 10/05520/FU - St Bartholomew's, Wesley Road, Armley

The report of the Chief Planning Officer presented an application for a 2 storey community centre with covered link to church and outline residential development of 27 houses at St Bartholomew's, Wesley Road, Armley.

Members attended a site visit prior to the meeting and site photographs and plans were displayed.

Further issues highlighted in relation to the application included the following:

- An application had initially been considered by Plans Panel (West) in March 2011. Since then there had been a revised indicative layout for housing, provision for parking overspill, revised pedestrian access and further viability reports.
- Proceeds from the sale of the housing site would be used to fund the development of the Community Centre.
- Car parking – overspill provision for the Community Centre would be provided at the nearby school. There had not been any representations from highways on parking grounds.
- The unused allotment site – policy only protected allotment sites that were in use.
- There was a reduction in the number of proposed dwellings from 33 to 27.

In response to Members comments and questions, the following issues were discussed:

- Concern regarding the layout of housing – it was reported that the plans were indicative and there would be further consultation at a later stage, Ward Members would be consulted.

- Concern regarding lighting between the overspill car park and the community centre. It was reported that there would be some street lighting and there was further opportunity to discuss this. It was further reported that it was felt that the overspill would only be occasionally required as there was adequate parking for normal use of the centre.
- Disappointment that affordable housing could not be included in the proposals.

RESOLVED – That the application be deferred and delegated for approval subject to completion of a Section 106 agreement and conditions as outlined in the report.

66 Date and time of next meeting

Thursday, 28 March 2013 at 1.30 p.m.



Originator: Ian Cyhanko

Tel: 0113 247 4461

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 28th March 2013

Subject: Planning Application 13/00828/FU
Retrospective application for new 1.8m high fence to side boundary of
2 Castle Ings Gardens, New Farnley, Leeds, LS12 5EG

APPLICANT

Mr Martin Blackburn

DATE VALID

15th February 2013

TARGET DATE

12th April 2012

Electoral Wards Affected:

Farnley and Wortley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PLANNING PERMISSION on the following grounds

The Local Planning Authority considers that the fence due to its appearance, materials, length and height, combined with the visual prominence of its location, at a junction results in the formation of an unduly intrusive boundary feature that is considered inappropriate given the context set by the prevailing boundary treatments within the immediate locality. The scheme is therefore considered contrary to policies GP5 and N25 of the Leeds Unitary Development Plan (Review) 2006, policy HDG1 of the Householder Design Guide.

1.0 INTRODUCTION

1.1 This application is brought to Panel at the request of Councillor Hardy due to the special circumstances of the applicant.

2.0 PROPOSAL

- 2.1 The application is for retrospective planning consent to retain a 1.8m wooden fence, with concrete posts to the side of the property at 2 Castle Ings Gardens. The fence abuts the highway of Low Moor Side Lane and lies along the side northern boundary of the curtilage of this property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to an extended, semi-detached dormer bungalow. The site lies in a corner plot, and has its front elevation facing Castle Ings Gardens to the east, and the side and rear of the property which lie to the north and west face onto Low Moor Side Lane. To the south lies the adjoining property at number 4 Castle Ings Gardens. The property benefits from gardens to three sides. The host property is brick built, and appears to have been constructed in the 1960's. The property has a concrete tiled roof, and has a large side extension which matches the height of the original property, which virtually runs the full width of the property. A 1.8m timber fence with concrete posts has been erected directly adjacent to the existing low brick boundary wall along the side and rear garden areas, adjacent to the highway of Low Moor Side Lane. This development was carried out without the benefit of planning permission.
- 3.2 The site lies within the settlement of New Farnley, close to the Green Belt boundary. The locality is wholly residential in character and the street scene of this end of Low Moor Side does have a semi-rural character due to its proximity to the Green Belt, the appearance of stone built cottages which lie nearby, and open grass verges. The locality has a green and leafy appearance and boundary treatments are low, mainly comprising of planting behind low dwarf walls. The character of Castle Ings Gardens is more suburban and is characterised by regular spaced, semi-detached bungalows. The site was enclosed by a low brick built wall, with shrub planting, prior to the fence being erected.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/04514/FU Single storey side extension Approved 18.10.07

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An initial site visit from the Enforcement Officer was carried out on 27th November 2012, following a complaint which was received on 14th November 2012. A letter was written to the owners on 11th January 2013 requesting them to remove or reduce the size of the fence, in order to regularise this breach of planning control.
- 5.2 At the request of the property owner a meeting then took place with the applicants on site with Planning and Enforcement Officers on 30th January 2013 to discuss the case and alternative solutions to removal of the fence. Following a consultation response from Highway Officers, the applicant was advised that Officers would support a fence of the height proposed if it was re-sited into the site by 1m, to improve the visibility splays around the site, and to also provide a small buffer area adjacent to the previous brick wall for planting, in order to soften the appearance of the fence in the street scene. This was considered by officers to be a reasonable compromise that maintained the privacy of the garden required for the applicant's child and maintaining a large proportion of the garden space whilst addressing the officers concerns regarding visual amenity.

5.3 Subsequent to this discussion the applicants considered the compromise position offered but decided to submit a retrospective application to retain the fence in its current format and position.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Sixteen letters of notification were sent out to adjacent occupiers on 25th February 2013. To date no objections have been received to the proposal, in spite of this application been submitted in response to an Enforcement complaint.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways On balance, a highway objection can not be sustained. The fall back position of being able to grow hedging other vegetation over 1m in height would make a highway objection difficult to support.

8.0 PLANNING POLICIES:

National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

8.2 The development plan is the adopted Leeds Unitary Development Plan (Review 2006).

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.4 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.5 UDP Policies:

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

- BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- LD1 Any landscape scheme should normally:
- i. Reflect the scale and form of adjacent development and the character of the area;
 - ii. Complement and avoid detracting from views, skylines and landmarks;
 - iii. Provide suitable access for people with disabilities;
 - iv. Provide visual interest at street level and as seen from surrounding buildings;
 - v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
 - vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
 - vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

8.6 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

- HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:
- i) The roof form and roof line;
 - ii) Window detail;
 - iii) Architectural features;
 - iv) Boundary treatments
 - v) Materials;

- HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

9.0 **MAIN ISSUES**

- 1) Design and Visual Impact
- 2) Highway Safety
- 3) Special Circumstances of the Applicant

10.0 APPRAISAL

Design and Visual Impact

10.1 The proposal forms part of the street scene of Low Moor Side Lane. As noted in the sites and surroundings section of this report both the immediate stretches of Low Moor Side Lane and Castle Ings Gardens are characterised by a green and leafy appearance with front boundary hedges and other planting making up a significant contribution to this character. The immediate street scene of Low Moor Side Lane has open grass verges and does not contain any similar styled fences which are of a similar height, or design. The fence erected at the application site without the benefit of planning approval is a 1.8m high timber fence with concrete posts. At approximately 20m in length the fence represents a sizeable addition to the streetscene which has considerable prominence and mass due to its positioning in relation to Low Moor Side Lane and its height.

10.2 It is considered that the fence, due to the design materials used and location immediately adjacent the highway, represents an addition which is inappropriate within the wider context of this locality which has an attractive green and leafy character. It is considered the proposal appears stark, incongruous and overly dominant within the street scene due to the character of the surroundings. The visual harm is further exacerbated by the corner location of this fence at a road junction. It therefore cannot be considered that the new fence has been designed in a positive manner as is required by UDP policies GP5 and N25 and does not respect the character of the locality as is required by Householder Design Guide policy HDG1.

Highways

10.3 Highways raised concerns initially regarding the impact of the fence because of its height and siting on highway safety. It was initially considered that the constructed fence restricts visibility at the junction of Castle Ings Gardens and Low Side Moor Lane. Highways have however reviewed the case and stated that on balance a highway reason for refusal could not be sustained.

Special Circumstances of the Applicant

10.4 The applicant has stated the requirement for the fence has derived from the fact they have a severely disabled daughter, who has a ground floor bedroom who uses a wheel chair for mobility. The fence improves the safety, security and privacy of her bedroom, and as well allowing her privacy whilst in the rear garden area.

10.5 The needs and requirement of the applicant in respect of requiring privacy within their rear garden area is wholly appreciated and accepted by the Officers. It is considered entirely reasonable for any householder, in a suburban property such as this, to be able to create an element of private garden space.

10.6 In order to overcome concerns regarding the visual impact of the proposal, the applicants were advised that a proposal to re-site the fence 1m into the site would be supported by Officers. This would allow a buffer area around the fence to allow an area for planting which would soften the appearance of the fence. This solution would both provide the security and privacy the applicant are seeking, and reduce the dominance and visual presence of the proposal within the street scene. The

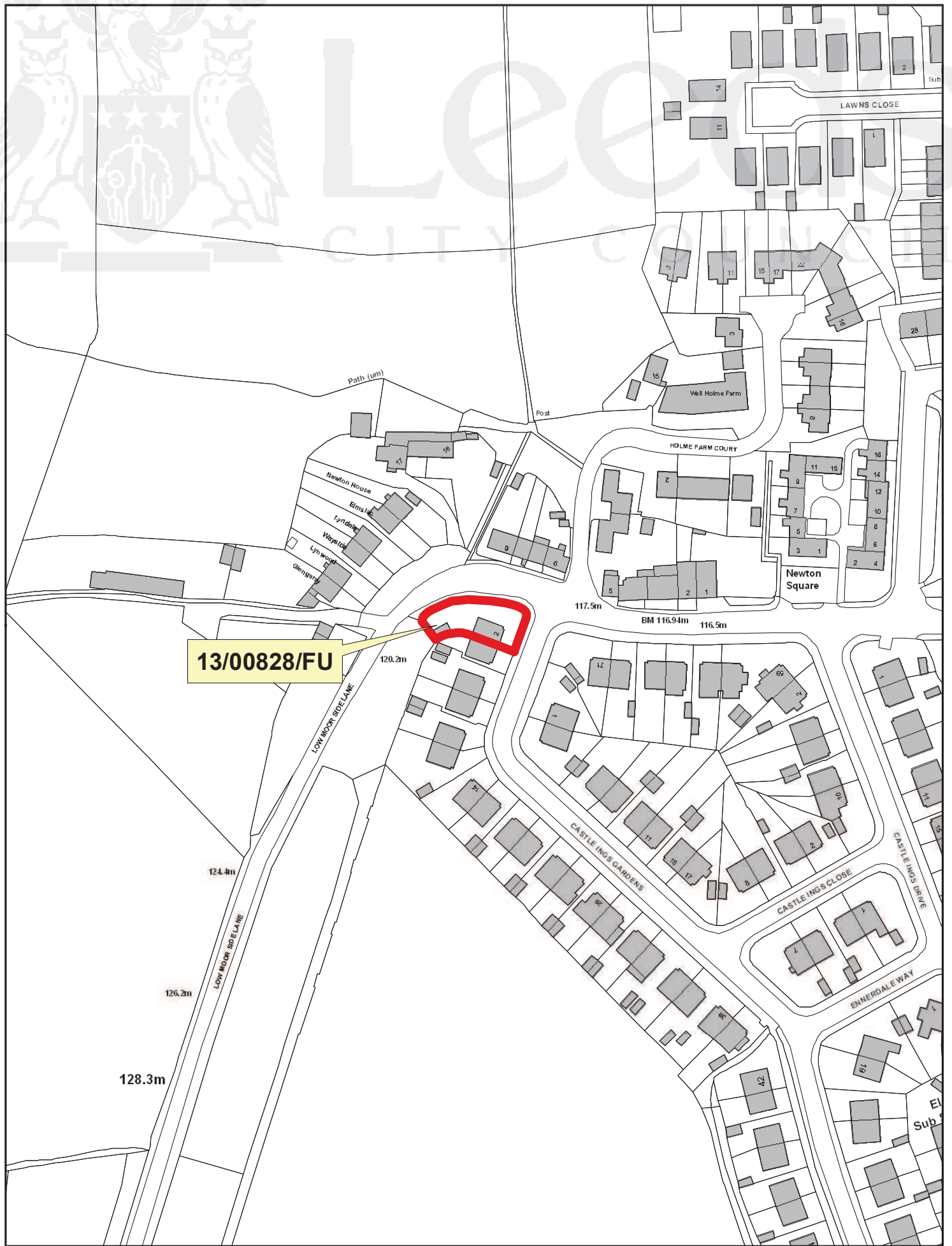
garden is good size and would still provide a good useable space by re-siting the fence 1m into the site. As such on balance it is considered that a compromise position has been offered that would both satisfy the applicant's needs and the councils concerns. Therefore retention of the fence cannot be supported in it current location because of its impact on visual amenity.

11.0 CONCLUSION

It is considered that the new fence, due to its height, design and prominence created by its considerable length creates an inappropriate addition to the immediate streetscene of Low Moor Side Lane, which is characterised by open front gardens and low walls, fencing and hedging. Therefore it is considered that the new fence has not been designed in a positive manner as is required by UDP policy N25 and does not respect the character of the locality as is required by Householder Design Guide policy HDG1. There are alternatives available to the applicant which would provide a private rear garden area which they are seeking and which visually would be in keeping with the character of this locality.

Background Papers:

Application files 13/00828/FU



13/00828/FU

SOUTH AND WEST PLANS PANEL

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Originator: Steve Butler
Tel: 0113 2243421

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 28th MARCH 2013

Subject: PLANNING APPLICATION 12/02434/FU – PART TWO STOREY PART SINGLE STOREY FRONT, SIDE AND REAR EXTENSION INCLUDING PHARMACY, OPTICIANS AND LAYING OUT OF CAR PARK.

At: MANOR PARK SURGERY, BELLMOUNT CLOSE, BRAMLEY

APPLICANT	DATE VALID	TARGET DATE
Manor Park Surgery	31 st May 2012	26 th July 2012

Electoral Wards Affected:

Bramley and Stanningley

Y

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. Surgery and pharmacy opening hours. Surgery 08.00hrs to 19.00 Mon to Fri. Pharmacy 06.00hrs to 22.00 Mon to Fri and 12.00hrs to 20.00hrs Sat and Sun.
4. Hours of construction works
5. Restriction of use of pharmacy to no other purpose within Class A1 and to remain ancillary to the surgery use. and limited to 110 sq m in size
6. Lighting details / time switch
7. Details of screening fencing
8. Provision of motor/cycle/ car parking prior to use
9. Provision of bin store prior to use
10. Development in accordance with approved Travel Plan Statement

12. Samples of external materials for inspection / to match existing
13. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan with particular reference to the Leeds Unitary Development Plan Review 2006 (UDPR) policies;

GP5, BD6, N13, N25, T2, T24, S2 and S9

SPD: 'Street Design Guide'

SPD: 'Travel Plans'

On balance, the City Council considers the development should be supported and will give rise to improved health facilities for local people. Whilst the additional pharmacy is not in accordance with criterion i of policy S9 it is considered that the overall benefits of the scheme as a whole outweigh this policy breach and that the proposal represents sustainable development and will not adversely impact on the vitality and viability of Bramley Town Centre or give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance which outweigh the presumption in favour of sustainable development.

1.0 INTRODUCTION

- 1.1 This application seeks full permission for the extension of an existing doctor's surgery to provide additional consultation rooms, waiting areas, an ancillary optician and 100-hour pharmacy. The application was originally brought before the South and West Plans Panel on the 11th of October 2012 due to the high level of interest from local residents and members of the public. Following revisions to provide screening fencing and adjust the operating hours of the proposed pharmacy the application was considered appropriate in planning terms by officers and therefore recommended for approval subject to the above conditions. Members of South and West Panel agreed with the officer recommendation and the application was unanimously approved by Panel following a site visit. A decision notice was subsequently issued dated 16th of October 2012.
- 1.2 On the 20th of November Leeds City Councils Legal Services received by hand a letter from Pinsent Masons Solicitors acting on behalf of Lloyds Pharmacy. (Members will recall an unusual aspect of this application was that the proposal included not only extensions to the consulting facilities and an opticians but also an attached Pharmacy which would be in addition to an existing Pharmacy operated by Lloyds which is currently part of the Medical Practice building). The letter advised that Pinsent Masons had been instructed to challenge the decision made at Panel to grant planning permission. The formal challenge was duly made.
- 1.3 The grounds of the challenge were that the City Council had erred in law in that it:-
 - (i) failed to understand or apply S38(6) or the Planning and Compensation Act 2004; and

- (ii) failed to understand the difference between emerging and adopted development plan policy and/ or made an irrational decision by applying the former over the latter and/ or failed to provide reasons for acting as aforesaid; and
- (iii) failed to take into account UDP Policy S2; and
- (iv) failed to understand or correctly apply NPPF policy on the need for sequential assessment of retail proposals; and
- (v) failed to take into account the impact of its decision on the commercial viability of the claimant's business and/or made a decision which had a disproportionate and therefore unlawful impact on the Claimant's interests in breach of the first protocol to the Human Rights Act 1998.

1.4 The letter explained that in view of the above the City Council was requested to:-

- (i) Consent to judgement to the quashing of the decision granting planning permission dated 16th of October 2012
- (ii) Pay the Claimant's costs in respect of these proceedings.

1.5 Following the submission of this judicial review internal discussions with Legal services took place and it was determined to seek the opinion of Counsel. Counsel responded by saying that in his view the Council could not successfully defend the claim as there were elements of the report that should have been more fully considered and that in view of this and the potential for additional costs to accrue the best course of action was to agree to a 'Consent Order' agreeing to the quashing of the decision and for officers to draft a re-determination report. The Consent Order has now been agreed and the decision quashed and the costs settled.

In summary therefore the report before you now is the re-determination report for this application and picks up the points made in the JR challenge to ensure that a safe decision is made.

1.6 Members will be aware from the recommendation at the top of the report that although it is accepted that there were flaws in the original report (specifically that the previous report erred by not including policy S2 of the UDP, not being clear about the sequential test and the relevance of the NPPF and also that emerging policy does not override adopted UDP policy) officers, having reconsidered the matter, still consider that on balance the application should be approved.

2.0 PROPOSAL

2.1 Permission is sought for the significant extension and alteration of the existing Manor Park GP surgery in Bramley. The applicants explain that due to significant increases both in patient numbers and the complexity of their health problems there is now an identified need for expansion including additional waiting areas and consulting rooms, an additional pharmacy with extended opening hours and new on-site opticians, and facilities for specialist GP-led clinics not currently available in the locality including diabetes management and physiotherapy. The expansion is intended to accommodate an increase in the number of GPs based at the practice partly by becoming a PCT recognised centre for the postgraduate training of GPs, as well as through the provision of enhanced facilities. The surgery currently has 9 Doctors and associated staff. In the Design and Access statement the Doctors set out the need for improved facilities as the practice serves a patient population which is now approaching 15,000.

- 2.2 The main element of the proposal will be a part single-storey, part two-storey extension to wrap-around the eastern, southern and part of the western elevations of the building. This will be constructed from red brickwork with a pitched tiled roof to match the existing and UPVC fenestration. At ground floor level it will provide 10 new consulting rooms, an optician's, pharmacy with WC, kitchen and consultation room, with the loss of two existing rooms to facilitate provision of a corridor link and new waiting area. An existing area currently occupied by stairs and partitions will be opened out to provide this, linked to the car park via a new entrance hall with reception desk and an improved access ramp.
- 2.3 The existing stairs will be relocated into the new extension to the southern side, adjacent to the proposed new pharmacy. Along with a passenger lift they will give access to the extended first floor area. This will provide four new treatment rooms, a staff room and meeting room to the new section, whilst the existing accommodation will be reconfigured to provide toilets, a waiting area and office. The existing meeting room and kitchen to this level will remain.
- 2.4 In addition to the extensions the existing ground floor will be reconfigured. The existing entrance hall will be partitioned from the existing waiting room and become part of the existing Lloyds pharmacy (total floor area approx 89sqm). So the Lloyds Pharmacy will have its own entrance but will no longer be accessible internally directly from the surgery. Lloyds Pharmacy will remain otherwise unchanged. An existing nurse's office leading off this reception area will be subdivided into an interview room and toilets, and two existing interview rooms incorporated into an enlarged administration office. A consulting room to the eastern side of the building will be opened out to provide a new link through from the existing corridor to the proposed corridor serving the new consulting rooms at the rear of the building. Where existing rooms become internal, Velux rooflights will be installed to provide ventilation in addition to retention of existing windows to make use of 'borrowed light' from the proposed glazed corridor.
- 2.5 Externally the new sections of roof will generally be joined to the existing by way of valley gutters. The new roof to the two-storey section will be hipped to match the main roof, rather than pitched in the manner of those to the existing pharmacy and two-storey element and proposed new entrance hall. Although some low shrubs and bushes will be lost to hard surfacing, the large trees (which mainly lie outside the site or on the boundary) will be retained and augmented by two silver birches adjacent to the gates.
- 2.6 The proposed extensions will occupy the existing grassed areas to the south and east, bringing the building to within 1.8m and 1.0m of the boundaries respectively. The new entrance, ramp and a proposed ambulance bay will occupy most of the existing landscaped area to the front of the premises. In addition, the car park will be extended in several directions within the site in order to increase the overall number of spaces from the current 24 to 40, including four disabled spaces adjacent to the main entrance. A row of six spaces to the east of the gates will be moved back around 6m toward the boundary to accommodate two additional spaces north of the existing pharmacy.
- 2.7 An existing grassed area to the north-western side will be used to accommodate five additional spaces, whilst a further nine will be provided to another grassed area on the south-western side. The existing eleven spaces to the front and centre of the site will be removed and relocated 90 degrees to the front of the existing pharmacy, and a new protected pedestrian walkway provided from the main gate across the car park to the entrance. Existing lighting columns will be relocated, whilst the palisade boundary

fence will be retained (with a 14m run adjacent to the rears of Nos. 2-14 Bellmount Grove to be relocated).

- 2.8 In total the proposals will add an additional 622m² of internal floorspace comprising 110m² of A1 retail pharmacy and 512m² of D1 non-residential institutional provision. This will almost double the current gross floor area of 777m². The number of employees will also increase, from 22 full-time and 8 part-time to 29 and 11 respectively, including 6 additional doctors. Operating hours for the surgery will be 08.00-19.00 Mon-Fri only, with the new pharmacy operating from 07.00-23.00 Mon-Fri, 09.00-21.00 Saturday and 12.00-20.00 on Sundays.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the Manor Park doctors' surgery complex. This detached modern red brick building was approved in 1989 and constructed on land cleared as part of the comprehensive demolition of Bramley Town Centre in the 1970s. A projecting extension containing a retail pharmacy operated currently by Lloyds was added to the front in the late 1990s. In July 2006 the building was completely burned out by a major fire and subsequently extensively rebuilt to the original plans.
- 3.2 The building is mainly single-storey (dominated by a large expanse of hipped roof) with a small two-storey element to the southern side, originally built as a 2-bed flat but now used as ancillary office and other accommodation. It is constructed of red brickwork under smooth grey tiles with a regular pattern of UPVC fenestration and is elevated approximately 0.5m above the car park, accessed via a flight of stairs and a flagged ramp leading to an entrance hall.
- 3.3 Internally the building opens into a full-height reception and waiting area which in turn leads onto a warren of treatment rooms, administration offices and staff facilities and to a corridor leading to thirteen different consulting rooms. The pharmacy is separately accessed via the entrance hall whilst the first floor is not accessible to patients.
- 3.4 Externally the building is bounded by a grass strip to the north, east and south and protected by a 2.2m green palisade fence to the entire perimeter. It shares the southern boundary with an area of public open space, which permits medium-range views of the complex from Bell Lane. Beyond the northern and eastern boundaries there are houses; local authority terraces with short (6m) rear gardens to the former, and older semi-detached properties with 50m rear gardens to the latter. In each case there is a narrow ginnel separating the gardens from the surgery site.
- 3.5 The building is set within an area cleared of terraces in the 1970s and now dominated by local authority housing in dark brick, with some isolated earlier survivors (notably Bell Grove, a row of eight back-to-back stone and red-brick properties which lie to the north-west). It is accessed from Bellmount Grove across an informal parking and turning head which in turn opens onto a very well-used asphalt car park lit by pole-mounted globe-style fittings.
- 3.6 This car park contains 24 parking spaces arranged in three rows, with further provision adjacent to the northern boundary. It too is surrounded by grass verges with some incidental planting. There are houses to Bell Grove which abuts the north-western boundary; these face the parking area and are screened by a row of large mature sycamore trees.

- 3.7 The existing pharmacy is open from 08.30 to 18.30 Mondays to Fridays, with no operations on weekends and Bank Holidays. The main surgery is open from 08.00 to 19.00 on weekdays, with the last hour reserved for enquiries and collection of prescriptions. There are no surgeries on weekends or Bank Holidays.
- 3.8 The site is within walking distance of the defined Bramley District Centre (some 460m from the entrance to the edge of the centre via the main roads of Bell Lane and Upper Town Street but reduced to about 270m if the public footpath to the rear of the surgery to Upper Town Street is used). There are two pharmacies contained within the District Centre (Boots and The Co-operative) and two opticians. The District Centre contains a broad range of shopping and other services – a recent site visit has indicated that there appear presently to be two of the existing shop units which are not occupied. On the opposite side of Upper Town Street from the District Centre is Bramley Clinic. There is an additional Lloyds pharmacy on Upper Town Street opposite the junction with Bell Lane some 150-200m from the surgery which is also outside of the boundary of the defined District Centre.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The original application for the surgery (reference: H24/19/89/) included consultation / treatment / waiting and staff rooms, toilets and a 2-bedroom caretakers' flat. It was approved on 6th March 1989 and constructed shortly thereafter.
- 4.2 In 1997 an application (ref 24/208/97/FU) was received to add a front extension (the existing Lloyds Pharmacy) and extend the car parking area. This was approved on 16th September of that year. Two replacement signs were added to the pharmacy under application 06/00318/ADV, approved on 3rd March 2006.
- 4.3 However shortly thereafter the surgery was badly damaged by a major fire incident necessitating a substantial rebuild within the surviving walls. Whilst this was underway a temporary surgery was erected in the car park to allow continuity of services to the patient base.
- 4.4 This was granted temporary consent on 16th October 2006 under application reference 06/05122/FU and was removed from site on completion of the repairs to the main building, in accordance with the conditions of the approval.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In response to the comments of the Highways officer revised plans have been provided showing cycle and motorcycle parking, shower facilities and locker rooms for staff. A Travel Plan Statement has also been submitted and agreed.
- 5.2 Following a public meeting the applicants agreed to alter the pharmacy weekday opening hours from 7am-11pm to 6am-10pm in order to reflect resident concerns about the late opening and associated potential for noise and ASB. A condition has also been agreed to provide fencing to the north-eastern boundary to screen the rear elevations / gardens of houses on Bellmount Close from vehicle movements and headlight glare.

6.0 PUBLIC/ LOCAL RESPONSE:

- 6.1 A General site notice was posted on 15th June 2012. 15 objections have been submitted by local residents and by solicitors acting on behalf of the existing Lloyds' Pharmacy.
- 6.2 A total of 292 standard letters of objection from people in the area dated 27th September 2012 have been received objecting on the grounds of amenity and opening hours, the additional pharmacy which is not needed and should be in the town centre, the methadone needle exchange is not appropriate in a residential area and possible job losses from the existing pharmacy if a second pharmacy is allowed to open on site.
- 6.3 A petition of support containing 1089 signatures (mainly of practice users) to bring a much need extension to the local community and patients of the surgery has been submitted.
- 6.4 A letter of support for the application has been submitted by Rachel Reeves MP. She has discussed the application with the Doctors and feels that the expansion of the surgery would benefit many of her constituents. She states that Manor Park Surgery is an extremely popular surgery and provides an excellent service to the local community but that a number of constituents have found it difficult to get appointments due to the large volume of patients the surgery cares for – six new doctors will offer an increased capacity. Extended opening times will also mean a more comprehensive service at times to suit people's lifestyles.
- 6.5 A survey of local residents has been carried out by the agent for the surgery, although several of those named have subsequently advised that their support for the scheme has been misrepresented. Caution ought therefore to be exercised in attributing weight to this survey.
- 6.6 In addition and due to the levels of interest in the proposals, a public meeting was called by the Ward Members which took place on August 29th 2012 at the nearby community centre. This was well attended by local residents and by representatives and the agent for Manor Park Surgery, employees / agent of the existing Lloyds outlet, the operators of the proposed pharmacy and the Ward Members.
- 6.7 A lively debate took place with widespread support for the improved facilities tempered by concern over the highways and parking implications, increased activity levels and potential for the loss of the existing pharmacy to competition along with the employment of its staff.
- 6.8 The level of interest displayed at this meeting informed the decision to determine the application at Panel and the issues raised have been covered in greater detail within the Appraisal of this report.
- 6.9 The main issues raised in response to the initial publicity and at the subsequent meeting can be summarised as follows:

Support:

- The proposals will result in improved services within a popular surgery;
- Greater availability of appointments at times which are more convenient particularly for working people;

- Improved parking and pedestrian access will improve the situation on Bellmount Close.

Objection:

- The proposals will increase traffic levels and demand for parking;
- Needle exchange and methadone prescriptions will attract crime, ASB and discarded needles into a residential area (the applicant has subsequently confirmed that there will be no needle exchange or methadone prescriptions);
- The extended opening hours will result in additional noise-generating activities at unsociable hours;
- There are more suitable places for the pharmacy and needle exchange including the nearby Bramley District Centre which has a vacancy rate which could accommodate the additional pharmacy;
- The retail element is not policy compliant – under Policy S9 and the new NPPF, out-of-centre retail should be justified in sequential terms;
- The existing pharmacy operators have not been properly involved in the proposals and have been misrepresented within the Design and Access Statement regarding performance and capacity.

7.0 CONSULTATION RESPONSES:

Highways: initial concerns regarding lack of cycle, motorcycle and bin facilities were subsequently overcome by minor revisions to the plans. A Travel Plan Statement has been provided and conditions recommended.

Public Rights of Way: the proposal does not affect the public right of way which crosses the adjacent open space and therefore there are no objections on this matter.

Neighbourhoods and Housing: recommended restricting hours of work during the construction phase in order to preserve the amenity of surrounding residents.

8.0 PLANNING POLICIES:

8.1 Section.38(6) Planning and Compensation Act 2004 states that:-

“if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise”.

This is the starting point for determination of an application. The Development Plan now comprises the Leeds UDP (Review 2006) and supporting Supplementary Planning Guidance (SPGs) and Supplementary Planning Documents SPDs .

Local Planning Policies:

8.2 Work continues on the Core Strategy and Site Allocations DPD as part of the Local Development Framework (“LDF”) and 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 in relation to this application are listed below: -

- GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- BD6 seeks to ensure that all extensions and alterations to existing buildings respect the materials and design of the existing building and its context.
- N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
- N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
- 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.
- T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.
- S2 outlines the 'centres first' approach used for retail development.
- S9 considers smaller retail schemes that are out of centre.

Relevant Supplementary Guidance:

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

- Leeds Street Design Guide
- Travel Plans SPD

Emerging Core Strategy

8.4 The publication draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out the strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination. As the Council has resolved to move the Publication Draft Core Strategy to the next stage of independent examination, some weight can now be attached to the document and the policies within it, but recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the

future examination. The Publication Draft Core Strategy continues the centres first retail policy and the need for a sequential approach and in policy P8 sets out some criteria for when the sequential approach should be applied.

Government Planning Policy Guidance/Statements:

- 8.6 In addition to the Development Plan documents, the Coalition Government's National Planning Policy Framework replaced more than 40 Planning Policy Statements and Guidance Notes in March 2012. Relevant sections include chapters 2 (town centres, which advocates a centres first approach), 7 (design) 8 (healthy communities), and the decision taking section at paragraph 186 onwards.

9 MAIN ISSUES:

- 9.1 Having considered this application and the representations made, the main issues for consideration are ;
1. Principle of development and retail policy
 2. Design and visual appearance
 3. Amenity of surrounding residents
 4. Highways, access and parking
 5. Other Matters

10.0 APPRAISAL

- 10.1 It is acknowledged that the previous report to Panel erred by not including policy S2 and not being clear about the sequential test and the relevance of the NPPF and that emerging policy does not override adopted UDP policy

Section.38(6) Planning and Compensation Act 2004 states :

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

This is the starting point in determining this application as considered in the following paragraphs.

Principle of Development

- 10.2 The D1 doctors' surgery use is existing and subject to other relevant policies concerning design, parking and access and residential amenity being met, an expansion of this within the capacity of the site is considered acceptable in principle. As the proposed opticians will only be accessible from within the surgery during opening hours and the submitted plans indicate an area of about 31sqm (about twice the size of the other consulting rooms) it is accepted as an ancillary A1 use linked to the medical and health facilities provided within the building. This is consistent with recent case law where a lawful development certificate was issued on appeal at a Kent health centre for a pharmacy which would be served by the same entrance, be open for 100 hours a week and would sell medicine over the counter as well as dispensing GP's prescriptions. In this case the Inspector placed weight on the fact that the pharmacy would be operated as a joint venture with the doctors and

occupied only 6% of the floorspace and much of its activity would be focussed on dispensing prescriptions issued by the centre's GPs. In this case the Inspector considered that the pharmacy would operate as an ancillary facility to the site's primary use as a health centre.

10.3 Concerns were initially raised regarding the proposed additional pharmacy unit, since this would be in addition to an established pharmacy operated by Lloyds and due to its extended operating hours and arrangement could become an independent A1 unit in an out of-centre location. Additional information was therefore sought from the surgery regarding the need for a second pharmacy on the site.

10.4 The applicant responded explaining that the extended operating hours and additional services (ie consultations and advice) were requirements of the Primary Care Trust. In addition the expansion of the surgery would in part be funded by leasing the pharmacy to an outside operator. The existing Lloyds Pharmacy had been approached with a view to fulfilling this role, occupying the proposed new pharmacy and providing these enhanced services / extended opening hours, but agreement has not been reached to do so. The current practice generates about 30,000 prescription items per month and a busy pharmacy is understood to process about 12-15,000 items a month. The local pharmacies to the surgery including Lloyds, Boots and The Co-operative close at either 6 or 6.30pm and are not open at weekends. At present it is understood that the Doctors at the surgery send their prescriptions to over 15 local pharmacies. The provision of a '100-hour' pharmacy within the locality would benefit working patients and those reliant on public transport, whilst the need for integration between the GP surgery and pharmacy rendered alternative in-centre options impracticable. An application to open a new 100 hour pharmacy at Manor Park surgery was approved by the PCT on 8th November 2012 – all of the local pharmacies were informed of the decision and allowed 30 days to lodge an appeal – it is understood that no appeal / objections have been lodged. The take up of the pharmacy is time limited and given the delay in getting planning approval it is understood that the Doctors at the surgery are considering the start up of an in-house pharmacy within the existing surgery premises to dispense prescriptions which would be an ancillary part of the surgery and not require planning permission.

10.5 Turning to the policies which apply to retail development regard needs to be given to policies S2 and S9 in the adopted UDP (The Development Plan) and guidance in the National Planning Policy Framework (NPPF).

10.6 Policy S2 of the UDP states;

“ THE VITALITY AND VIABILITY OF THE FOLLOWING TOWN CENTRES 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:

- BRAMLEY (plus 28 other centres)

.....”

The policy goes on to state that non-retail development within the list of centres will not normally be permitted and that retail development will generally be encouraged within centres. The approach therefore is a “centres first” one and is about maintaining and enhancing the vitality and viability of the S2 centres, including

Bramley. It is about trying to ensure that investment in retail and related development is channeled into the S2 centres rather than dispersed in out-of-centre locations . .

10.7 Policy S9 follows on from S2 and deals with smaller , non –major retail developments, as is the case here. It states;

“ RETAIL DEVELOPMENTS, SMALLER THAN THOSE DEALT WITH IN POLICY S5, OUTSIDE THE DEFINED S1 AND S2 CENTRES OR LOCAL CENTRES WILL NOT NORMALLY BE PERMITTED UNLESS:

- i. THE TYPE OF DEVELOPMENT CANNOT SATISFACTORILY BE ACCOMMODATED WITHIN AN EXISTING S1, S2 OR LOCAL CENTRE (OR IN THE ABSENCE OF AN IN-CENTRE SITE, ON A SITE ADJACENT AND WELL RELATED TO AN S2 OR LOCAL CENTRE); AND
- ii. IT CAN BE DEMONSTRATED THAT BY REASON OF THE SCALE AND TYPE OF RETAILING THE PROPOSAL DOES NOT UNDERMINE THE VITALITY AND VIABILITY OF ANY S2 OR LOCAL CENTRE OR PREJUDICE THE LOCAL PROVISION OF ESSENTIAL DAILY NEEDS SHOPPING. IT WILL OCCASIONALLY BE NECESSARY FOR THE APPLICANT TO CARRY OUT A FORMAL STUDY OF IMPACT ON NEARBY CENTRES AND AN ASSESSMENT OF THE CHANGES IN TRAVEL PATTERNS. NORMALLY CONDITIONS WILL BE IMPOSED OR A LEGAL AGREEMENT WILL BE REQUIRED TO ENSURE THAT THE SCALE AND TYPE OF RETAIL DEVELOPMENT DOES NOT CHANGE ITS COMPOSITION WITHOUT THE PRIOR CONSENT OF THE CITY COUNCIL; AND
- iii. IT ADDRESSES QUALITATIVE AND/OR QUANTATIVE DEFICIENCIES IN SHOPPING FACILITIES; AND
- iv. IT IS READILY ACCESSIBLE TO THOSE WITHOUT PRIVATE TRANSPORT, AS WELL AS THOSE WITH CARS, AND RESULTS IN A NET REDUCTION IN THE NUMBER AND LENGTH OF CAR JOURNEYS; AND
- v. IT DOES NOT ENTAIL THE USE OF LAND DESIGNATED FOR HOUSING OR KEY EMPLOYMENT SITES, OR LAND LOCATED IN THE GREEN BELT OR GENERALLY IN THE OPEN COUNTRYSIDE

DEVELOPMENT WHICH PREJUDICES THE LOCAL PROVISION OF ESSENTIAL DAILY NEEDS SHOPPING SERVICE LEVELS WILL NOT NORMALLY BE ALLOWED. RETAIL DEVELOPMENT (INCLUDING CHANGE OF USE) WHICH MIGHT THREATEN THE LEVEL OF PROVISION OF ESSENTIAL DAILY NEEDS SHOPPING TO LOCAL RESIDENTS WILL NEED TO BE SUPPORTED BY EVIDENCE OF ITS LIKELY RETAIL IMPACT.”

Policy S9 indicates that smaller retail proposals out of centre will not normally be permitted unless 5 conditions are met. Criterion i) requires a sequential approach.. There are currently vacant units within Bramley Town Centre that could accommodate an additional Pharmacy and based on this information it is clear the application would fail a sequential test and so the applicant has not been asked to undertake this exercise. Criterion ii) deals with impact of development on the vitality and viability of town centres. It is considered that because of the scale and type of provision along with the existing pharmacies (2 of which are out of centre) and the fact that the

additional pharmacy is part of an expansion of provision due to growth in health provision locally there is unlikely to be an undermining of the vitality or viability of Bramley District Centre or prejudice the local provision of daily needs shopping. Criterion iii expects the development to address qualitative and/or quantitative deficiencies in shopping facilities. It is considered that this proposal will provide enhancement to pharmacy facilities in making provision available in the same building as a GP surgery over longer opening hours. Criterion iv expects the development to be readily accessible to those without private transport, resulting in a net reduction in the number/length of car journeys. Whilst this usually means that town centres are better placed for non-car transport, the connection of this proposal to a GP surgery as well as its location in a residential area means that customers who have visited the GP surgery will not have to make a further journey and that many of the local people served by the GP surgery will be able to walk to the chemist. Finally, criterion v says that certain land designations should not be used. In this case, the proposal does not involve any such designations. Overall it is considered that the proposal satisfies all but criterion i of Policy S9. However it can also be argued that because of the close functional relationship between the surgery and a 100 hour pharmacy in terms of providing integrated local healthcare facilities, that the pharmacy could not be adequately located in the S2 centre given the need to be integrated with the surgery. It is now common practice for larger surgeries to have a pharmacy as part of the same building offering a service to patients. In these circumstances the sequential test is not failed.

- 10.8 The UDP is the current Development Plan for Leeds but this is due to be replaced in time by the emerging Core Strategy. This document has yet to undergo examination and consequently cannot overrule the UDP, but it sets out the direction of travel for future retail policy and has undergone several rounds of consultation, therefore, it can be given some weight. Policy P8 outlines the need for a sequential test for retail development like the UDP but goes into more detail over when this should be applied. Size thresholds are used to determine the range of the sequential test. It is considered that size thresholds in combination with the catchment areas are a necessary refinement of national policy which simply expects sequential testing for out-of-centre retail proposals. Without thresholds and catchment areas, a sequential test would have to look at every centre for every proposal regardless of size and distance. The development plan process is the obvious place to set out and test such thresholds and catchment areas that would be appropriate for localities, but where they have not yet been adopted in a plan, rules of thumb may be helpful for day to day development management. At present, thresholds and catchments were set out in the Publication Draft of Leeds' Core Strategy and have been refined in the Pre-Submission Changes (December 2012). In this instance the existing Pharmacy and the one proposed give a total area of just under 200 sqm. This falls under the first threshold of 200 sqm and consequently if policy P8 were used the Pharmacy would not require a sequential test as it is considered too small. Whilst the Core Strategy is emerging and can only be given limited weight policy P8 takes a pragmatic and sensible approach in relation to the sequential test.
- 10.9 Having assessed the application on relevant local policy, national guidance needs to be considered. The NPPF continues with support for the centres first approach and recognises town centres as the heart of their communities and urges LPAs to pursue policies to support their viability and vitality. Paragraph 24 states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date Local Plan". Para 27 goes on to state that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact..... it should be refused". In considering the sequential approach further in para 24, however, the

NPPF states “ When considering edge of centre and out of centre proposals , preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on such issues as format and scale.” In terms of looking at impact in para 26 the NPPF sets a default threshold of 2,500 sq m where this is not set locally.

- 10.10 Current policy therefore is that a sequential test should be applied to retail development outside of a centre. It should be remembered that in this case the additional pharmacy is part of a much larger package of improvements to the surgery designed to improve health care for local people in the range and capacity of services which are offered to meet existing and future needs. The pharmacy is an integral part of the proposals and part of the submission sets out the needs and benefits which will be met if the extension goes ahead. Taken on its own the pharmacy would clearly fail the sequential element of the policy test but it is considered in this case that the particular circumstances should be recognised. Given the size of the pharmacy it is unlikely to harm the vitality or viability of Bramley Town Centre, the fundamental aim of the policies, and falls well below the threshold set out in the NPPF where an impact assessment is required. Furthermore, the Pharmacy is a complementary use to the surgery with a close functional connection to it and will offer more choice to patients as it offers additional opening hours. Clearly the ideal solution would be to have a single pharmacy at the surgery which would be open for extended hours for patients to use and it is unusual to have a proposal with two competing pharmacies in close proximity. However as part of an extended medical practice which is expanding and increasing the number of GPs operating from within it an argument can be made that whilst unusual it is not harmful to the nearby S2 centre and offers benefits to the patients of the extended surgery. The new pharmacy has been designed to be an integral part of the new extended surgery and offers improved facilities for users.
- 10.11 NPPF as well as suggesting in para 24 that LPAs and applicants should demonstrate flexibility on issues such as format and scale is clear that LPAs should approach decision taking in a positive way to foster the delivery of sustainable development (para 186) and that decision- takers at every level should seek to approve applications for sustainable development where possible.(para 187). In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Overall it is considered on balance that the development in principle should still be supported as it is sustainable development which will not lead to adverse impact on the adjoining local centre and will bring substantial benefits to local people through improved facilities on the site close to the town centre. Due to the close functional relationship between the extended hours pharmacy and the surgery it can be argued that policy S9 is not breached and even if strictly criterion i) is not met there are other weightier material considerations which outweigh this technical breach of policy in terms of improved health facilities for local people.

Design/ Appearance

- 10.12 The design of the proposed extension generally reflects that of the existing building and on this basis is considered acceptable. The surgery as it stands is dominated by a large expanse of roof with a small two-storey element. It is functional rather than attractive but does correspond in terms of its overall design ethos with the ‘cleared’ areas of modern social housing to the north and east (if less so with the Victorian proportions of the terraced housing to the west). It is also set back within its own site and well-screened by trees and surrounding housing.
- 10.13 The two storey element will be located to the southern part of the building and will correspond with the existing first floor former flat on this side. This section will be

visible across the area of public open space to this side but is not considered detrimental in terms of its design, scale, form or massing. External materials are proposed to be brick and interlocking concrete tiles to match the existing.

- 10.14 On balance it is considered that subject to the use of materials which respect those of surrounding dwellings, the proposal is appropriate to its context and complies with policies GP5 and BD6 of the Adopted UDP.

Amenity Considerations

- 10.15 Similarly it is considered on balance that the proposed extension and expansion is acceptable in terms of the likely impact on the amenity of surrounding residents. The extension has been designed in a way that most of the development will take place on existing grassed areas to the east, where the houses are separated from the site by generous rear gardens, and the south, which overlooks open space. The eastern section will be single storey, located between 1m and 2m from the site boundary behind a palisade fence and separated from adjacent gardens by a 2m-3m ginnel and screening hedging. The main impact of the two-storey section will be onto the public open space and thus it will not result in over dominance, overshadowing or overlooking of any residential properties. Similarly the angled pharmacy / entrance hall extension to the front is located some 50m from the nearest houses on Bell Grove and again will not result in direct harm to the amenity of these residents.
- 10.16 The reconfiguration of the car park involves the creation of five new spaces to an existing grassed verge to the north-western corner and the relocation of six spaces to the north-eastern corner approximately 7m closer to the rear boundaries of Nos. 2 & 4 Bellmount Close. The former is not considered to be of concern due to the retention of the existing palisade fencing and screening shrubbery and trees which will serve to screen Nos. 2 and 4 Bell Grove to the north-west. However due to a change in levels between the car park and the rear gardens of Nos. 2 & 4 Bellmount Close, the open boundary treatment, and the limited garden depths to these houses, potential exists for disturbance arising from vehicle movements and headlight glare, particularly given the proposed extension of the pharmacy opening hours, and a condition has been agreed to provide details of a suitable screening fence to the north of these spaces. In addition, glare from car park security lighting has been mentioned as a concern by residents, and it has therefore again been agreed with the applicant that a condition to prevent any external fixture being angled at surrounding properties and to restrict the hours of operation by way of time switches will be recommended.
- 10.17 The majority of the concerns raised by local residents relate to the pharmacy element, which will be independent of the main surgery and close at 10pm on weekdays, 9pm on Saturdays and 8pm on Sundays, as opposed to the surgery which will open on weekdays only and close at 7pm. Whilst this represents a considerable extension of the current period during which the site is active it is accepted that levels of after-hours custom will be relatively light, not least because with the surgery closed there will be fewer opportunities for 'linked trips', and predominantly drawn from within the local area. It is considered on balance that subject to the aforementioned conditions to minimise the effects of vehicle movements and lighting that the impact on residential amenity will be within acceptable limits. The Environmental Health officer has not objected to the proposed operating hours, instead recommending conditions to limit the potential from noise during the construction stage.

Parking / Highways

- 10.18 The existing gated access from Bellmount Close is existing and will not change. However the car park will be extended and reconfigured to provide an additional 16 spaces including 4 disabled spaces and an ambulance bay. The Highways Officer is

satisfied that this level of provision is sufficient to accommodate the additional patient and staff numbers generated by the proposed extensions and has no objections to the revised layout, which through the provision of clearly marked and segregated pedestrian routes offers a considerable improvement in terms of accessibility over the current situation where pedestrians and drivers regularly conflict. A number of amendments were recommended including provision of cycle / motorcycle parking, bin storage, facilities for cyclists including lockers and showers and a Travel Plan Statement to encourage the use of sustainable modes of travel, and following the inclusion of these it is considered that the proposal is acceptable in terms of its impact on access, parking and highway safety, and complies with relevant policies including GP5, T2, T24 and the LCC Street Design Guide.

Other Issues

- 10.19 Many of the local objections related to concerns that the surgery would incorporate a needle exchange service and dispense methadone prescriptions to intravenous drug users, which in turn would attract this group of people and related social problems (including crime, vagrancy and irresponsible needle disposal) into a predominantly residential area with a high proportion of family housing. The applicant has clarified that whilst the surgery will offer substance addiction counselling there will be no dispensing of sharps or heroin substitutes from the pharmacy. The existing Lloyds pharmacy has a license from the PCT to provide this 'enhanced service' (although it is unclear whether this currently occurs) and in addition there is a second Lloyds outlet on nearby Town Street which also offers these facilities.
- 10.20 The issue of the impact upon the existing Lloyds Pharmacy in terms of competition and potential loss of jobs referred to previously in paragraph 1,.3 above which was raised in the Judicial Review submission in which it says that The First Protocol to the Human Rights Act 1998, Article 1 states :-

'Protection of property: right to peaceful enjoyment of his possessions; no-one to be deprived of his possessions except in the public interest and subject to the conditions provided for by law ...the provisions do not impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest'.

The argument here is that a grant of planning permission would have a disproportionate effect on the applicant because it would cause great harm to the applicant's commercial interests without justification. This is essentially a competition argument which should be accorded little weight in the consideration of this application.

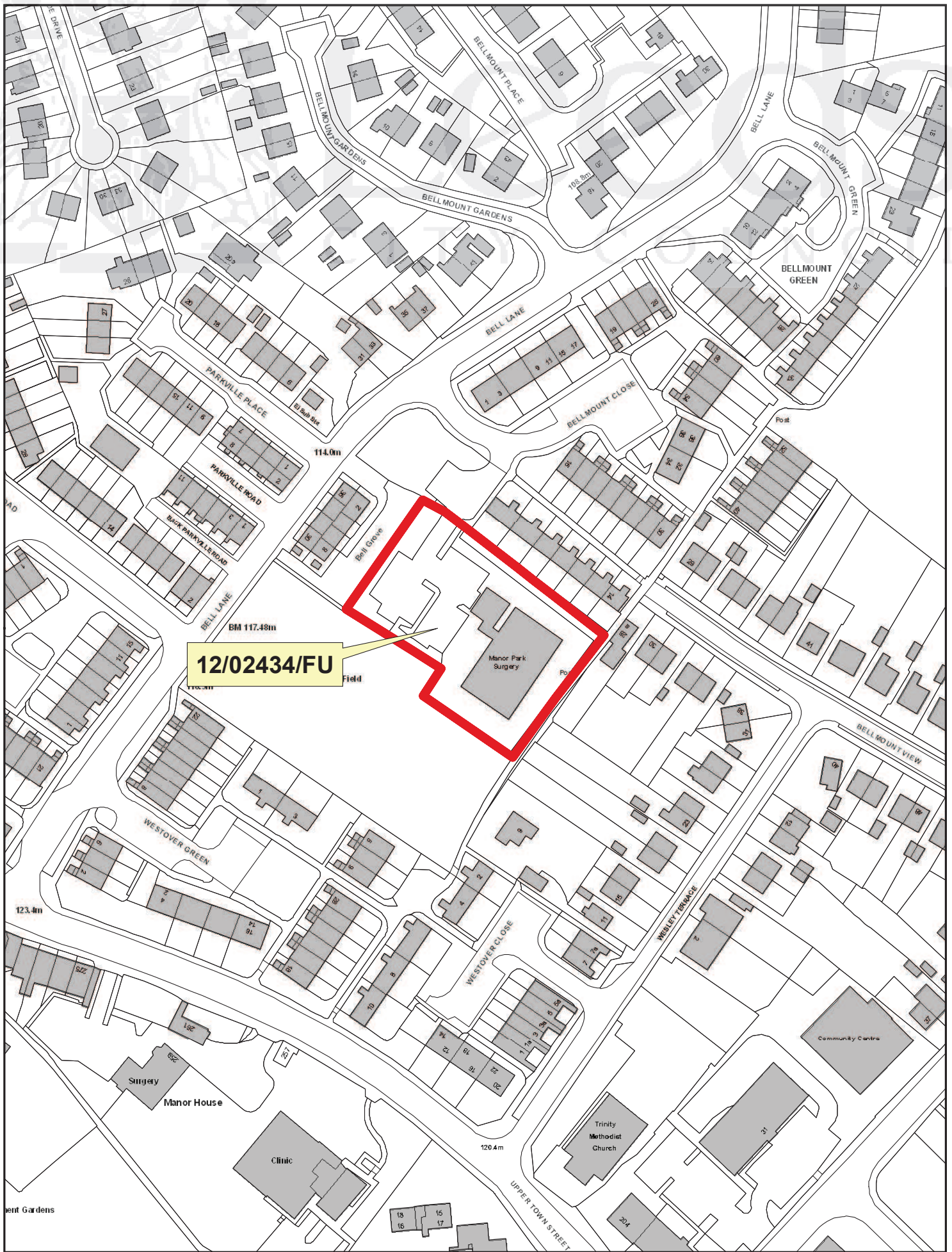
11.0 CONCLUSION

- 11.1 To conclude, the application has generated considerable public interest and concerns regarding the potential for increased parking / traffic movements and late night activity within the site. However these are considered to have been satisfactorily addressed through a combination of amendments to the proposal and conditions restricting operating hours and requiring the provision of facilities to encourage alternative means of transport. The proposal has therefore being considered in accord with Section.38(6) Planning and Compensation Act 2004 in that the application must be determined in accordance with the plan unless material considerations indicate otherwise. On balance it is questionable whether policy S9 is breached and the sequential test is failed but even if it is that needs to be weighed against the other material considerations – the pharmacy is only part of the broader package of

improvements being brought forward on the site, that extensions to the surgery would represent sustainable development and offer a range of enhanced health facilities for local people in terms of the range of facilities, the capacity to deal with prescriptions and longer opening hours for improved services and that apart from the retail element within the surgery for the pharmacy the proposal is otherwise compliant with policy and acceptable. . It is not considered that the proposal will adversely affect the vitality and viability of Bramley S2 centre. Weighing these matters it is considered that the benefits to health care for the local population by allowing the surgery to extend should be accorded greater weight than any technical non compliance of the pharmacy element with policy S9 of the adopted UDP and permission is therefore recommended subject to conditions. It is considered important to ensure that the pharmacy remains an ancillary part of the surgery and is not used for any other purpose within class A1 and is limited in size so a condition is recommended to ensure this (Condition 5).

Background Papers

Application File 12/02434/FU



SOUTH AND WEST PLANS PANEL



Originator: Mathias Franklin

Tel: 011322 77019

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 28th March 2013

Subject: APPLICATION 12/04929/RM- Reserved Matters approval for Siting, External Appearance, Scale and Landscaping for 331 dwellings including internal highways, landscaping and 2 retail units, Former Clariant Works, Calverley Lane, Horsforth

APPLICANT	DATE VALID	TARGET DATE
Redrow Homes Yorkshire	20.11.2012	19.02.2013

Electoral Wards Affected:

Horsforth

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

1. **GRANT PLANNING PERMISSION** subject to conditions listed below.

List of planning conditions:

1. Approval of plans
2. Samples of all external walling, roofing materials to be approved prior to commencement of development
3. Tree protection measures for existing trees
4. No change in levels in root protection areas of retained trees
5. Replacement tree planting if landscaping fails within 5 years of planting.
6. Means of access shall only be as shown on the approved plans
7. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority.
8. Prior to commencement details of refuse, cycle and motorcycle facilities for flats units to be submitted and approved by the LPA.

9. No construction operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays with no operation on Sundays or Bank Holidays
10. Surface water drainage strategy to be submitted prior to the commencement and implanted in accordance with approved details.
11. A drainage feasibility study shall be carried out by the developer then submitted to and approved in writing by the Local Planning Authority prior to the commencement of development . The development shall then be carried out in accordance with the findings of the study .
12. Household thresholds should be designed to be sufficiently above ground level to prevent shallow flood flows from flowing directly into buildings
13. There shall be no raising of ground levels in the green space in the bottom South West corner of the site, which is within flood plain.
14. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to occupation.
15. Off site highway works for waiting restrictions on Low Hall Road and Calverley Lane to be submitted and approved prior to first occupation. Implementation to be agreed.
16. Land dedicated at North West corner adjacent to Low Hall Road to facilitate improvements to pedestrian access over bridge/culvert.
17. Garages to be only used for storage of motor vehicles.
18. Parking to be laid out for relevant phase prior to occupation.
19. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).
20. The gradient of all drives shall not exceed 1 in 12.5 (8%).
21. The development hereby approved shall not be brought into use until works have been undertaken to provide the sightlines shown on the approved plan. These sight lines shall be retained clear of all obstructions to visibility greater than 1m in height above the adjacent carriageway for the lifetime of the development.

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, BD5, N2, N12, N13, T2, T24, LD1, H4
Neighbourhoods for Living SPG
Street Design Guide SPD

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

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel due to the size and scale of the proposed development.
- 1.2 Members may recall that in March 2011 the Outline planning applications for the redevelopment of the Clariant and Riverside Mills sites were presented before Panel. Members resolved to refuse the two applications on the grounds that the sites were located in unsustainable locations and would be reliant on private car travel for future occupiers and that the travel planning measures were not sufficient to make the development acceptable in sustainability terms. They were also concerned with the impact on highway safety from the use of Calverley Lane (South) to link to the Outer Ring Road. The applicants lodged an appeal against the refusals and Public Inquiry was held. Members were briefed in July 2012 on the decision by the Secretary of State to allow the appeals and grant Outline planning permission for the redevelopment of both the Clariant and Riverside Mills site for housing.
- 1.3 The application before Members is for the Clariant site. The Outline approval allowed for up to 400 dwellings to be created on site. This Reserved Matters application is for 331 dwellings and 2 retail units. The Outline planning permission for the site was granted with the Access details which include a main vehicular access on to Calverley Lane utilising the existing access into the former Clariant site and a second vehicular access from the site on to Low Hall Road.
- 1.4 The Reserved Matters before Panel seeks permission for the detailed layout of the site, the design and appearance of the houses and the laying out of the landscape areas.

2.0 PROPOSAL:

- 2.1 The proposal is for the erection of 331 dwellings and 2 retail units along with internal road layout and areas of public open space.
- 2.3 The dwellings would be 2 storeys in height some would have accommodation in the roof. The dwellings are predominantly semi-detached and detached. There are a few small terrace rows. There are a range of house sizes from 2, 3, 4 and 5 bedroom properties. The retail units are located in the centre of the site and would have flats above them. These are the only 3 storey buildings proposed on site.
- 2.4 The dwellings would be of traditional design, taking reference from the surround area with a good mixture of pitched and gable roof styles. The palette of materials would be predominantly artificial stone and slate. There would be some natural stone and slate properties located around site boundary with Calverley Lane and Low Hall Road. Render would also be used on some plots throughout the site.
- 2.5 There would 3 main areas of public open space created on the site. Within the site a new internal road system would be constructed with the main spine route being widen enough to accommodate a bus service required as part of the Outline

planning permission which could enter and exit the site via Calverley Lane. Along the main internal spine route the carriageway width is widened enough to allow the planting of street trees on one side of the carriage way to help create a sense of place.

3.0 SITE AND SURROUNDINGS:

- 3.1 The Clariant site comprises a former chemical production/treatment works (c 12.5 ha) located on the west side of Calverley Lane, Horsforth. The site has been cleared of the former Clariant works and is currently being prepared for the development.
- 3.2 The Clariant site is currently accessed from the Ring Road (A6110) at Calverley Lane South and Calverley Lane North (between the Horsforth and Rodley roundabouts).
- 3.3 The site is surrounded by areas of green belt (comprising open fields and mature vegetation), the River Aire, Leeds & Liverpool Canal and a railway line.
- 3.4 The Horsforth Conservation Area is along Low Hall Road over the Culverted bridge outside of the Clariant site

4.0 RELEVANT PLANNING HISTORY:

- 4.1 10/04068/OT: CLARIANT SITE,— Outline Application including means of access to erect residential development for up to 400 dwellings with associated public open space, parking landscaping, ancillary retail unit, allotments, retention of sports ground with pavilion and associated off-site highway works. Refused by Panel March 2011 but allowed on appeal 2012.
- 4.2 10/04261/OT: RIVERSIDE MILLS— Outline Application including means of access to erect residential development for up to 150 dwellings with associated public open space and off-site highway works. Refused by Panel March 2011 but allowed on appeal 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre-application discussions before submission of the mixed use application. The applicant also held a community drop in event, placed notices and plans in Horsforth and Calverley Library and briefed both sets of Ward Councillors. Councillors Collins and Cleasby have both expressed their satisfaction with the revised masterplan details.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been a 19 representations received of which 16 are objecting. The following issues have been raised:

- Flood Risk Assessment and Phase 2 report missing
- The scheme should utilise SUDs
- The highways situation should be re-reviewed
- This is an unsustainable site, no local amenities
- More cars on the ring road
- Local schools are over subscribed as are doctors

Dangerous road junction
The site is a former chemical works that may be toxic
Too many houses
Concern over disruption during construction period
The development will have a negative effect upon local communities
The proposals should include a footbridge over the Ring Road.
Greenspace area is too small
No sense of place is being created

- 6.2 The Leeds Civic Trust object to the proposal on the grounds of the impacts on the highway network. They do not consider the bus service proposed will be sustainable in the long term. The design of the properties is nothing special and the majority of the properties are 3 bedroom. The village green area is smaller than shown on the Outline plans. The design appears to only be doing the minimal when it comes to 'green' provision and renewable energy. We would like to see this as a sustainable village and set an example for future developments.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – no objections subject to conditions.
- 7.2 Mains Drainage – no objections subject to conditions.
- 7.3 Environment Agency – No objections
- 7.4 Coal Authority – No objections
- 7.5 Sport England – Have an objection to the proposals at present due to the lack of information submitted in relationship to the sports ground and pavilion scheme. The developer has supplied further information about the works to the pavilion and also the proposals for the pavilion and sports pitches maintenance and funding. This information has been provided to Sport England and further discussions will take place. The outcome of those discussions will be brought to Panel with a verbal update.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy BD5 refers to new building design

Policy N2 refers to Greenspace in new developments

Policies N12 and N13 refer to the good urban design considerations and placing making

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Policies H4 Refers to with Windfall housing proposals

Neighbourhoods for Living SPG.

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” (para 14).

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Design, scale, siting and appearance of houses and masterplan layout
- Neighbours amenity and future occupiers
- Highway considerations
- Landscaping
- Other considerations

10.0 APPRAISAL:

- 10.1 The site comprises previously developed land. The site benefits from Outline planning permission that could allow up to 400 dwellings to be constructed on site. This number is derived from the highways assessments appraised during the Outline application stage. The developer is proposing to build 331 dwellings on site and 2 small retail units along with laying out of internal roads and greenspace areas. This application relates to the detail of the masterplan and the design of the dwellings. **The principle of the development, the number of units that can be built and the means of access from the site along with the impact on the local highway network and schools has been determined at the Appeal stage and is not for consideration in this application.**

Urban design considerations

- 10.2 The proposed masterplan is designed to provide a new housing settlement that sits within a semi rural location surrounded by green belt land and also existing industrial and commercial enterprises. The Cragg Wood Conservation is located on the far side of the culverted bridge outside of the application site. The proposal is not envisaged to have any significant effects upon the setting of this conservation area. Overall the replacement of the former Clariant works with a modern low rise housing development should enhance the conservation area. The site is accessed via an existing point of entry from Calverley Lane. The site will also have a secondary vehicular access on to Low Hall Road. The bus service that will service the site will enter and exist the site via Calverley Lane. The bus will loop around the internal road system of the site.
- 10.3 The houses are arranged around the central internal spine road. Off the spine road would be a series of individual cul de sac. The masterplan has arranged houses fronting both Low Hall Road and Calverley Lane. The houses are of a traditional design and appearance. There is an Arts and Crafts theme to the styling of the properties with the use of render on the walls and timber within the gable roof areas. The houses fronting Calverley Lane are to be constructed out of natural stone and slate. These houses will provide a good setting for the site and will relate well to the stone properties on the opposite side of Low Hall Road and further up Calverley Lane facing the site. The remainder of the houses within the site will be constructed out of artificial stone and slate. The houses are mostly two storeys in height there are some two and half storey houses with small dormers. The scale of the houses is considered an improvement from the previous factory located on site. The proposed retail units will be located in the centre of the site. They will have two floors of flats above the ground floor retail units. These two buildings will be the only three storey buildings on site. The design and appearance of these blocks is considered in keeping with the general style and appearance of the estate. The extra height is considered acceptable and will not look out of place, particularly as they are located centrally within the site.
- 10.4 The scheme has been designed to provide usable areas of public open space within the development. Two areas of public open space are located in the centre of the site. The Village green area will provide the flat and open space that can be used by future residents and other local residents for informal play and recreation. This central area of open space is bound by a crescent of dwelling houses that front on to the open space area. The area of open space will be lined with semi mature trees to give it a sense of place. The second area of open space located adjacent to the Village green has several existing mature trees located within it and will provide a pedestrian link from the Calverley Lane side of the site through to the central area of the site and into the Village Green. To the South of the site will be located another large area of open space. This is fronted by houses to provide over looking and is

bound to the south by the Railway and River. The total size of the areas of open space provided meets with the policy requirements laid out with the Supplementary Planning Guidance for Greenspace provision. The areas are considered well planned and connected. The houses of the estate will provide natural surveillance.

- 10.5 The internal road layout has been designed to be wide enough so that the main spine road can be planted with street trees that will be part of the adopted highway. The central spine road should be over 13metres wide with houses facing on to it from either side of the road. The houses types vary in terms of roof styles and features such as single and two storey bays and the use of render of some properties should add visual interest. The variation in houses types combined with the changes in building lines of the rows of houses should help break up the continuous feel of the internal spine road. This variation of houses types should also add to the sense of place being created. The width of the road combined within the street trees should help to create a sense of place and identity for this development. The main road junctions within the site have also been designed to create a feature that are similar to the 'squares' found in the centre of small settlements. The use of block paving, raised tables and tree planting within these 'squares' should also help create the sense of place.

Residential amenity

- 10.6 The layout of the development is considered to provide future occupiers with an attractive traditional housing estate located within a semi rural location. The layout is designed to make the internal road network simple and legible. The creation of usable areas on site of public open space will make easy access to recreation for families. In addition the site is adjacent to the Green Belt and across Calverley Lane is located sports playing fields. The developer will be improving the existing pavilion building and maintaining this building for community and sports use. In addition the developer is also proposing to construct a small play area for young children. This play area will be within the curtilage of the playing fields but should not affect the usability of the playing fields. The play equipment proposed is designed for young children.
- 10.7 The proposed houses all have gardens that meet or more typically are in excess of the guidance within Neighbourhoods for Living SPG of two thirds gross floor area to private garden. The houses all have dedicated off street parking with a mixture of garages and driveways. The proposal layout has been designed to ensure that houses will not over look one and other and that the houses are arranged on level platforms so that they do not create over bearing or dominant relationships with each other.
- 10.8 The site will benefit from a bus service that will have a 30 minute service 7 days a week. This service will connect the development to Horsforth town centre. The sustainability and highway matters which were dealt with at the Outline stage. However, it is note worthy to mention the bus service as this developer will fund this for a 10 year period and it should provide future occupiers with an alternative means of transport to get into the town centre. This bus service as with the areas of public open space will be accessible to existing local residents as well as future occupiers. In addition the small retail units will also provide a good local and convenient amenity to both future occupiers and existing neighbours.
- 10.9 The proposed development is not envisaged to have any significant impacts on neighbouring residents with regard to issues of over looking and loss of privacy. The issues around off site car parking and highway safety were addressed during the Outline stage. The impact on the local community from the construction phase of the

development will be mitigated through planning conditions to control hours of construction and location of site contractors cabins and equipment etc.

Highways considerations

- 10.10 The proposed masterplan has been designed to ensure that all houses have sufficient off street parking. On the whole each dwellinghouse has 2 off street car parking spaces in the form of garages and driveways. A planning condition is attached to ensure that the garages are kept for the storage of cars and cannot be converted to habitable rooms without prior planning permission. In the communal situations, notably around the flats and retail units, parking is provided in lay bys off the main spine road.
- 10.11 The scheme has been designed to ensure that a bus can enter and loop around the estate road and exit via Calverley Lane. Refuse vehicles can also access the site including the cul de sacs. The road layout has also been designed so that if the Riverside Mills site comes forward the internal spine road can connect to this site. This section of road is also wide enough to facilitate a bus to enter the Riverside Mills site from the internal spine road. The developer has committed to funding any traffic regulation orders that may be required around the junction of Calverley Lane and Low Hall Road and also around the proposed new access on to Low Hall Road. The developer has also provided a commitment to dedicate an area of land near to the culverted bridged over Low Hall Road at the north western corner of the site to ensure that a continuous footpath for pedestrians can be provided should Riverside Mills come forward for redevelopment to connect to their site on Low Hall Road.
- 10.12 Overall the proposed layout complies with the car parking requirements and is acceptable for a highway safety point of view.

Other matters

- 10.13 As part of the Outline planning permission and in accordance with the Section 106 agreement the developer is providing 15% of the total number of dwellings as affordable housing (50 units to be affordable in total). The houses are located in a pepper potted arrangement in 4 main areas throughout the site. The affordable housing is a mixture of flats and 2 and 3 bedroom houses. There will be a 50/50 split between properties for sub market tenure and social rent. This complies with the planning policy requirements.
- 10.14 The developer is also required through the outline planning permission to upgrade the existing sports pavilion and playing fields located on the opposite side of Calverley Lane. The developer will redecorate and insulate this pavilion building. The pavilion building will be made available for local sports teams and also for wider community use. The developer has proposed a management committee to oversee the running of this facilitate and has also provided funds to maintain the pavilion and pitches. The local sports team who use these facilities will also be required to pay towards this. Sport England are currently objecting to the application around this matter but are in receipt of further information from the developer in relation to these matters and a verbal update will be brought to Panel on the outcome of these discussions.
- 10.15 The developer has also submitted details of the allotment scheme which the Outline permission requires them to do. These allotments will be located at the southern end of the playing fields and will be managed and maintained by the management company appointed by the developer.

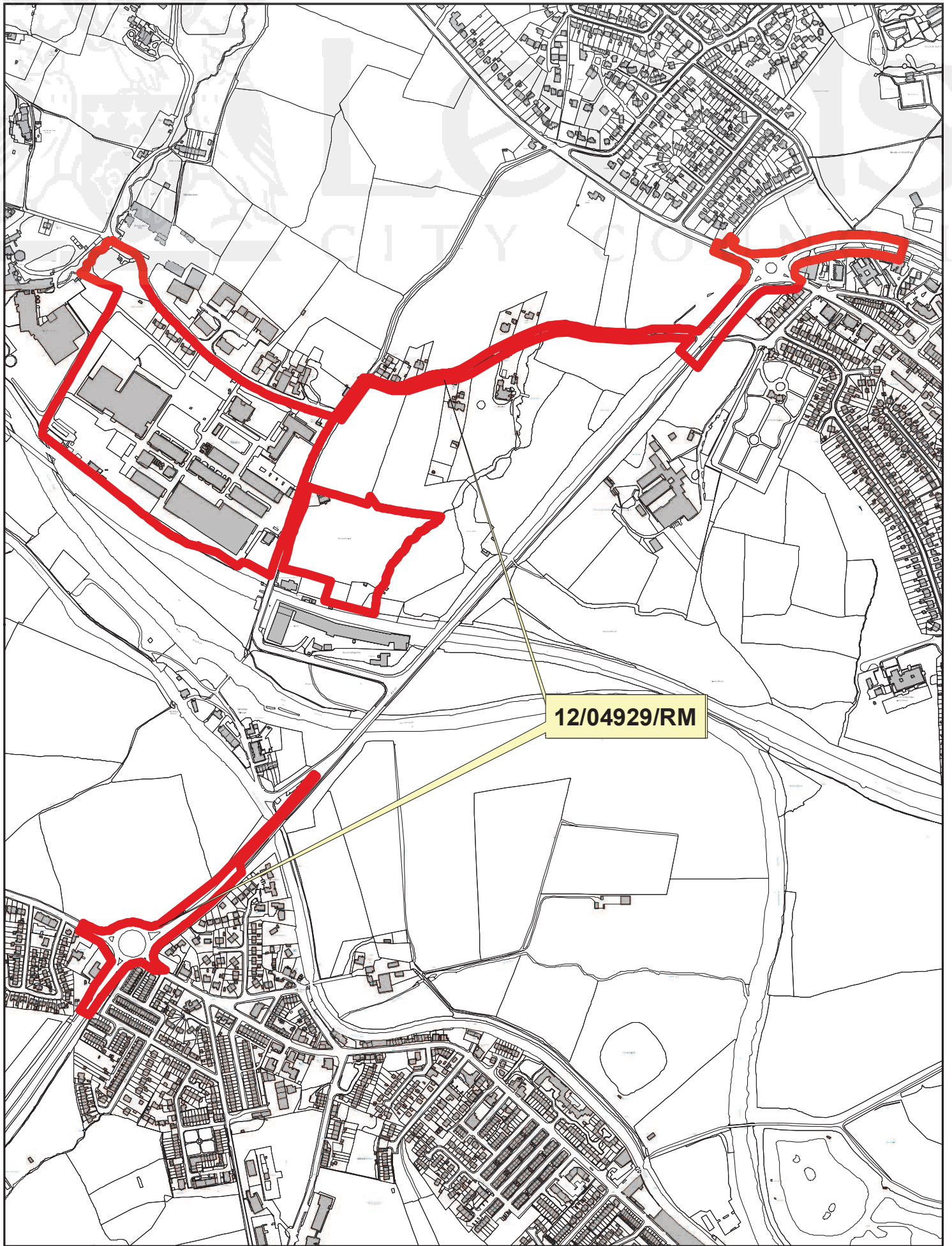
- 10.16 The developer will be constructed on the dwellings to meet Code for Sustainable Homes level 3 in accordance with their outline planning permission condition. They will also reduce CO2 emissions from the development by 20% below current Building Regulations. They are also proposing to install Air Source Heat Pumps to provide Low and Zero Carbon Technologies on site. These units will create 10% of the energy requirements on site.
- 10.17 The Council's Drainage Engineers and the Environment Agency have both assessed the details of the proposals. They have no objections to the proposed methods of drainage and also do not consider the proposal will add to flood risk in the area. The detail of the surface water run off scheme has been conditioned.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed details of Scale, Layout, External Appearance and Landscaping of the development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

Background Papers:

Application file;
Certificate of Ownership.



12/04929/RM

SOUTH AND WEST PLANS PANEL

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Originator: Mathias Franklin

Tel: 011322 77019

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 28th March 2013

Subject: APPLICATION 13/00550/FU- Retail unit with storage area office and car parking at Land at Woodhouse street, Woodhouse, Leeds,

APPLICANT	DATE VALID	TARGET DATE
Mr Kissun Parmar	01.02.2013	29.03.2013

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

1. **GRANT PLANNING PERMISSION** subject to conditions listed below.

List of planning conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. Submission of landscape scheme and implementation schedule
5. Tree protection measures for existing trees
6. Replacement tree planting if landscaping fails within 5 years of planting.
7. The development shall not be occupied until a scheme for Woodhouse Street to restrict/prevent parking has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales.
8. Means of access shall only be as shown on the approved plans
9. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been

submitted to and approved in writing by the local planning authority.

10. Notwithstanding the details shown on approved plan no development shall take place until a plan showing sightlines of 2.4m x 70m at the junction of the retail store with Woodhouse Street and 2.4m x 43m at the junction of the residential development with Holborn Approach has been submitted to and approved in writing by the Local Planning Authority. There must be no intrusion within the sightlines greater than 1m in height above the adjacent carriageway level and this must be maintained and retained as such for the lifetime of the development.
11. Prior to first use of the retail unit the footpath referred to as Wesley Court must be constructed to adoptable standards including Street Lighting.
12. Prior to commencement details of refuse, cycle and motorcycle facilities to be submitted and approved by the LPA.
13. Development shall not be occupied until a Car Park and Servicing Management Plan (inc. timescales) has been submitted to and approved in writing by the Local Planning Authority.
14. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
15. No construction operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays with no operation on Sundays or Bank Holidays
16. Contaminated land conditions.
17. Surface water drainage strategy to be submitted prior to the commencement and implanted in accordance with approved details.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. Prior to the commencement of development a scheme for crime reduction opportunities from the detailed design and material of the building shall be submitted and approved in writing by the LPA.
20. The development shall submit a pre-commencement report outlining its BREEAM rating then the development shall be constructed in accordance with this assessment.
21. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to occupation.
22. Delivery hours of the retail unit including refuse collection shall be restricted to after 0800 hours and before 1900 hours Monday to Saturday with no deliveries on Sundays or Bank Holidays.
23. The hours of operation of the retail units shall be restricted to 0700 hours to 2300 hours.
24. The retail unit shall not be subdivided without prior planning permission first being obtained.

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning

Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, BD5, N2, N12, N13, T2, T24, S2, S9, LD1, H15
Neighbourhoods for Living SPG

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

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of ward Councillor Christine Towler.
- 1.2 Members may recall that in October 2012 at Panel planning permission was refused for a mixed use development comprising a retail unit (289sq.m gross floor area of which 195sqm will be used for sales area) and student accommodation comprising of 112 bedrooms arranged in cluster flats. Members refused the application on the ground that the size and scale of the proposed student accommodation building was harmful to the character of the area and the street scene and due to its size the building represented over development of the site. Panel were broadly supportive of the retail element of the previous scheme and no reason for refusal related to that part of the last application.
- 1.3 The current application is for the retail unit only. The applicant still expresses an interest in bringing the remainder of the site forward at a future date for some form of housing scheme though he has stated not necessarily for student housing. The applicant has recently lodged an appeal against the refusal of the mixed use scheme.

2.0 PROPOSAL:

- 2.1 The proposed retail unit would front Woodhouse Street and would have its own car parking and vehicular access from Woodhouse Street.
- 2.3 The building would be single storey with a pitched roof. The building would be constructed out of brick and glazing. The shop frontage would have a contemporary appearance utilising glazing in the main ground floor elevations. The building is essentially a single storey convenience store with a low pitched roof. The roof is proposed to be temporary because the applicant is hoping that the retail unit represents Phase 1 of the development. However, in planning terms this cannot be controlled so officers have sort to ensure a tiled roof is placed on the development to maintain the street scene and respond to local character. Phase 2 would be redevelopment of the remainder of the site subject to planning permission. If the remainder of the site comes forward the applicant would seek to remove the roof and develop above the retail unit.
- 2.4 19 Car parking spaces would be provided for the retail element and delivery vehicles would enter the site and exit the site form Woodhouse Street only.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in a predominantly residential area however there are a parade of shops, a church and public house and a community centre located close by on Woodhouse Street. Opposite the site on Woodhouse Street are rows of red brick Victorian terraces, many with large dormers. Adjoining the site is a terrace row which has been 'sawn in half' and presents a blank gable to the site, except for one bath room window. A church bounds the site separated by Welsey Court. Opposite the site on Holborn Approach is post-war two storey housing.
- 3.2 The site currently is vacant and is largely overgrown with self seeding trees and vegetation. There are no TPO trees on site but there are TPO trees located on Midgley Gardens adjoining the site. The site was once the home of the Ace of Clubs nightclub but the building was demolished over 10 years ago. The site is not allocated within the UDP but is located within the defined Area of Housing Mix. The site is roughly 400metres from the nearest defined centre, Hyde Park Corner.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/02931/FU - Retail unit with storage area office and car parking. Withdrawn.
- 4.2 12/02712/FU - Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping. Refused October 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre-application discussions before submission of the mixed use application. The applicant also held a community consultation event (06.03.12 & 07.03.12) in Woodhouse Street community centre for the mixed use scheme.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been a no representations received.
- 6.2 The 3 ward councilors were notified of the current planning application. Councillor Gerald Harper replied requesting that he and he ward colleagues wished to see the plans. Councillor Towler commented that she thought the retail scheme 'sounds a much better idea but I would prefer it to go to panel'.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – no objections subject to conditions.
- 7.2 Mains Drainage – no objections subject to conditions for surface water drainage.
- 7.3 Environmental Health - If planning permission is to be granted this Department would recommend conditions are imposed in order to protect the amenity of the existing residential area regarding noise, delivery hours and construction.

7.4 Rights of way - there are claimed footpaths crossing the site. The developer has applied to extinguish this route. There are two other footpaths running parallel to the development site. The Wesley Court footpath will be upgraded and lit which will be funded via a Section 278 Agreement by the developer.

8.0 PLANNING POLICIES:

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

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

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy BD5 refers to new building design

Policies N12 and N13 refer to the good urban design considerations and placing making

Policy S2 refers to the protection of the vitality and viability of town centres.

Policy S9 refers to out of centre small scale retail development.

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Neighbourhoods for Living SPG.

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (para 14).

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

8.5 Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are

not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.6 Nearby Hyde Park Corner is designated as a 'Lower Order Local Centre' in the centres hierarchy set out in Policy P1 of the Draft Publication version of the Core Strategy.

8.7 Draft Policy P4 sets out development guidelines for shopping parades and small scale standalone food stores serving local neighbourhoods and communities.

8.8 Emerging Core Strategy Policy P8 sets out the thresholds above which a sequential assessment and impact assessment are required for retail proposals. The amount of retail floorspace proposed falls below this. Policy P8 indicates that all centres within 500 metres walking distance of the application site should be used for the sequential assessment

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of the development
- Design, scale, siting and appearance
- Neighbours amenity
- Amenity of future occupiers.
- Highway considerations
- Landscaping

10.0 APPRAISAL:

10.1 The site comprises previously developed land. Planning policy supports the re-use of brownfield sites in sustainable locations. The proposed retail element of the scheme is assessed against the emerging policies of the Core Strategy which deal with out of centre retail locations. The NPPF recognizes that out of centre food retail can have a positive effect in providing amenities to local communities. The scheme has been assessed against the requirements of UDP policies S2 which seeks to protect the vitality and viability of existing town centres and policy S9 for small scale out of centre retail development. This UDP policy will be replaced by the emerging core strategy which is in line with the NPPF. It is not envisaged that the proposal would harm the vitality and viability of the Hyde Park Corner local centre in accordance with policies S2 and S9 of the adopted UDP and there are no units available that would meet the requirements of the proposal or are available within

the defined town centre. The applicant has satisfactorily addressed the requirements of UDP policy S9 and draft core strategy Policies P4 and P8 in terms of the sequential assessment by demonstrating that there is no sequentially preferable site within a town centre or edge of centre location within 500m walking distance of the site. Whilst being an out of centre location, the site lies within a relatively accessible location and relates well to other existing retail/town centre uses situated nearby albeit undesignated in terms of NPPF. The convenience store is also well located to serve the nearby residential area.

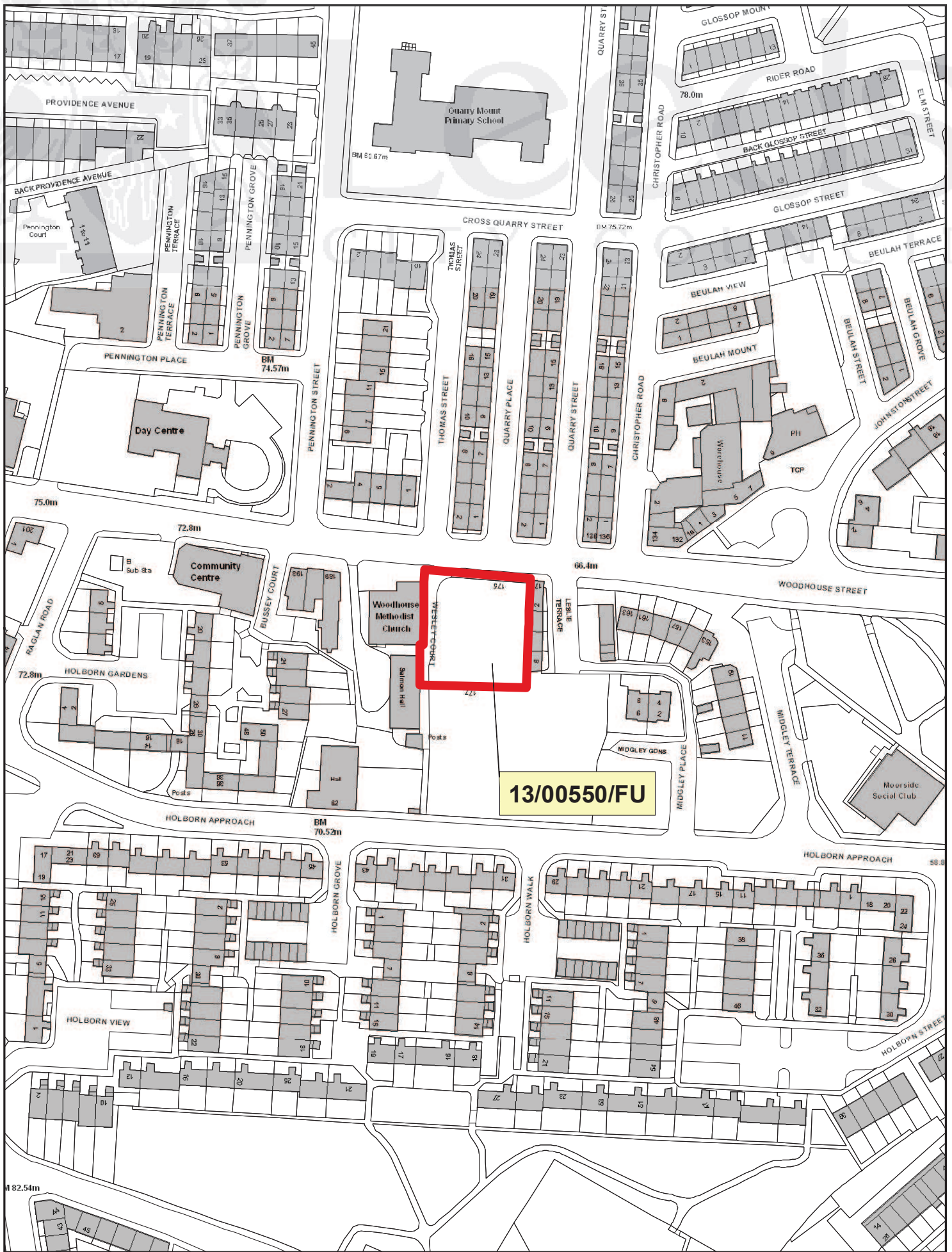
- 10.2 The site is located in a predominantly residential area and sits between two clear building styles namely, the Victorian terrace rows facing the site on Woodhouse Street and the post war housing across Holborn Approach. The proposal has had regard to this local context in forming its design. The use of a pitched tiled roof which characteristic of the area is appropriate in this context. The scale of the building is considered acceptable and should not look out of character in the street scene as there are various building heights, including some single storey buildings already.
- 10.3 The proposal is considered to provide a good street frontage to Woodhouse Lane. The proposed shop front elevation is considered to be in keeping with the street and should provide an attractive new street frontage.
- 10.4 The scheme has been designed to ensure that the site is secure. The layout of the scheme provides for new windows overlooking public footpaths. A condition has been attached requiring the developer to submit a crime reduction plan prior to the commencement of development. This should ensure that the details of the buildings design and material should take the opportunities to reduce crime. There is a pedestrian link between Holborn Approach and Woodhouse Street (known as Wesley Court). This route is in a poor state of repair and is unlit. customers of the proposed retail unit would use this route to access local facilities and bus services on Woodhouse Street. As part of the development proposals the applicants has agreed to upgrade and light this route and this work would be done under a S278 Agreement.
- 10.5 The access has been designed to accommodate the customer and service/delivery vehicles that would visit the development. The servicing arrangements are satisfactory subject to restrictions being placed on the size and times of refuse collection and delivery vehicles. This has been covered by a condition requiring a Service Management Plan to be submitted and agreed prior to the store first coming into use. The level of car parking proposed is in line with UDP guidelines at 19 parking spaces for the retail unit. In addition secure short stay cycle parking spaces have been provided for customers. Waiting restrictions will be necessary on the Woodhouse Street frontage to restrict parking and thereby ensure safe operation of the access. This has been secured via a condition requiring such works to be completed prior to the store first coming into use. The works themselves will be delivered via a Section 278 Agreement. Auto tracking has been used to demonstrate that refuse/delivery vehicles can safely manoeuvre within the site such that they can enter the highway in a forward gear.
- 10.6 Two claimed footpaths cross the site. The applicant has previously applied to extinguish the footpaths which run through the site when the mixed use scheme was being considered. There is another footpath route which around the site and provide access from Woodhouse street to Holborn Approach. The Wesley Court route will be upgraded and lit as part of this planning application.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

Background Papers:

Application file;
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



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