



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 8th August, 2013
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
(Chair)
R Grahame
M Harland
C Macniven
A McKenna
J Harper
M Lyons

C Campbell

J Procter
G Wilkinson

Whip's nominee

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

AGENDA

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <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>	

Item No	Ward	Item Not Open		Page No
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>	
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 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 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the North and East Plans Panel meeting held on 11th July 2013 (minutes attached)	3 - 8
7	Roundhay		APPLICATION 13/02059/FU - THE FORMER BLOCKBUSTER STORE 635A ROUNDHAY ROAD LS8 To consider a report of the Chief Planning Officer on an application for replacement wall mounted plant unit and four new floor standing units with fencing to side service yard (report attached)	9 - 16
8	Harewood		APPLICATION 13/01096/ADV - FORMER OLD STAR INN LEEDS ROAD COLLINGHAM WETHERBY LS22 Further to minute 19 of the North and East Plans Panel held on 8 th August 2013, when Panel deferred consideration of an application for three illuminated signs and alterations to existing gantry sign to front due to concerns being raised about the proposals, to consider a further report of the Chief Planning Officer (report attached)	17 - 26

Item No	Ward	Item Not Open		Page No
9	Harewood		<p>APPLICATION 13/01518/FU - SILVER BIRCHES LING LANE SCARCROFT LS14</p> <p>To consider a report of the Chief Planning Officer on a retrospective application for first floor side extension with balcony to rear</p> <p>(report attached)</p>	27 - 34
10	Kippax and Methley		<p>APPLICATION 13/01879/FU - ROYAL OAK 2 CROSS HILLS KIPPAX LS25</p> <p>Further to minute 46 of the North and East Plans Panel meeting held on 21st February 2013, where Panel granted planning permission for change of use, alterations and extension of vacant public house to form a small residential development and detached retail unit (12/03915/FU), to consider a further report of the Chief Planning Officer on an application for amendment to previous approval 12/03915/FU to include additional block of 4 self-contained flats</p> <p>(report attached)</p>	35 - 44
11	Garforth and Swillington		<p>APPLICATION 12/00725/OT - ABERFORD ROAD GARFORTH</p> <p>To consider a report of the Chief Planning Officer on an outline application for employment park and laying out of access</p> <p>(report attached)</p>	45 - 62

Item No	Ward	Item Not Open		Page No
12	Garforth and Swillington		<p>APPLICATION 10/01412/OT QUEEN STREET ALLERTON BYWATER LS26</p> <p>To consider a report of the Chief Planning Officer on an outline application to lay out access and erect 79 dwelling houses, previously considered as a position statement by the former Plans Panel East at its meeting held on 6th October 2011 (minute 97 refers)</p> <p>(report attached)</p>	63 - 78
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>5th September 2013 at 1.30pm in the Civic Hall, Leeds</p>	

To all Members of North and East
Plans Panel

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

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: n&e pp site visits
Date 30th July 2013

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – 8TH AUGUST 2013

Prior to the meeting of the North and East Plans Panel on Thursday 8th August 2013, the following site visits will take place:

10.45am		Depart Civic Hall
11.05am	Harewood	Silver Birches Ling Lane Scarcroft LS14 – 13/01518/FU - retrospective application for first floor side extension with balcony to rear
11.30am	Roundhay	Former Blockbuster Store 635a Roundhay Road LS8 – 13/02059/FU – replacement wall mounted plant unit and four new floor standing units with fencing to side service yard
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.45am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.40am**.

Yours sincerely

Angela M Bloor
Governance Officer

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NORTH AND EAST PLANS PANEL

THURSDAY, 11TH JULY, 2013

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, A McKenna,
J Procter, G Wilkinson, J Harper and
M Lyons

11 Late Items

The Chair admitted the following late item to the Agenda:

- Panel Member Nominations for Workshop on Delivering Quality Housing

12 Declarations of Disclosable Pecuniary Interests

Councillor M Lyons declared a disclosable pecuniary interest in Item 9, Application 13/00432/FU – 14 Morritt Avenue as the applicant was his son in law. He withdrew from the meeting during the discussion and voting on this item.

Councillor C Macniven drew the Panel's attention that she knew objectors to Item 11, Application 13/01292/FU – Southlands Nursing Home, 13 Wetherby Road, Roundhay.

13 Minutes

RESOLVED – That the minutes of the meeting held on 13 June 2013 be confirmed as a correct record.

14 Application 13/02080/FU - 56 The Drive Cross Gates LS15

The report of the Chief Planning Officer presented an application for a 3 bedroom detached house incorporating second floor ancillary granny annexe and basement level at No. 56 The Drive, Cross Gates, Leeds.

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

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

- Additional Ward Member objections had been received.
- Reference to previous planning history of the site.
- Concern over the true measurement of the height of the building.

Draft minutes to be approved at the meeting
to be held on Thursday, 8th August, 2013

- It was recommended that the application be refused as per the refusal of the application in September 2012.

RESOLVED - That the application be refused in accordance with the recommendation outlined in the report.

15 Application 13/01866/FU - 67 Pendas Way Stanks LS15

The report of the Chief Planning Officer presented an application for the variation of Condition 6 (hours of delivery) of application 12/03366/FU for a café and takeaway at 67 Penda's Way, Stanks, Leeds.

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

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

- Objections from Ward Members due to disturbance to residents.
- The premises had dual use as a café and a takeaway.
- The proposal in the application sought the extension of delivery hours from 1800 to 2300.
- It was recommended that the application be refused

A representative of the applicant addressed the Panel with reasons against the recommendation to refuse the application. The following issues were highlighted.

- Measures had been put in place to reduce odour with improvements to the flue.
- The applicant had carried out a soundcheck at the property and it was not felt there would be noise disturbance.
- The premises currently opened until 2300 and the ability to continue with deliveries would reduce people using vehicles attending the premises.
- 65% of the business was takeaways and it was felt the business could be at risk of closure if the application was refused.

A representative of a local residents group addressed the Panel in favour of the recommendation to refuse the application. The following issues were highlighted:

- Local residents had not been in favour of previous applications at the premises.
- Extended delivery hours would cause more disturbance to residents.
- Disturbance caused by taxis
- Problems with traffic being blocked.

RESOLVED – That the application be refused in accordance with the recommendation outlined in the report.

16 Application 13/00432/FU - 14 Morritt Avenue LS15

The report of the Chief Planning Officer presented an application for a detached single storey building to rear to form ancillary accommodation/home office at 14 Morritt Avenue, Leeds.

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

- The proposed annexe would replace an existing single storey garage.
- The initial intention was to use the building as an office which could later be adapted for use as accommodation for an elderly relative.
- Conditions to the application included that the office accommodation should be occupied by no more than 5 employees and that the use as an office should be no longer than 24 months from the date of the permission. The main dwelling was currently being used for office purposes.
- Letters of objection had been received from local residents regarding increased traffic and other disturbance.

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

- The condition to restrict the use as an office for 24 months was to allow time to measure the impact of the use.
- Members expressed a view that the time restriction for use an office was unnecessary.
- It was suggested that the possibility of Morritt Avenue and adjacent streets being classed as a Conservation Area be investigated.

RESOLVED – That the application be approved subject to the conditions outlined in the report with the removal of the condition limiting the use as an office for 24 months from the date of the permission.

17 Application 11/04402/FU - 166 Shadwell Lane LS17

The report of the Chief Planning Officer presented an application for the variation of a condition (hours of opening) to Application 30/21397/FU at 166 Shadwell Lane, Leeds.

Members visited the site prior to the meeting.

Current hours of opening permitted 09:00 to 22:00 Monday to Friday and 10:00 to 20:00 on Saturday and Sunday. The application proposed opening hours of 09:00 to 24:00 Monday to Saturday and to 22:30 on Sundays and for further extensions when necessary by permission in writing. This had been refused due to apparent disturbance caused by activity at the premises. A subsequent offer had been made to open till 23:00 on Thursday, 22:30 other

week days and 22:00 Saturday on Sunday for a period of 12 months. This had been rejected by the agent of the applicant.

Members were also informed of a history of breaches to the current condition regarding opening hours at the premises.

The applicant addressed the Panel. He raised the following issues:

- There were some uncertainties around the wording of the current condition.
- Part of the premises were occupied by the caretaker and his family and this sometimes gave the impression the centre was in use.
- Following closure of the centre, members of the community remain to clear and tidy up.
- The extension of the hours was to enable worship at particular times of the year after sunset.
- The centre only served a small community of approximately 25 members.
- Other centres in the vicinity did not have restricted use.

In response to a Member's question, it was reported that the application had been brought to Panel due to the enforcement history at the premises.

RESOLVED – That the application be refused in accordance with the recommendation outlined in the report.

18 Application 13/01292/FU - Southlands Nursing Home 13 Wetherby Road Roundhay LS8

The report of the Chief Planning Officer presented an application for a part single storey and part 4 storey extension to a nursing home with landscaping and additional car parking at Southlands Nursing Home, Wetherby Road, Roundhay.

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

The Panel was given a briefing on the planning history at the site which was situated in a residential area and the Roundhay Conservation Area. The application had been referred to the Panel following representations from a local Ward Councillor and local residents.

A local resident addressed the panel with objections to the application. The following was raised:

- The extension would impair the character of the area and block sunlight to residential properties.
- The 6 rooms on the top floor would overlook private gardens. These rooms would be in regular use with residents, care staff and visitors.

- This was primarily a residential area that should not be overburdened due to commercial interests.
- Objections to the height of the extension.

The applicant's agent addressed the Panel. The following was raised;

- There were only modest amendments to what was previously approved.
- The amendments improved the quality of the proposals.
- The improvements would add value to the area.

RESOLVED – That planning permission be approved in accordance with the recommendation and conditions outlined in the report.

19 Application 13/01096/ADV - Leeds Road Collingham Wetherby LS22

The report of the Chief Planning Officer referred to an application for three illuminated signs at the former Old Star Inn, Leeds Road, Collingham, Wetherby.

Pictures of how the proposed signs would appear were displayed at the meeting.

Members were given a brief history of recent planning applications at the site which fell within the Collingham Conservation Area. It was felt that the proposals didn't impair on public safety and were complimentary to the existing building and it was recommended to approve the application.

Councillor J Procter informed the Panel that the signage at the site was not in line with the application and raised further concerns regarding treatment to windows and also regarding bollards at the front of the premises. He requested that the application be deferred so these issues could be investigated.

RESOLVED – That the application be deferred.

20 Panel member Nominations for workshop on delivering quality housing

The report of the Chief Planning Officer referred to the decision of the Joint Plans Panel to hold a workshop with major housebuilders regarding the delivery of quality housing. It was suggested that each Plans Panel nominate Members to participate in the workshop which was likely to be held in September 2013.

RESOLVED – That Councillors J Procter, R Grahame, C Macniven and A McKenna be nominated for the workshop on delivering quality housing.

21 Date and Time of Next Meeting

Thursday, 8 August 2013 at 1.30 p.m.

Draft minutes to be approved at the meeting
to be held on Thursday, 8th August, 2013



Originator: Aaron Casey

Tel: 0113 247 8059

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 8 August 2013

Subject: APPLICATION 13/02059/FU - Replacement wall mounted plant unit and four new floor standing units with fencing to side service yard to the former Blockbuster store 635A Roundhay Road, Leeds, LS8 4BA.

APPLICANT	DATE VALID	TARGET DATE
MACE Group	2 May 2013	27 June 2013

<p>Electoral Wards Affected:</p> <p>Roundhay</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Grant permission subject to the following conditions

1. Time limit
2. Development to accord with approved plans
3. Submission of a scheme to control noise emitted from the plant equipment which shall show that noise output will be limited to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises.
4. Notwithstanding the details shown on drawing CHQ.13.10275-PLO5, date stamped 2 May 2013, the timber fencing shall be close boarded.

1.0 INTRODUCTION

1.1 Permission is sought for the installation of plant associated with a new Morrisons store within Oakwood. This application is brought to the Plans Panel for consideration at the request of Councillor Billy Urry, who has raised concerns regarding the proximity the proposed plant equipment to nearby residential properties and the level of noise and disturbance that this will cause. Cllr Urry has also requested a Panel site visit so that the Panel may consider this issue. It is considered that the proposals are acceptable and accordingly the application is recommended for approval.

2.0 PROPOSAL

2.1 This application seeks permission for the removal of the existing wall mounted plant unit to be replaced for new and additional plant equipment will be installed as follows:

- 2x new floor standing units measuring 1060 x 417mm each.
- 2x new floor standing condenser units grouped together measuring 2705 x 2405mm

2.2 All units will be installed to the rear south-eastern corner of the retail unit. The location of these units will be within the realms of an existing service yard and will be enclosed by a 2.5m high timber enclosure.

3.0 SITE AND SURROUNDINGS

3.1 The application relates to the former Blockbuster store located at 635A Roundhay Road, Leeds, LS8 4BA. The building is purpose built retail store comprising, single storey and brick built and forms part of a group of six units fronting Roundhay Road. The application property falls within the boundaries of the local Oakwood Centre where an array of shops and services can be found. The unit is also identified within the Leeds UDP (Review 2006) as being within a Secondary Shopping Frontage.

3.2 To the rear of the store is a service yard and parking facilities for the application property which is accessed via Oakwell Mount. To the back of this parking area and service yards are the residential properties along Oakwell Mount. A 3m – 3.5m high brick wall bounds the rear of the parking/service areas and acts as a robust screen between the commercial and residential sites.

4.0 RELEVANT PLANNING HISTORY:

4.1 The six units were granted planning permission in 1982 (H30/259/82) and since that time various planning applications have been received for signage and shop fronts.

4.2 13/01792/FU – Variation of condition 23 of approval 30/259/82 to allow deliveries between the hours of 0600 until 2300 Monday to Sunday. This application was withdrawn as the LPA informed the agent acting for the applicant that the proposed hours would not be supported.

5.0 THE HISTORY OF NEGOTIATIONS

5.1 The application has been assessed as submitted and in light of the relatively low level of development there has been no reason to engage into negotiations with the applicants agent regarding the proposed plant equipment and timber enclosure.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Two site notices were posted; one on Roundhay Road in proximity to the application property and another on Oakwell Mount on the 17 May 2013 advising that any representations should reach the LPA by the 7 June 2013.

6.2 Two letters of representation have been received from local residents and an objection has been raised by Councillor Bill Urry.

- 6.3 One neighbour objects to the proposal to site the condensing units and enclosed plant equipment in the service yard because it is directly adjacent to residential properties on Oakwell Mount. Concern was raised regarding the acoustic output.
- 6.4 The second letter raises issues relating to application 13/01792/FU which sought to vary the hours of delivery. This application has been withdrawn as the hours proposed were unacceptable to the LPA in respect of the considered harm to the living conditions of nearby residents. In addition the letter raises the matter of the plant equipment and the proposal to limit noise not just through noise and decibel levels but also the possible low volume constant hum that is associated with them. This letter advises that there is no objection in principle but request that due consideration is given to neighbours.
- 6.5 In respect of this application for the plant equipment Councillor Urry has raised concerns regarding the acoustic output. Please see the below text received in an email to the Case Officer dated 24 June 2013:

"I have serious concerns about plant noise from condensers, and it should be very clear that the equipment will meet the necessary requirement, not only on installation, but longer term as wear and tear sets in. The older the equipment, the noisier it is likely to become".

"I have serious doubts about the proximity of a lot of additional equipment to residential property..."

7.0 CONSULTATIONS RESPONSES:

7.1 The Environmental Protection Team (EPT):

No objections have been raised by the EPT subject to a condition that secures the submission of scheme to control noise emitted from the plant equipment. The scheme must be submitted prior to the commencement of development and to be installed as approved and retained as such thereafter. The scheme shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and Supplementary documents. The emerging local plan will eventually replace the Leeds UDP (2006) but at the moment this is still undergoing production.

Draft Core Strategy - 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.

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.

The application site is identified within the Leeds UDP (2006) as falling within the boundaries of Oakwood District Centre and on a Secondary Shopping Frontage.

- 8.2 The below UDP policies, supplementary development documents and national guidance are considered to be relevant to this application.

Local

Policy GP5 - refers to development proposals should seek to avoid loss of amenity.

Policy BD6 – alterations should respect the original building

Policy S2 – refers to District Centres

Supplementary Planning Guidance- Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003).

- 8.3 National Planning Policy Framework (2012):
- Promotion of sustainable (economic, social and environmental) development.

9.0 MAIN ISSUES

- Principle of development
- Effect on visual amenity
- Effect on residential amenity
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The application site is identified within the Leeds Unitary Development Plan (Review 2006) as falling within the Oakwood District Centre where an array of retail, leisure and professional services operate. The site is also close to local residential properties, namely those on Oakwell Mount.
- 10.2 The future operator of the retail unit is to be Morrisons. The proposed plant equipment and timber enclosure would be located to the rear corner of the unit within an existing service area and adjacent to parking facilities for the application property.
- 10.3 It is considered that the proposed level of plant equipment and the level of enclosure, is appropriate with the size of the retail unit and its proposed use as a smaller scale supermarket as well as within the context of the local centre where such equipment would be reasonably expected to be sited.
- 10.4 In light of the above it is considered that the principle of the proposed plant equipment and the timber enclosure on and within the curtilage of the retail unit is acceptable subject to other material planning considerations e.g. visual intrusion and the effect on residential amenity. These matters are discussed below.

Effect on visual amenity

- 10.5 The proposed siting of the equipment would be to the south-western corner of the application property. The existing wall mounted plant equipment will be removed and will be replaced for new. Additional plant equipment will be installed as follows:
- 2 x new floor standing units measuring 1060 x 417mm each.
 - 2 x new floor standing condenser units grouped together measuring 2705 x 2405mm each.

The plant equipment will be housed within a timber enclosure with a gated entrance. This enclosure would be 2.5m in height and have the floor area of approximately 16.5sq/m.

- 10.6 The plant equipment would be at low level and well screened by a timber enclosure. This therefore results in the enclosure being the visual focus when looking into the parking and service area to the rear of the application property. In light of the proposed location to the corner of the parking/service area, that being some 31m from Oakwell Mount it is not considered that the character and appearance of the area will be unduly harmed.
- 10.7 The plant and enclosure would also be well screened from the garden area of No.37 Oakwell Mount by the substantial brick wall that runs along the boundary between No.37 and the proposed development. It is likely that from first floor windows of No.35 and 37 Oakwell Mount that outlooks onto the proposed development may be achievable, but the focus of the outlooks from such windows would be garden areas and the robust tree coverage to the rear. Any outlooks achievable of the plant equipment and enclosure is not considered to be detrimental and no worse than any outlooks onto the existing service/parking areas. Moreover, when viewed from the street or from the parking area the enclosure would not be an alien feature but as already detailed, one that would reasonably be expected within its context.

Effect on residential amenity

- 10.8 To the rear of the proposed location for the plant equipment and timber enclosure are residential properties along Oakwell Mount the nearest properties being No's 35 and 37. A 3.0m to 3.5m high brick wall runs the length of the boundary between the site and No.37. In respect of residential amenity it is the acoustic output that is the foremost issue. To ascertain if the proposed plant equipment would emit noise that would erode the living conditions of neighbouring occupants a technical view was sought from the Environmental Protection Team (EPT).
- 10.9 The EPT note that the residential properties on Oakwell Mount includes some which are directly adjacent or very close to the proposed development. The EPT advise that in their experience complaints regarding fixed plant equipment includes situations where initial measures taken to reduce noise are not maintained and fail over time. In light of this and in the interests of keeping living conditions within acceptable limits a pre-commencement condition can be added to secure the submission of a scheme to control noise emitted and installed as approved. Moreover, the scheme shall seek to limit noise to a level at least 5dBA below the existing background noise level when measured at the nearest noise sensitive premises and to be retained thereafter.
- 10.10 Furthermore, it is also considered reasonable to secure by condition that the timber enclosure be close boarded rather than have gaps as shown on the submitted details. This would provide some further level of noise attenuation.

11.0 CONCLUSION

11.1 After due consideration this application is recommended for approval for the above reasons and subject to the conditions at the head of this report. On balance it is considered that the level of acoustic output from the plant equipment can be adequately limited so that the living conditions of neighbouring residential occupants would not fall outside what can reasonably be regarded as acceptable limits. The proposed equipment would be seen within an appropriate and expected context to the corner of a service area to the rear of the commercial buildings. Furthermore the plant equipment will be screened by a timber enclosure and by a substantial brick wall to the shared boundary with No.37 Oakwell Mount. Accordingly the application is recommended for planning permission.

Background Papers:

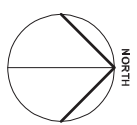
None

Certificate of Ownership (Cert B) signed by the agent for the applicant on Blue Lagoon Properties c/o Helm Trust Property: 1 May 2013

GENERAL NOTES

This scheme is subject to Town Planning Dimensions, areas and levels when given are only approximate and subject to site survey. Do not scale other than for Planning purposes. This drawing is to be read in conjunction with drawings/documents and any discrepancies or variations are to be notified to the architects. All queries relating to design of foundations, floor slabs and any structural elements are to be notified to the structural engineer. All feasibility studies are subject to full site survey. Membership of all relevant bodies and building operators shall comply with the requirements of British Standard BS5833:1997 Part 1:3 November. All design and construction is to be in accordance with the Building Regulations 2007.

PLANNING

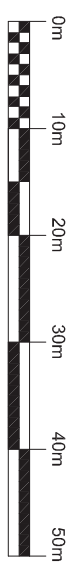


PROJECT
 Unit 6 633 Roundhay
 Road, Oakwood
 Leeds LS8 6BA

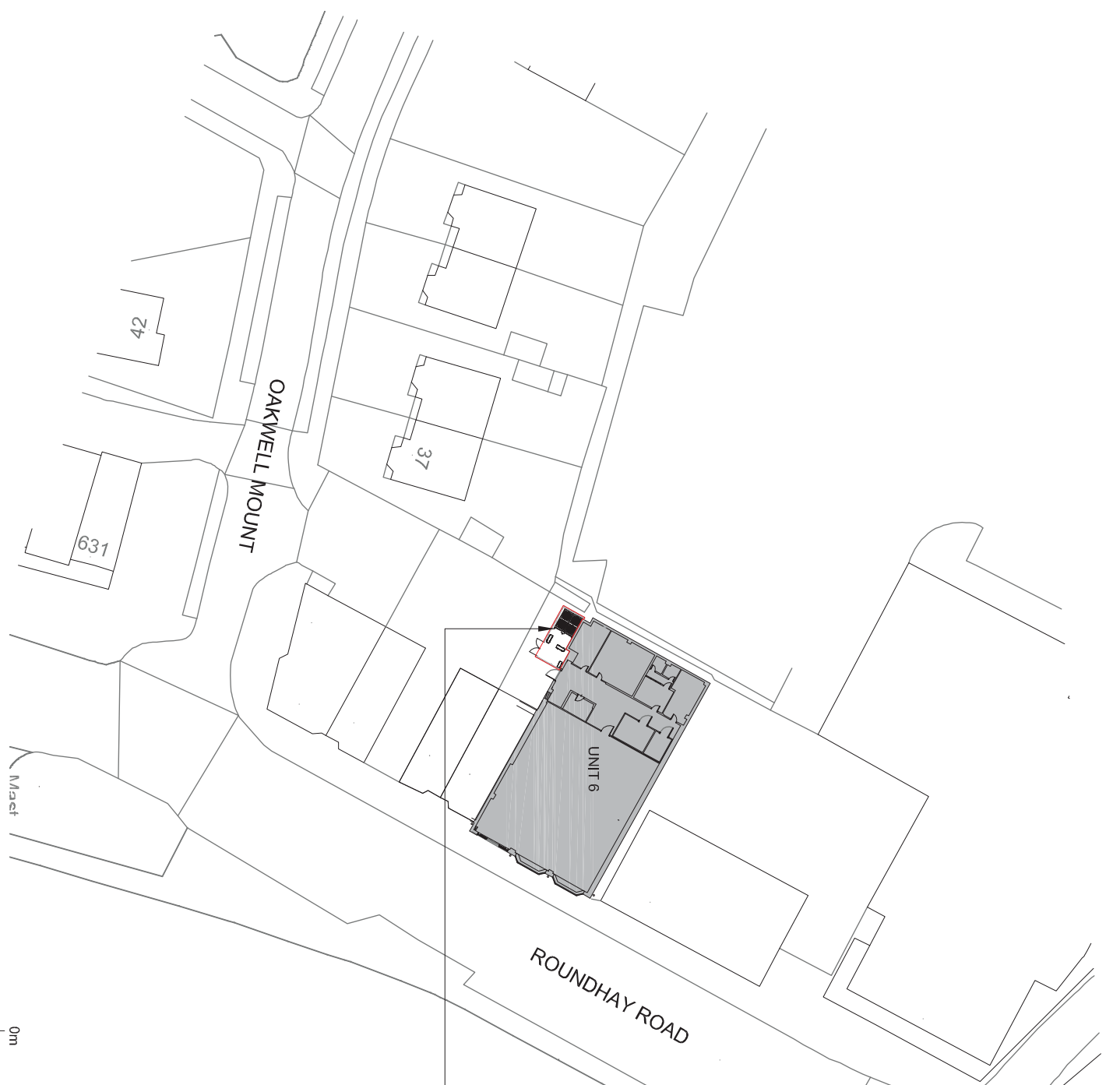
DRAWING
 Proposed Site Plan

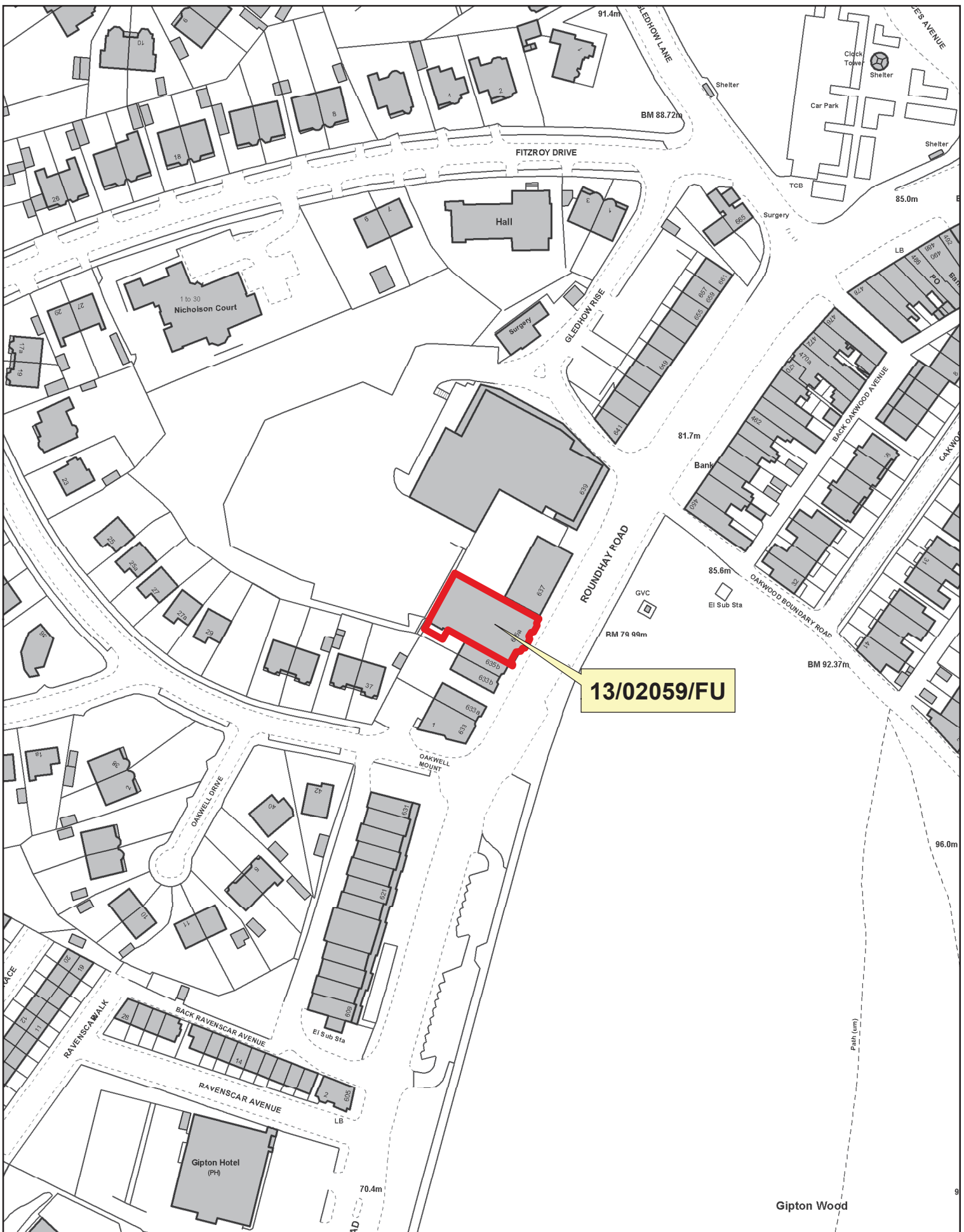
CHQ PARTNERSHIP
 Architects • Building Surveyors
 CHQ Partnership Ltd
 Tenney House, 23 High Street
 Baldock, Hertfordshire SG7 8BE
 Telephone: 01462 885099
 Email: design@chq-architects.co.uk
 www.chq-architects.co.uk

DATE	April 13	DRAWN	YL
SCALE	1:500/A3	CHECKED	WC
CHQ.13.10275-PL04			



Proposed plant condenser units with timber palisade fence enclosure to rear of store, within existing service area





NORTH AND EAST PLANS PANEL





Originator: U Dadhiwala

Tel: 0113 2478175

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 8th August 2013

Subject: 13/01096/ADV– Proposed three illuminated signs and alterations to existing gantry sign to front at former old Star Inn, Leeds Road, Collingham, Wetherby, LS22 5AP.

APPLICANT
Tesco Store

DATE VALID
8th March 2013

TARGET DATE
3rd May 2013

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT advertisement consent subject to the following conditions:

1. Standard advert consent (5yrs).
2. Develop in accordance with approved plans.
3. The material of the hanging sign shall be submitted for approval.
4. The details of the material of the proposed fascia sign to be submitted.

1.0 INTRODUCTION

1.1 This application proposes the installation of new signage associated with the new Tesco Express store located within Collingham. The application was reported to the Plans Panel meeting on 11th July 2013 and deferred for the following reasons:

- To clarify whether the free standing sign to the front has been implemented in accordance with the approved plans.
- Concerns over the vinyl stickers within the front windows of the store.
- The bollards to the front of the building are not on the approved plans.

- 1.2 In terms of the first issue, this relates to the free standing sign to the front of the store which existed during the occupation of the building as the Old Star Inn. It was Tesco's intention to refurbish this sign as part of the previous signage consent (Ref. 12/01810/ADV) which was approved by the Plans Panel in October 2012. The sign that is in situ now is generally consistent with that approved by the Plans Panel, save for the absence of the finials at the top of the sign, a smaller gap between the top and middle signs and the absence of trough lighting towards the lower and middle sections of the sign. The only down-lighters on the sign are towards the top only. A revised plan has now been provided and the applicant seeks consent for its alteration as part of this application. The proposed alterations to this sign are considered to be visually acceptable.
- 1.3 With regard to the two remaining issues, the vinyl stickers that have been placed internally on some of the front windows do not form part of this application and is not a form of advertising. As such, advertisement consent is not required for the frosted vinyl stickers. Even if the vinyl did include a form of advertising, then this would not require permission as vinyl is considered to benefit from Deemed Consent under Schedule 3, Class 12 of the Advertisement Regulations. The frosted vinyl has been applied to 4 of the front windows for security reasons and to screen the back of house areas / refrigeration units from public view, in order to protect the visual amenity of the building and character of the area.
- 1.4 Finally, with regard to the security bollards, these were shown on the approved site layout drawing which was approved by the Plans Panel under application no. 12/01808/FU in October 2012. A total of 4 bollards are positioned outside the front entrance to the building in accordance with the approved plans.
- 1.5 The application is brought to Panel at the request of Councillor Rachael Procter due to the potential harmful impact the proposed signs will have on the character of the Conservation Area.
- 1.2 The Town & Country Planning (Control of Advertisement) (England) Regulations 2007 sets out that in determining applications for advertisement consent a decision maker should only have regard to the interests of amenity and public safety.

2.0 PROPOSAL

- 2.1 The application proposes to construct a hanging sign and an individual letter sign to the front of the building and to refurbish the existing free standing totem sign to the rear. It is also proposed to alter the front gantry sign and to reduce the amount of illumination.
- 2.2 The proposed externally illuminated hanging sign will measure 0.75m by 0.75m and will be fixed 4.2m above ground level on the front elevation. The sign will be constructed of MDF which will be painted dark blue with red and white vinyl lettering.
- 2.3 The halo individual letter sign is proposed to the front elevation of the building. The sign will measure 5.3m in width and the individual letters will be 0.3m in length. The letters will have an aluminum body which will be powder coated white.
- 2.4 The existing externally illuminated free standing sign towards the rear of the store is proposed to be refurbished. The location of the sign as well as its dimensions (3.5m in height, 0.8m in width, and 0.6m depth) will remain the same. The sign will be painted blue and will feature vinyl red and white lettering.

2.5 Alterations to the front gantry sign which have already taken place include removal of the curved top section of the previous sign and replacement with a horizontal edge sign. The finials mounted on top of the posts have also been omitted. The sign is now illuminated by 2 trough down lighter (one on each side) as opposed to the 6 down lighters (3 on each side) previously approved.

3.0 SITE AND SURROUNDINGS:

3.1 This application relates to part of the former Old Star Inn in Collingham which previously operated as a restaurant and public house in mixed use. Currently works are underway on the site to accommodate a new Tesco Express. The site is located within the Collingham Conservation Area and is an important gateway feature. The former Old Star Inn is adjoined by a car sales showroom and forms a prominent island site which is bounded by Main Street to the south, Harewood Road to the north and Mill Lane to the west. The site comprises of the main stone building and the parking areas to the front and rear. The car park to the front of the site can be accessed via Main Street and Mill Lane, whilst the site can also be accessed to the rear off Harewood Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site has been subject to a number of planning applications which relate to the various extensions and signage to the property. The details of the previous applications are summarised below.

- 12/01810/ADV- 2 externally illuminated signs. (Approved)
- 12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard. (Approved)
- 12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall. (Approved)
- H31/193/91/- Alterations to form enlarged kitchen and enlarged restaurant, and extension to form porch, to restaurant and bar. Approved, September 1991
- H31/271/87/One internally illuminated wall sign, size 4.88m x 1.98m, height above ground 2.44m (underside), one non-illuminate. Approved, January 1987
- H31/335/86/- Change of use, involving alterations of commercial garage, to public house function rooms. Refused March 1987.
- H31/132/84/- One externally illuminated individual letter wall sign, size 5.2m x 0.5m, height above ground 3.4m (underside). Approved July 1984.
- H31/106/84/- Alterations and extension to form porch to rear, glazing of portico to front, creation of escape door. June 1984.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions during the course of the advertisement application have focused primarily on the size of the hanging sign and the omission of the 'Welcome' and 'Goodbye' signs from the plans. These originally formed part of the initial submission but have since been removed following negotiations due to their visual prominence.

5.2 Revised plans have been submitted showing the hanging sign reduced in size and the applicant has accepted the omission of the 'Welcome' and 'Goodbye' signs.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letters posted 22.03.2013. Fourteen objection letters have been received. The following objections have been raised;

- The signs will have an adverse impact on the character of the Conservation Area.
- The signs will appear out of place in this rural village.
- The halo lettering sign is excessive and unnecessary.
- The number of signs proposed is excessive and the combined effect of the signs will have an adverse impact on the character of the area.
- The illumination of the free standing sign to the rear will have an adverse impact on the character of the area.

6.2 The Parish Council questions whether the hanging sign and the 'Welcome' and 'Goodbye' signs are necessary. The Parish Council objects to the Halo individual letter sign, on the basis that it will deface the front elevation of the building.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways- raise no objection to the proposals.

7.2 Following revisions to the plans which reduces the size of the hanging signs and the omission of the 'Welcome' and 'Goodbye' signs, the Council's Conservation Officer raises no concerns relating to the signage proposed.

8.0 PLANNING POLICIES:

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

8.2 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.

- 8.3 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.
- 8.4 The site is located within the Collingham Conservation Area and is marked as a positive building in the Collingham Conservation Area Appraisal and Management Plan. The following policies are considered to be of relevance:
- Policy GP5 refers to development proposals should seek to avoid loss of amenity.
 - Policy BD8: refers to all signs be well designed and sensitively located.
 - Policy BD9: States that illuminating signs will only be permitted within the Conservation Area where they do not detract from visual amenity.
 - Policy T2: highway safety.
- 8.5 Relevant Supplementary Guidance:
- Supplementary Planning Document 'Advertising Design Guide' (2006).
- 8.6 The Advertising Design Guide (2006) identifies generally suitable locations for advertising as *inter alia* predominantly commercial areas and district centres. The SPD also states that the designation of an area as a Conservation Area does not automatically preclude outdoor advertising, but special attention should be paid to the necessity of preserving or enhancing the character or appearance of that area.
- 8.7 Collingham Conservation Area Appraisal and Management Plan highlights that the parking area in front of The Old Star Inn and the service yard to the rear are an unsympathetic to the appearance of Collingham. It is recommends that tree planting, soft landscaping and stone boundary walls could all lessen the impact of the parking and enhance the special character and appearance of the conservation area.
- 8.8 Draft Core Strategy 2009 (Preferred Approach) identifies Collingham as a smaller settlement. Smaller settlements have been identified within the settlement hierarchy as being above the village/rural level, yet they do not all have appropriate facilities to serve local day-to-day needs. In these centres small-scale new retail, leisure, and community facilities to serve local day-to-day needs will be supported where they can be clustered to form a community focus.
- 8.9 National Planning Policy Framework (NPPF) 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.
- 8.10 In relation to heritage, the NPPF states that local planning authorities are encouraged to sustain and enhance the historic environment.
- 8.11 National Planning Policy Framework (paragraphs 67 and 68) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

9.0 MAIN ISSUES

1. Impact on the appearance of the building and the character of the Conservation Area
2. Impact on neighbouring residential amenity
3. Public Safety
4. Public representations

10.0 APPRAISAL

Impact on the appearance of the building and the character of the Conservation Area

- 10.1 The application proposes to construct a hanging sign and an individual letter sign to the front of the building and to refurbish the existing free standing totem sign to the rear.
- 10.2 There are currently a variety of signs in the area of differing styles and colour; therefore, some flexibility should be offered when considering the design, proportions and scale of the sign.
- 10.3 The hanging sign will be of an appropriate proportion and scale whilst its MDF construction and its unassuming dark blue colour with white vynil lettering will allow it to sit respectfully on this commercial building and ensure that the sign does not detract from the character of the Conservation Area. Its external illumination will draw attention to the sign at night without omitting a significant level of illumination. Therefore, it is considered that the sign proposed hanging sign will not harm the character of the area.
- 10.4 The proposed halo individual letter sign will be located in a similar position to the a fascia panel sign that has been recently removed from the front of the building. It is considered that the proposed individual signs will be less intrusive on the building than the existing panel sign, as it will cover a smaller area, whilst its aluminium construction and white colour will ensure the sign respects the building and the character of the Conservation Area in general. The sign will be lit by reverse mounted white LED's, which will light the back of the sign without omitting a significant glow. Therefore, it is not considered that design of the sign and its illumination will detract from the character of the Conservation Area or this positive building.
- 10.5 The existing free standing sign is proposed to be painted blue with red and white lettering; no changes to the scale or location of the sign are proposed. Given that the sign already exists, its position, scale, method off illumination and proportions cannot be objected to. Its colour and lettering will be fairly subtle reflecting the colour scheme of the signs already approved within the site. The amended gantry sign, whilst slightly different to that previously permitted, is considered to be appropriate it terms of its design and scale. The sign also has less illumination than previously agreed with the removal of the trough down lighters on the middle and lower sections of the sign. Therefore, it is considered that the free standing signs will not detract from the character of the Conservation Area.
- 10.6 Objections have been raised by members of the public that the combined effect of the proposed signs and those already approved, will result in a clutter of signs on the site which will harm the character of the area and the building. To date two signs have been approved on the building with a further three proposed and one alterations to an existing sign under this application. Out of the five signs, two are existing free standing signs that are proposed to be refurbished and two signs,

namely the proposed individual letter sign and the approved fascia sign above the entrance door, are replacement of existing signs that are currently present on the building. This leaves only one sign that is new namely the hanging sign. It is considered that the addition of one new sign within the site will not result in the site appearing cluttered with signs to an extent that they will be harmful to visual amenity. Furthermore, the Conservation Officer has assessed the scheme and has raised no concerns.

Impact on neighbouring residential amenity

- 10.7 As the site currently features a number of signs which this application seeks to replace or refurbish with only one new sign proposed, it is considered that the signs do not pose a significant threat to neighbouring residential amenity.

Public Safety

- 10.8 The proposed signs are replacements or refurbishments of existing signs on the site with only one additional sign being proposed. Therefore, it is considered that the signs do not pose any highway or public safety issues. Highway Officers have assessed the application and have raised no concerns.

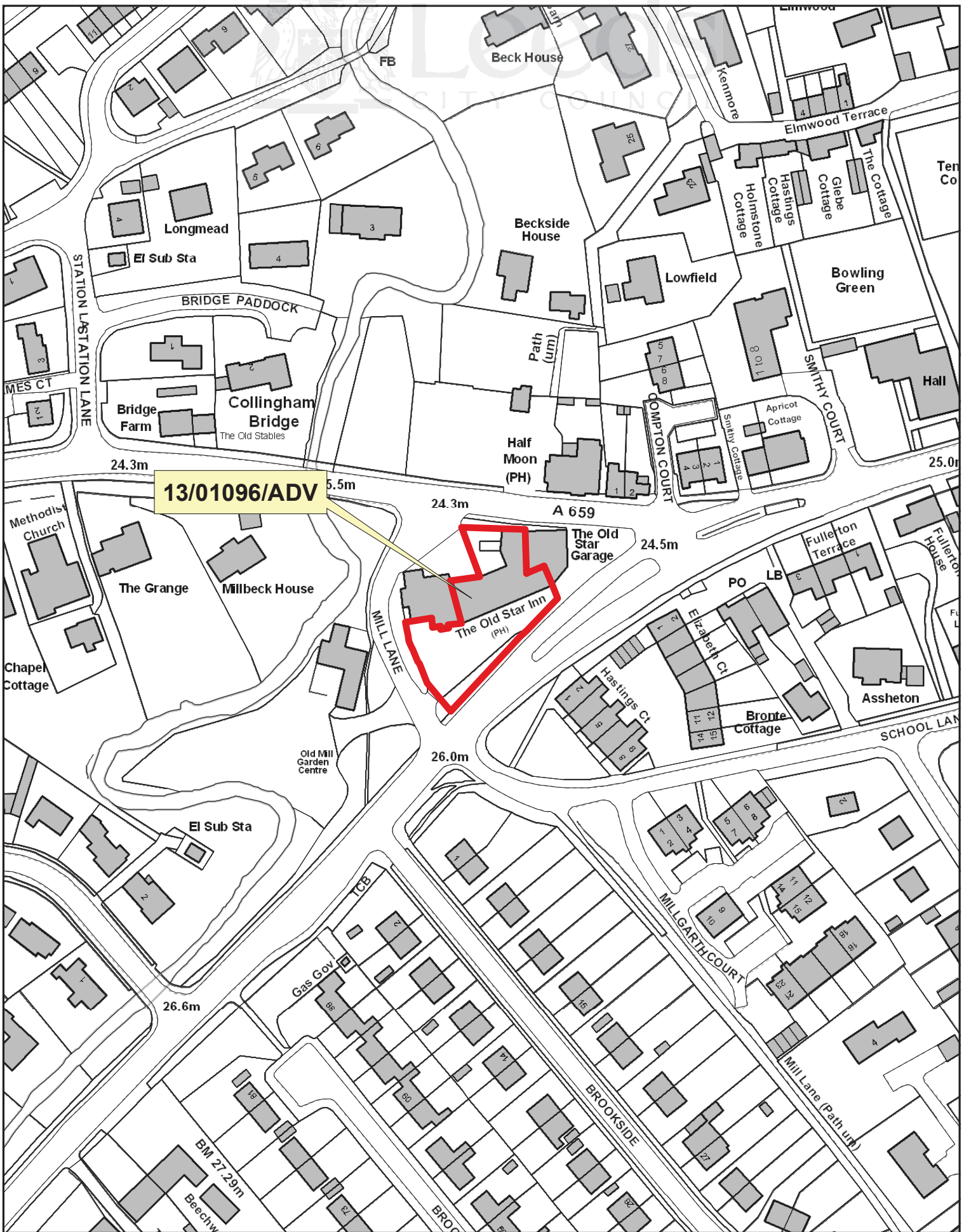
Public Representation

- 10.9 The issue raised by members of the public generally relate to the visual impact of the proposed signage on the character of the area. These issues have already been discussed in the report and it is considered that the illumination, design and proportions of the signs will not have an adverse impact on the character of the Conservation Area.
- 10.10 The concern raised by the Parish Council that the 'Welcome' and 'Goodbye' signs and the hanging signs would introduce unnecessary clutter of signage to the site, is noted. The Welcome and Goodbye sign have been omitted from the plans. The hanging sign is considered acceptable in terms of its visual appearance and impact on the character of the Conservation Area.
- 10.11 The comments made by the Parish Council that the individual halo letter sign will deface the building, is noted. This sign will replace an existing illuminated fascia panel sign, will cover a smaller area of the front elevation and allow more of the stonework to be exposed. Therefore, it is considered that the individual letter sign will appear less intrusive on the building than the existing sign it replaces.

11.0 CONCLUSION

- 11.1 The application proposes to construct a hanging sign and an individual letter sign to the front of the building and to refurbish the existing free standing totem sign to the rear.
- 11.2 It is not considered the proposed signs will have a detrimental impact on the design of the building or on the character or the appearance of the Conservation Area, nor is it considered that the proposal will have an adverse impact on neighbouring residential amenity or on Highway Safety. Therefore, it is considered that the proposal should be approved.

Application file: 13/01096/ADV and files 12/1808/FU & 12/01810/ADV
Certificate of Ownership: N/A



NORTH AND EAST PLANS PANEL

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Originator: U Dadhiwala

Tel: 0113 2478175

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 8th August 2013

Subject: 13/01518/FU– Retrospective application for first floor side extension with balcony to rear at Silver Birches, Ling Lane, Scarcroft, LS14 3HY.

APPLICANT
Mr N Ahmed

DATE VALID
3rd April 2013

TARGET DATE
29th May 2013

Electoral Wards Affected:

Harewood

Yes

Harewood
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION

No conditions are necessary since the application is retrospective.

1.0 INTRODUCTION

1.1 This application is brought to Plans Panel at the request of Councillor Rachael Procter due to the harmful impact the extension has on the character of the area and the impact on neighbouring dwellings.

2.0 PROPOSAL

2.1 The application seeks retrospective permission for a first floor extension that has been constructed to the eastern wing of the building. The extension projects out 6.3m from the side elevation of the building and is 5.9m in depth. The structure features a pitched roof that has been constructed just below the ridgeline of the building. The rear elevation of the extension features a balcony which is partly recessed into the roof of a ground floor extension.

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a large detached dwelling located with the residential area of Ling Lane. The Green Belt boundary runs through the middle of the house, with the southern section of the dwelling and the rear garden being located within the Green Belt. The site is fairly wooded with the trees within the site being protected with a tree preservation order. Ling Lane comprises of very large detached properties of varying scales, designs and materials that are set on spacious plots. Boundary treatments on this side of Ling Lane include stone walls and a mixture of different gate styles, with mature planting set behind.

4.0 RELEVANT PLANNING HISTORY:

4.1 33/298/04/FU- Part single part 2 storey and first floor extensions covered area and conservatory to front side and rear. (Approved)

4.2 33/221/97/FU- 9 bedroom detached house with attached triple garage. (Approved)

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letters posted 12.04.2013.

6.2 The Parish Council raises no concerns relating to the scheme.

6.3 The neighbour of the adjacent dwelling 'The Pymms' comments that the balcony in the rear elevation may raise overlooking concerns.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

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

8.2 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.3 As the Council have submitted the Publication Draft Core Strategy to the Secretary of State for 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.

8.4 UDP (Review 2006) 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.

8.5 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.

HDG3 All extensions, additions and alterations to dwellings within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. In order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. Development proposals which exceed thirty percent or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and will be resisted unless very special circumstances can be demonstrated.

8.6 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.

In relation to heritage, local planning authorities are encouraged to sustain and enhance the historic environment.

8.7 The NPPF allows for extensions to buildings in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original dwelling. (Paragraph 89)

9.0 **MAIN ISSUES**

- Impact on the Green Belt
- Townscape/Design and Character
- Overlooking
- Overshadowing/ Dominance
- Public Representations

10.0 **APPRAISAL**

Impact on the Green Belt

10.1 The application seeks respective consent for a first floor extension that has been constructed to a dwelling that is partly located within the Green Belt. The National Planning Policy Framework (NPPF) highlights that the essential characteristics of Green Belt is its openness and its permanence. The construction of new buildings within the Green Belt is inappropriate, except within certain circumstances, one of which is the limited extension of a building provided it does not result in a disproportionate addition. The NPPF provides no guidance on how to interpret what constitutes limited extensions. However, the Householder Design Guide notes that approximately a thirty percent increase over and above the volume of the original building is considered to be a reasonable interpretation of limited extension.

10.2 As only part of the dwelling lies within the Green Belt, it is difficult to judge whether the subject extension coupled with the other extensions that have been added to the building are in excess of what is normally acceptable in terms of Green Belt policy.

This makes following the 30% rule contained within policy HDG3 of the Householder Design guide unreasonably difficult to follow. In these very special circumstances, the acceptability of the extension in the Green Belt should be judged on whether the extension conflicts with the principle of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. To this end, it is considered that the extension does not conflict with the aims and principles of the Green Belt.

- 10.3 Given that the open areas of the Green Belt have not been encroached upon and that the grounds of the property feature many mature trees which effectively screens the extension from public vantage points, it is not considered that the extension harms the openness or the character of the Green Belt.

Townscape / Design and Character

- 10.4 Ling Lane is characterised by very large houses set within expansive plots. The south side of Ling Lane also comprises houses of varying architectural styles and materials, some of which comprise projecting front garage wings set at right angles to the dwellings with accommodation above. Front boundary treatments along this particular stretch of road comprise solid stone walls, some with railings and some with solid timber gates.
- 10.5 The proposed first floor side extension which has now been built, is set well back from the front elevation of the site which is itself set well back from the front boundary. The extension takes the form of a gable end roof which is not an uncommon roof form along Ling Lane. Whilst the other side of the dwelling features a hipped end roof, it is almost impossible to view the entire house together given the overall size of the dwelling and extent of the significant mature planting and trees within the site frontage. Given that the extension will not be prominent within the streetscene, given its location and extent of screening, it is considered that no visual harm arises to the house itself, including its symmetry, and to the overall character of this part of Ling Lane. The proposal is therefore consistent with both UDP policies and Policy HDG1 of the House Holder Design Guide.

Overlooking

- 10.6 The windows of the extension are proposed to the front and rear and do not overlook any private amenity space belonging to the neighbouring dwellings. The balcony is positioned almost 12m away from the nearest dwelling 'Pymms'; the separation distance is considered more than adequate to ensure the balcony will not detrimentally affect the privacy of the neighbouring dwelling. Furthermore, the dense trees that are present along the site boundary will obstruct some of the views of the neighbouring dwellings from the balcony. Therefore, it is considered that the balcony does not raise any overlooking concerns.

Overshadowing/ Dominance

- 10.7 The extension is acceptable in terms of overshadowing and over-dominance, as the extension is set a substantial distance of over 12m from the neighbouring dwellings.

Public Representation

- 10.8 The issue raised by the occupant of the neighbouring dwelling "Pymms" concerning the overlooking issue that may arise as a result of the balcony, has been addressed in the report. Due to the 12m separation distance that the balcony maintains from Pymms, coupled with the mature trees and shrubs that are present along the

boundary, it is considered that the balcony does not raise significant overlooking concerns.

11.0 CONCLUSION

11.1 The applicant seeks retrospective permission for a first floor side extension that has been constructed to this large detached dwelling which is partly located within the Green Belt. It is considered that the extension does not conflict with the aims and objectives of Green Belt policy and will not harm its openness or character. Furthermore, it is considered that the proposal will not have a significant detrimental impact on the design of the dwelling, the character of the area or upon neighbouring residential amenity. Therefore, it is considered that the proposal should be approved.

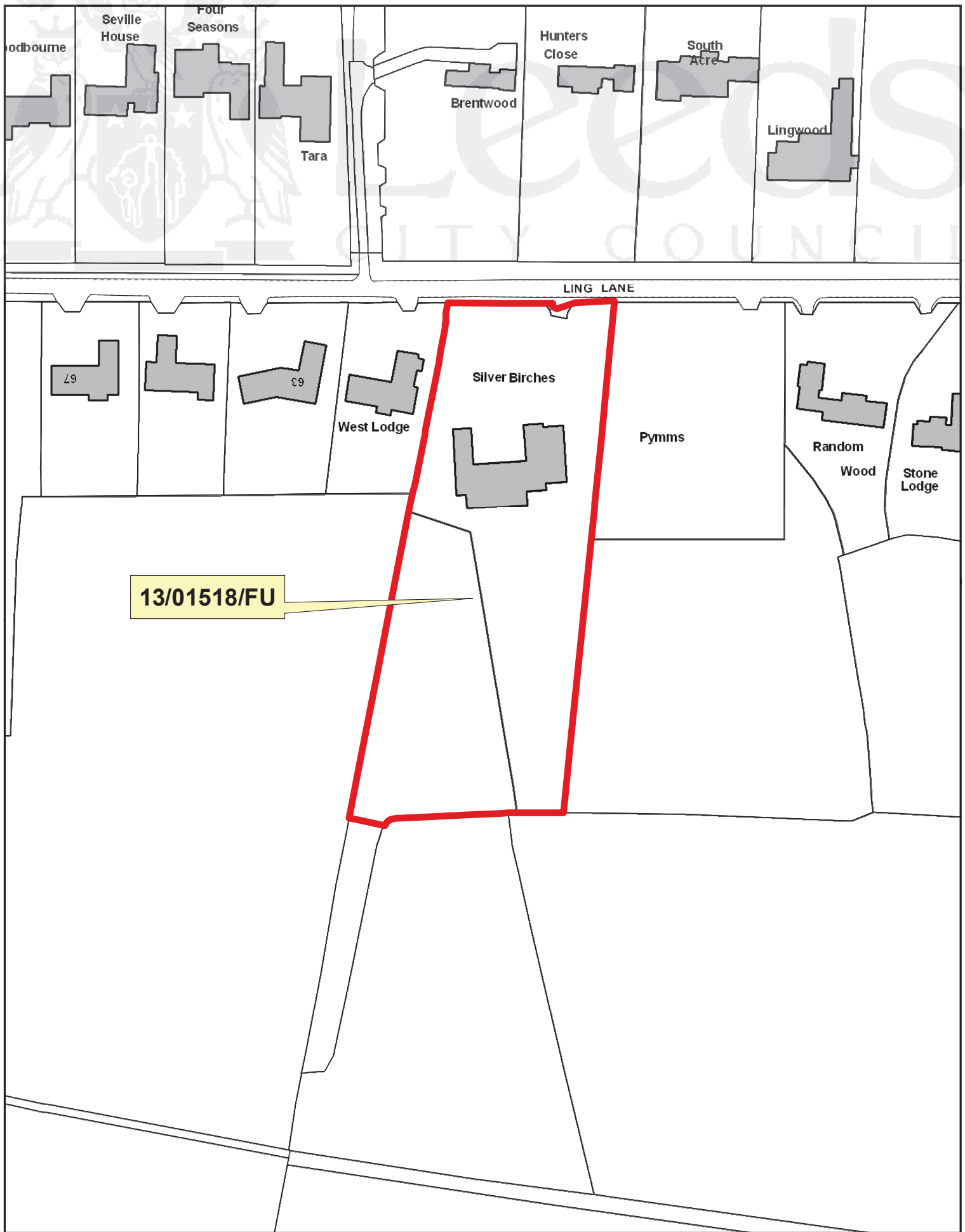
Background Papers:

Application file: 13/01518/FU
Certificate of Ownership: Mr Ahmad



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Mr. & Mrs. H. Altman	
Steve Bichler Lynn Lantz Sara Cuff Linda	
Proposed Drawings: First Floor Plan Elevation Site Plan	
Statutory Approval	
Rev. No.	1/200
Rev. Date	JMC
2012	62
	181



NORTH AND EAST PLANS PANEL



Originator: Chris Marlow

Tel: (0113) 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 8th August, 2013

Subject: APPLICATION: 13/01879/FU – Amendment to previous approval 12/03915/FU (Change of use involving alterations and single storey side extension of vacant public house to form 7 flats and erection of detached retail unit with flat above) to include additional block of 4 self-contained flats on land at the Royal Oak, 2 Cross Hills, Kippax.

APPLICANT

Mr Colin McCarthy

DATE VALID

15 May 2013

TARGET DATE

14 August 2013

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure the following:

Contribution towards off-site Greenspace of £29,304.

1. Standard time limit.
2. Development to accord with approved plans.
3. External materials to be agreed.
4. Landscaping scheme (hard and soft) to be agreed.
6. Implementation of landscaping.
7. Landscape maintenance.
8. Surfacing materials to be agreed.

9. Closing off of redundant access to be carried out.
10. Provision of visibility splays.
11. Parking/vehicle areas to be laid out.
12. Drainage details to be agreed.
13. Cycle parking.
14. Boundary details to be agreed.
15. Construction management plan to be agreed (to also include working hours: 08.00 to 18.00 weekdays, 09.00 to 13.00 on Saturdays. None on Sundays/Bank Holidays. And, no deliveries between 08:30 to 09:00 and 15:30 to 16:00 Monday to Friday).
16. Bin storage details.
17. Obscure glazing required to specific windows.
18. Archaeological recording.
19. Restricted opening hours to the retail unit.
20. Contaminations conditions.

Full wording of conditions (including any amendments as considered necessary) to be delegated to the Chief Planning Officer.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel as the proposed development is a significant amendment to a previous proposal that was recently considered by the Plans Panel.

2.0 PROPOSAL

- 2.1 The application is an amendment to a previous grant of planning permission and listed building consent for the conversion of the Royal Oak PH into 7 flats with ancillary parking and the erection of detached retail unit with a self contained flat above. The amendment comprises the erection of a detached block of 4 flats to the rear of the former public house and parking to serve the conversion and the new build flats. The new building is a simple design and uses materials of stone and render that are prevalent in the area. The windows are edged by stone surrounds picking up the detail from the listed building. The proposal makes a clear distinction between the new build and the listed building creating a contemporary form using a mono pitched roof rising away from existing building. The overall proposal would result in a development of 12 flats and one retail unit with ancillary parking, bin stores and landscaping.
- 2.2 In combination with the previous grant of permission the development is of a scale (12 dwellings) that triggers the threshold for a contribution towards off-site greenspace (£29,304).

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to the grounds of the former Royal Oak Public House a Grade II listed Building. The listed building was originally a house, is two storeys high, constructed from magnesian limestone with a tiled roof and has a simple but elegant design.
- 3.2 The site frontage is currently bounded by security fencing in association with works that have commenced on site in relation to the previous grant of planning and listed building consent for the conversion of the former PH into flats.
- 3.3 The site is within Kippax town centre with commercial elements to the north and east of the site. There is a youth centre to the east of the site and a public seating area to the west of the site facing Cross Hills Sheltered Home complex. There are residential

areas to the south of the site although set at a considerably lower level due to the topography of the area. The immediate setting is commercial in character with residential areas beyond.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/03915/FU /12/03916/LI change of use of PH to 7 flats and the erection of a detached retail unit with a flat above, ancillary car parking. Permission Granted 16th March, 2013.

5.0 THE HISTORY OF NEGOTIATIONS

- 5.1 When originally submitted the applications to convert the PH and erect a retail unit with flat above included a two storey extension to the west side of the PH to form a modern block of 6 flats. During consideration of the applications, in the interests of good design, visual amenity and conserving the architectural integrity of the listed building Officers suggested that the development would only be supported if the proposed extension was reduced in scale and separated from the listed building to create a free standing structure. The applicant declined to amend the scheme in this manner and chose to remove the modern extension from the scheme. The report to Plans Panel in March advised that the applicant may revisit a more intensive scheme in the future but was keen to make progress on site with regards to the conversion of the former PH. After the grant of permission by Plans Panel Officers met with the applicant to discuss an amended proposal that has resulted in the current application.

6.0 PUBLIC CONSULTATION AND RESPONSES

- 6.1 The application was advertised by site notices posted adjacent to the site Cross Hills, Tatefield Grove and Hall Park Orchards dated 24 May, 2013. In addition, a notice was placed in the Yorkshire Evening Post edition published 6 June 2013. 8 neighbouring properties were informed of the application by neighbour notification letters dated 16 May 2013.
- 6.2 In response to the public notification process 2 letters of objection have been received from local residents objecting to the proposal on the following grounds:

Highway safety, access, and increase in traffic
Over intensive
Visual detriment / harm to the character of the listed building
Loss of trees
Extending use of site to 24 hours
Loss of communal parking facility
Asbestos removal
Impact on neighbouring housing

- 6.3 Kippax Parish Council has written to the Department objecting to the proposal and recommending that the development is refused on the following grounds:

Adverse impact local residents on Tatefield Grove, overlooking, overbearing
Increase in activity and noise compared to former use
Potential conflict between vehicles and pedestrians due to restricted visibility
Out of character with the listed building / poor roofing material
Question of ownership boundary with the adjacent youth club
Contrary to policies aimed at preserving the character of listed buildings

7.0 CONSULTATIONS RESPONSES:

Statutory:

English Heritage:

Awaiting comment. EH did not wish to comment on the previous application other than request that care is taken in restoring the former public house, including the re-instatement of a chimney.

7.1 Non-Statutory:

Highways:

In revised form the proposed development meets the Council's relevant standards or off-street parking facilities and cycle parking. As with the previous approval appropriate visibility splays are provided at the site access and satisfactory space is allocated for refuse vehicles to turn within the site. The widening of the foot way next to Cross Hills is welcomed.

Contaminated Land:

No objections subject to the conditions imposed on the previous grant of permission.

Neighbourhoods and Housing:

No adverse comment.

Public Rights of Way:

There are no definitive or claimed rights of way that cross or abut the site.

Flood Risk Management:

No objections have been raised by the Flood Risk Management subject to conditions.

Yorkshire Water:

No comment required from Yorkshire Water

West Yorkshire Archaeology Advisory Service:

Awaiting comment. The WYAAS comments on the previous application did not object providing a condition was included requiring the implementation of a programme of archaeological and archaeological building recording. Such a condition was included with the previous grant of planning permission.

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents.

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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for 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.

The application site is within a designated local centre in the Leeds UDP (2006) but has no further more specific, allocation.

8.2 The below UDPR policies, supplementary development documents and national guidance are considered to be relevant to this application.

Local

Policy GP5 – refers to development proposals should seek to avoid loss of amenity.

Policy A1 – access to community facilities.

Policy BD5 – refers to new buildings be designed with consideration to both own amenity and surroundings.

Policy N12 – refers to urban design

Policy N13 – refers to design of new buildings

Policy N14 – presumption in favour of preservation of listed buildings

Policy N15 – changes of use should not diminish the historic value of a listed building.

Policy N16 – extensions should be sensitive and subservient to a listed building.

Policy N17 – preservation of detailing of listed buildings.

Policy N23 – refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25 – refers to boundaries around sites

Policy N26 / LD1 – refer to the requirement to provide landscaping details.

Policy S2 – identification of local centres in the Leeds district.

Policy T24 – refers to parking

Policy T2 – refers to highway safety

Supplementary Planning Guidance

Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003).

Street Design Guide (2009)

Kippax Village Design Statement

8.3 **Emerging Core Policy**

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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for 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 National Planning Policy Framework (2012):

- Secure high quality design.
- Conserving and enhancing the historic environment.

9.0 **MAIN ISSUES**

Principle of development

Impact on the Character of the listed building
Impact on visual amenity
Impact on residential amenity
Highway safety
Representations

10.0 APPRAISAL

Principle of development

- 10.1 Under the relevant national guidance the site is considered to be a brownfield site and therefore appropriate in principle for residential development providing it satisfies all other material considerations. Whilst the site is located within the designated town centre for Kippax, the previous grant of permission from PH to a residential use was accepted, and recognised in the Leeds UDPR and the NPPF that a residential development can also play a part in ensuring the vitality of centres.

Impact on the character of the listed building

- 10.2 National Planning Guidance encourages innovative development and advises planning authorities to avoid stifling good design whilst at the same time advising that the historic fabric of listed buildings together with their setting should be preserved. In order to strike an acceptable balance between the two negotiations have taken place between Officers from design and conservation and the applicant.

- 10.3 The original concept was to extend the PH by being attached to the west side elevation. Whilst a mix of modern materials with the more traditional materials of a listed building can achieve a successful blend of “old” and “new”. In this instance however, the form of the building, in particular its roof design was such that the development would have appeared incongruous with its historic host and its materials appearing to compete rather compliment the character of the listed building.

- 10.4 The fundamental form of the current proposal uses the same roof design (shallow mono-pitch) but a more simplistic pallet of materials to the original scheme but more significantly is now a detached building set at right angles to the listed building. The roof design and materials allows the height of the new building to reflect that of the eaves level of the former PH and in doing so as such the proposed development does not unduly impose its presence, and remains subservient to the listed building. As such, it is considered that the development achieves an acceptable balance between encouraging innovative design without detracting from the character or setting of the listed building.

Impact on visual amenity

- 10.5 Members that visited the site earlier this year will have witnessed how the site sits within the street scene abutting the round-a-bout that serves Cross Hills, High Street and Leeds Road. The listed building is very much to the forefront of the site and as such virtually obscures the rear of the site when viewed from the north. On approaching the round-a-bout from the south along Butt Hill/Cross Hills the listed building still appears more prominent than the rear of the site which is screened to large extent by mature trees on the western boundary of the site. As such, it is considered that the proposed new block of flats would not result in a prominent or over intrusive feature to an area that was previously void of buildings. In more general terms it is considered that the overall layout is well designed and practical for

the future occupants of the development. In addition, a new stone boundary wall will form an attractive boundary treatment along the widened footway where the development abuts Cross Hills. The proposed development is therefore considered to make a positive contribution to the visual amenity of the site and wider setting

Impact on residential amenity

- 10.6 The proposed development is for a detached block of 4, 2 bedroom flats. In contrast to the applicants original concept to extend the PH to form 6 flats, the reduction in scale and the creation of a detached unit has allowed for a dedicated amenity area to serve the flats in the north-west corner of the site. The detached block is designed in accordance with the Councils' relevant residential design criteria in terms of window interfaces with main aspects benefitting from open views to the east with the more tertiary aspects facing the trees on the western boundary. As such the proposed development would result in a satisfactory standard of residential accommodation and level of amenity for the future occupants.
- 10.7 The siting of the detached block at right angles to the former public house avoids direct overlooking between the two sets of flats. The south side elevation of the proposed block of four flats is sited 1.2m from the southern boundary of the site and includes a secondary window to one ground and one first floor flat. There are residential areas beyond the southern boundary of the site on Tatefield Grove, consequently there is the potential for overlooking, overshadowing and overbearing development issues to be considered.
- 10.8 The application site is level, however due to the topography of the area the houses on Tatefield Grove are set at a considerably lower level. In addition, there is a vacant strip of land approximately 10m wide between the site and the houses to the south of the site. This strip of land is steeply banked and benefits from dense landscaping.
- 10.9 Given the scale if the changes in levels, overlooking of houses on Tatefield Grove from the south side elevation of the flats would be at an extremely acute angle, and in light of the landscape screening it is considered that the development would not result in overlooking or a loss of privacy to such a degree to represent harm to the residential amenity of the occupants of the houses on Tatefield Grove.
- 10.10 Although the development is set at a higher level than the houses on Tatefield Grove due to the orientation of the site (facing due south) the proposed development would not result in overshadowing of these properties.
- 10.11 Whilst the southern side elevation of the block of flats is sited 1.2m from the southern boundary of the site, Officers are mindful that the overall height of the proposed development is relatively low for a two storey building due to the contemporary roof design. Given that the south side elevation itself is approximately only 7m in width when viewed in context with landscaping on the strip of land separating the site from the houses on Tatefield Grove it is considered that the development would not represent development that appears over-dominant or overbearing to residents of houses situated to the south of the site.
- 10.12 Kippax Parish Council and a local resident have objected on grounds that the resultant development of the site for residential purposes would change the nature of the site in terms of generating noise and activity over a greater period (24 hours seven days a week), in contrast to its former use as public house which limited by the hours of opening. Officers consider that the former use of the PH (whilst not 24/7) has the potential for greater levels of noise disturbance from a concentration of use by its customers. In addition, Officers are mindful that the site is a brownfield site

and therefore appropriate in principle for residential development providing it meets the relevant residential design criteria. As considered above, Officers consider that the proposed development would not prejudice the interests of residential amenity of neighbouring residents.

Highways

- 10.13 As with the original grant of permission it is considered that the proposed development is in a sustainable location, well served by public transport and would be less intensive than the former use of the site as a public house, and as a parking facility informally supporting the local centre. Highway Officers accept that the level of off street parking and cycle parking facilities accord with the Councils relevant parking standards and that the applicant has demonstrated that appropriate visibility splays can be achieved to ensure safe access to and from the site. In addition, it is welcomed that the development includes the opportunity to widen the existing narrow footway abutting the western boundary of the site, thereby improving access for pedestrians using the eastern side of the highway (Cross Hills). As such it is considered that the development would not result harm to the interests of highway safety.

Representations

- 10.14 It has been confirmed by the applicant the red line boundary of the site is in his ownership. If the owners of the youth club site have evidence to establish that this is incorrect the claim to land ownership is a civil matter between the respective land owners. As advised during the previous application other agencies exist to ensure that the removal of asbestos is carried out in a safe and regulated manner.

11.0 CONCLUSION

- 11.1 The proposed development is considered sound in principle, and would not prejudice the setting of the listed building, or the interests of visual amenity, residential amenity or highway. Having taken account of all other material considerations the development is therefore recommended for approval.

Background Papers:

Files: 13/01879/FU

Certificate of Ownership (A) signed by the agent on behalf of the applicant dated 23 April, 2013.

2720 204

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DATE: 15/05/2017

SCALE: 1:500

PROJECT: Residential Conversion

CLIENT: Mr C. McCafferty

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NO. 100

- Key**
- Existing trees to be retained
 - Areas of archaeological interest or existing listed buildings
 - Areas to be excavated
 - Existing trees to be removed
 - Existing walls
 - Proposed walls
 - Existing buildings to be removed
 - Existing walls to be retained
 - Existing walls to be retained

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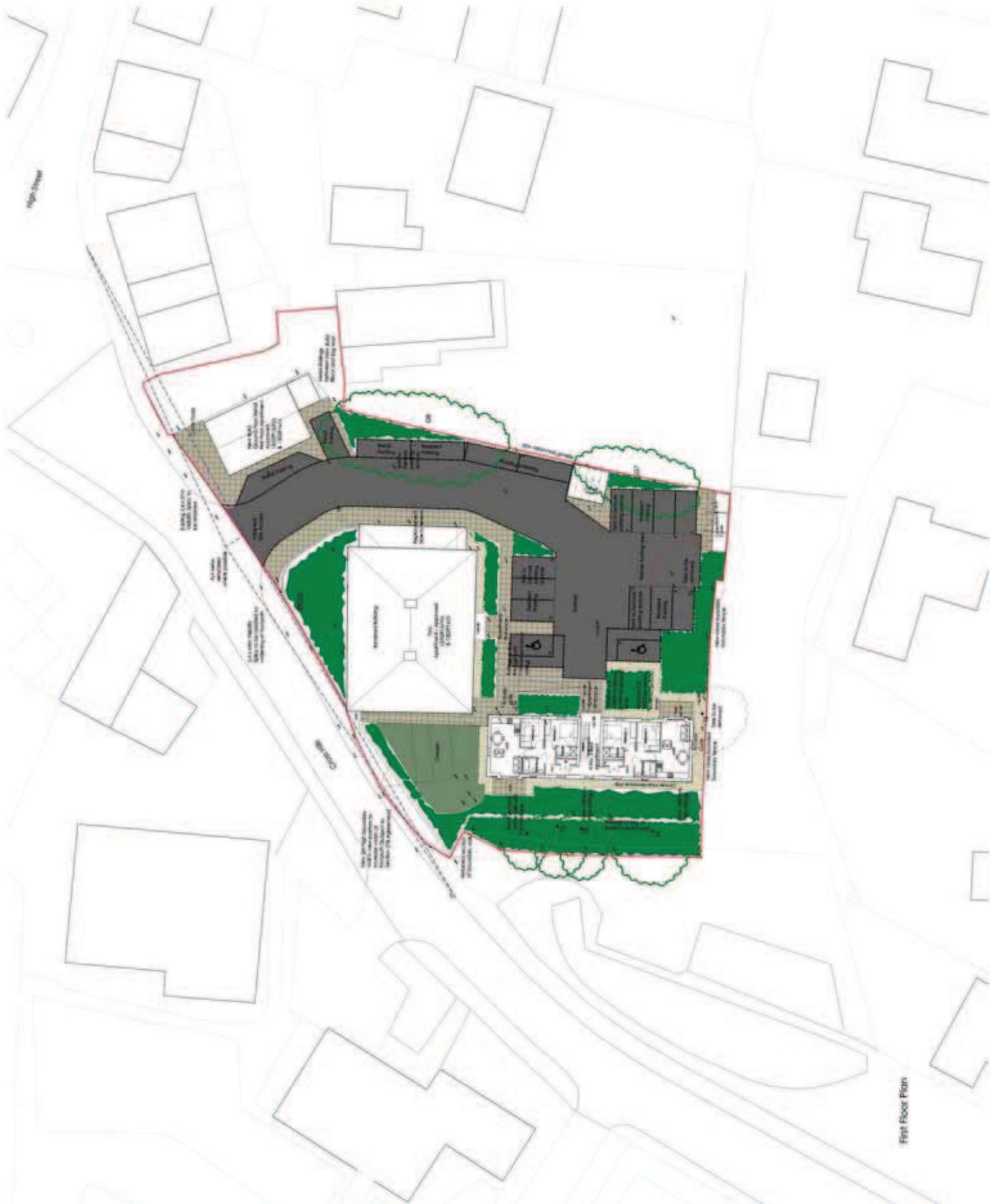
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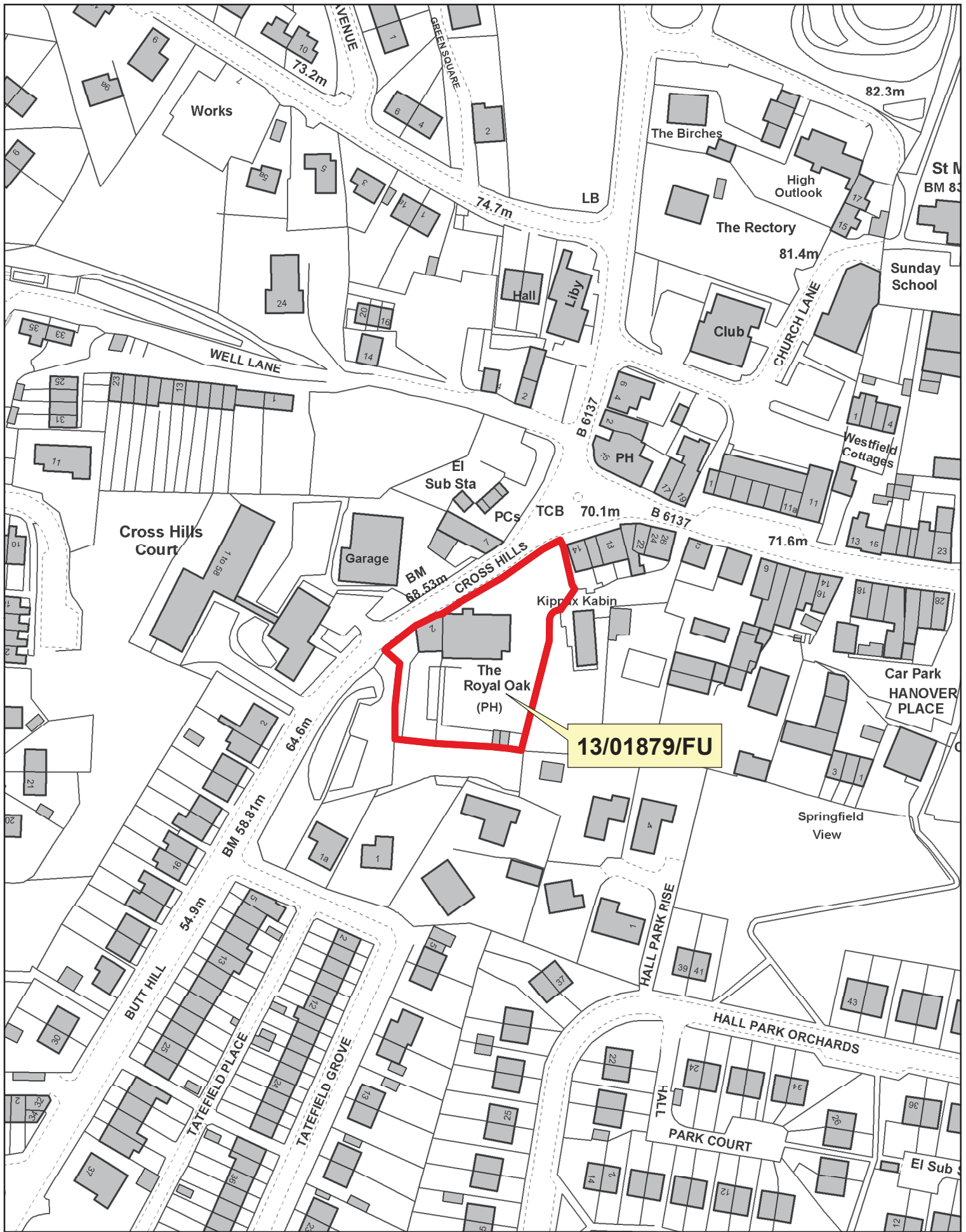
Project: Residential Conversion
Formal: Royal Oak PH, Kippax
Client: Mr C. McCafferty

Proposed Site Plan

Area	Area	Area	Area	Area
Area 1	Area 2	Area 3	Area 4	Area 5
Area 6	Area 7	Area 8	Area 9	Area 10
Area 11	Area 12	Area 13	Area 14	Area 15
Area 16	Area 17	Area 18	Area 19	Area 20
Area 21	Area 22	Area 23	Area 24	Area 25
Area 26	Area 27	Area 28	Area 29	Area 30
Area 31	Area 32	Area 33	Area 34	Area 35
Area 36	Area 37	Area 38	Area 39	Area 40
Area 41	Area 42	Area 43	Area 44	Area 45
Area 46	Area 47	Area 48	Area 49	Area 50
Area 51	Area 52	Area 53	Area 54	Area 55
Area 56	Area 57	Area 58	Area 59	Area 60
Area 61	Area 62	Area 63	Area 64	Area 65
Area 66	Area 67	Area 68	Area 69	Area 70
Area 71	Area 72	Area 73	Area 74	Area 75
Area 76	Area 77	Area 78	Area 79	Area 80
Area 81	Area 82	Area 83	Area 84	Area 85
Area 86	Area 87	Area 88	Area 89	Area 90
Area 91	Area 92	Area 93	Area 94	Area 95
Area 96	Area 97	Area 98	Area 99	Area 100



First Floor Plan



NORTH AND EAST PLANS PANEL





Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 8th August 2013

Subject: Planning Application 12/00725/OT – Outline application for employment park and laying out of access at Aberford Road, Garforth, Leeds

APPLICANT

Calest Holdings 5
Properties 1 Sarl

DATE VALID

21st March 2012

TARGET DATE

20th June 2012

Electoral Wards Affected:

Garforth and Swillington

Yes (Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the following additional matters:

1. Travel Plan (including monitoring fee of £11,665).
2. Improvements to bus stop 24237 at a cost of £10,000.
3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.
4. Agreement to undertake a feasibility study to investigate and implement a controlled pedestrian crossing over Aberford Road.
5. Agreement to undertake a feasibility study to investigate and implement a speed limit amendment on Aberford Road, the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
6. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
7. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

1. Time limit on permission (7 years).
2. Plans to be approved.
3. External appearance, siting, design and landscaping all reserved.
4. Masterplan condition.
5. Maximum floorspace cap conditions.
6. Monitoring of vehicular trips.
7. Trigger for eastbound off-slip works to junction 47.
8. All parking areas to remain available for use.
9. Walling and roofing materials to be agreed
10. Surfacing materials to be agreed.
11. Permission required for all utility buildings.
12. No mechanical ventilation/air conditioning to be installed unless details are agreed.
13. Full details of balancing pond proposals required.
14. Full landscaping scheme to be agreed.
15. Site levels to be agreed.
16. Development to be carried out in accordance with FRA.
17. Final drainage scheme to be agreed.
18. Contamination conditions.
19. Structural survey of the Weigh House including appropriate mitigation measures required.
20. Details of storage and disposal of litter/refuse required.
21. Statement of construction practice.
22. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays (inclusive of deliveries).
23. Contractors parking during construction.
24. Lighting restrictions.
25. No burning of waste materials.

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

1.0 INTRODUCTION:

- 1.1 This outline planning application is presented to Plans Panel due to the size and sensitivity of the proposals, given their significance to Garforth and relationship with junction 47 of the M1 motorway.
- 1.2 The main application site is identified within the UDP as a Key Employment site under Policies E4:13 and E8:7. The balancing pond element to the north west is within the Green Belt, as designated by Policy N32.
- 1.3 This is an application for a new outline planning permission for employment uses on the site, although there have been a number of previous planning permissions granted in recent years.
- 1.4 The first outline application (33/119/05/OT) involved the erection of offices, industrial units, warehousing and a balancing pond on the site, approved in 2007. Subsequently, a reserved matters approval (08/06887/RM) was granted in 2009 with respect to phase one of the development, comprising the laying out of an access road and erection of 8 two-storey office units, 1 three-storey office unit and one single-

storey storage and distribution unit, with two-storey ancillary offices and car parking and landscaping. Simultaneously, planning permission 08/06877/FU approved the creation of a secondary access point onto Aberford Road.

- 1.5 Since that time, the economic climate has made it difficult to deliver development on the site. Central Government introduced measures to preserve the life of planning permissions through the economic downturn such that they could be implemented reasonably swiftly as and when market conditions improve. The applicant made use of this and application 10/00916/EXT provided approval to replace an extant outline planning permission (33/119/05/OT) in 2010 so that the time limit for implementation could be extended. However, that time limit expired in May 2013 and therefore there are now no extant permissions relating to the site.
- 1.6 The development is now being brought forward by an amended applicant team and with a revised proposal, which they consider meets current market requirements

2.0 PROPOSAL:

- 2.1 This outline planning application proposes an employment park and laying out of access with all matters reserved except for access.
- 2.2 The application is accompanied by an illustrative masterplan which shows a principal access being taken from a new roundabout on Aberford Road, approximately 250m south of the existing roundabout at junction 47 of the M1 motorway. This principal access is to be used as the vehicular access for the whole site, which is to be linked via a single spine road with a further roundabout junction in the centre of the site. An emergency access is also provided to the north of the proposed buildings and exits onto Aberford Road.
- 2.3 The indicative layout follows the series of plateaux that were established and approved through reserved matters application 08/06887/RM, following robust examination through a detailed landscape analysis. Accordingly, the lower buildings are located on the upper plateau – to the south-east of the site, with larger buildings on the middle plateau – to the north-east of the site and with capacity for even larger buildings on the lower plateau – on the western half of the site. The landscape analysis was designed to provide parameters within which buildings could be located without adversely affecting the wider landscape, particularly the Green Belt, to the north of the motorway. Other landscape mitigation measures have also been carried forward, including the creation of an earth bund along much of the northern boundary of the site, which is to be planted with trees, in addition to soft landscaping across the site.
- 2.4 In terms of the quantum of development proposed, the illustrative masterplan shows three smaller units on the upper plateau – two are shown to have a gross internal area of 1,858sqm, with the third being 2,230sqm. A larger warehouse building is shown on the middle plateau with a gross internal area of 16,388sqm. The largest warehouse unit is located on the western plateau and has a gross internal area of 71,488sqm.
- 2.5 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Travel Plan (including monitoring fee of £11,665).
 2. Improvements to bus stop 24237 at a cost of £10,000.
 3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.

4. Agreement to undertake a feasibility study to investigate and implement a controlled pedestrian crossing over Aberford Road.
5. Agreement to undertake a feasibility study to investigate and implement a speed limit amendment on Aberford Road, the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
6. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
7. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is allocated in the UDP Review for employment land, under Policy E4:13. The site is constrained by strong physical boundaries, being bounded by the M1 motorway to the north, the A642 (Aberford Road) to the east, existing industrial development to the south and the 'Fly Line' public right of way and Hawks Nest Wood to the west.
- 3.2 The site has a long history of mineral extraction from the C19th onwards and was latterly used for opencast coal mining operations, between 1996 and 1998. Following the cessation of mining activity, the majority of the site was subject to controlled restoration and re-contouring, involving backfilling and compaction. The site has been monitored since 1998. Since this time, the site has naturalised as grassland and has been used for agricultural purposes, specifically grazing. The site includes an outcrop to the north-west, described as the 'pan handle', which extends beyond the Fly Line, adjacent to the motorway, as far as the western extent of Hawks Nest Wood.
- 3.3 The main body of the site is set at a lower level than Aberford Road. The greatest fall is immediately to the west of Aberford Road. The remainder of the site is set on a more gradual fall towards Hawks Nest Wood, to the west, and the motorway, to the south. The south-eastern corner of the site, around The Weigh House, is at a higher level than much of the main body of the site and is more aligned to the level of Aberford Road. The 'Pan handle' is relatively level and is set somewhat lower than the motorway embankment.
- 3.4 Given the historic uses of the main body of the site, any future development is constrained by the 'quarry walls', particularly to the western, southern and eastern areas of the site. Other constraints include a high pressure gas pipeline running across the north of the site and overhead services running across the south of the site.
- 3.5 To the north of the site, the M1 motorway runs east-west and intersects with the A642 (Aberford Road) at junction 47, to the north eastern corner of the site. The existing motorway embankment and slip road already contain some degree of vegetation and young trees. Beyond the motorway lies open countryside, falling within the Green Belt.
- 3.6 To the east of the site lies Aberford Road, which continues southwards into the main settlement of Garforth. A two-storey residential property, known as The Weigh House, is adjacent to the eastern boundary of the site. The majority of Aberford Road is bounded on both sides by mature hedgerows, with open countryside to the east, including a significant area of polytunnels. This land falls within the Green Belt. To the south east of the site exists a recent housing development of predominantly two-storey dwellings.
- 3.7 To the south of the site is an area identified in the UDP Review as an existing supply of employment land, under Policy E3B:4. The development includes a number of

recently developed single-storey warehouse units, known as Helios 47, in addition to a number of older commercial and industrial units. A footpath also exists immediately to the south of the application site.

- 3.8 To the west of the site lies the Fly Line, which is a level and straight public right of way extending from Ash Lane in the south, continuing under the M1 motorway to the north. To the west of the Fly Line, lies Hawks Nest Wood, containing predominantly mature deciduous trees. To the north west of the main body of site lies the 'pan handle', described above, and which falls within the Green Belt. The overall character to the west of the site is one of woodland and open countryside.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04212/COND – Discharge of conditions 8, 11, 13, 16, 18, 21, 22, 23, 24 and 25 of Planning Application 10/00916/EXT – Approved.
- 4.2 11/04209/COND – Discharge of conditions 1, 2, 6 and 7 of Planning Application 08/06887/RM – Approved.
- 4.3 10/00916/EXT – Extension of time application for an outline application for offices, industrial units, warehousing and balancing pond – Approved.
- 4.4 10/00834/COND – Discharge of conditions 6 and 13 of Planning Application 33/119/05/OT – Approved.
- 4.5 09/05557/COND – Discharge of conditions 3, 5, 7, 8, 10, 27 and 28 of Planning Application 33/119/05/OT – Split decision.
- 4.6 09/05079/COND – Discharge of conditions 15, 16, 17 and 18 of Planning Application 33/119/05/OT – Split Decision.
- 4.7 08/06887/RM – Reserved Matters application to lay out access road and erect 8 two storey office units, 1 three storey office unit and one single storey storage unit, with two storey ancillary offices, with car parking and landscaping.
- 4.8 08/06877/FU – Creation of point of access onto Aberford Road – Approved.
- 4.9 33/119/05/OT – Outline application for offices, industrial units, warehousing and balancing pond – Approved.
- 4.10 33/234/94/FU - Stabilisation and reclamation of derelict opencast site – Approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A significant amount of dialogue has taken place between the applicants, their agents and officers over the various planning application submissions in recent years. This has helped shape the basis of the outline proposals in this application, which was preceded by further pre-application discussions in 2011. It is understood that the applicant carried out pre-application consultation with Aberford Parish Council and has also been in regular contact with the occupants of The Weigh House, to the east of the site. Officers facilitated a meeting between the applicant and Ward Members in January 2012, attended by Cllr Tom Murray. More recently, officers have made endeavours to arrange a further briefing with Ward Members prior to the application being presented to Panel, but no meeting has been arranged to date.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 6 site notices have been displayed, posted 6th April 2012. The application has also been advertised in a local newspaper, published 19th April 2012.
- 6.2 One letter of representation has been received from Aberford and District Parish Council, stating no objection.
- 6.3 3 letters of representation have been received from local residents stating concern that:
- The proposals will result in more traffic on roads in and around Garforth.
 - Speed limits are already ignored in the surrounding area and particularly on the northern stretch of Aberford Road.
 - There is a lack of pedestrian crossings in East Garforth and walking around is therefore hazardous, as is cycling on Aberford Road.
 - It is felt that full detailed drawings of all highway works should be submitted before the application is determined.
 - The proposed footpath through the northern boundary of the site may become a place for anti-social behaviour.
 - The 24 hour nature of the operation will result in an unacceptable level of light and noise pollution.
 - The submitted details are inadequate to ascertain the noise impact, which is already considered to be unacceptable.
 - The developers assertion that the proposal does not require an Environmental Impact Assessment is questioned.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways: - No objections in principle. Following negotiations through the application process, it is noted that mitigation measures with the Highways Agency for junction 47 of the M1 are agreed, the public transport contribution and its use towards an extension to local bus services is agreed, bus stop improvements, the revisions to the plans to include a bus lay-by within the site, a pedestrian link to Aberford Road and a Pelican crossing over Aberford Road, together with Traffic Regulation Orders to implement a speed limit reduction, waiting restrictions, HGV restrictions and residents parking permit scheme are all agreed. The level of parking provision is accepted and a further funding of additional TROs is agreed, should it be necessary, for a period of 5 years following full occupation of the development.

Highways Agency: - No objections. The initial holding direction has been lifted and conditions are recommended to restrict the level of floorspace created, the threshold of floorspace permitted before improvements to the eastbound off-slip at junction 47 of the M1 are required and details securing those improvement works.

Environment Agency: - No objections, subject to conditions.

Health and Safety Executive: - The HSE does not advise against the grant of planning permission.

Coal Authority: - No objections, subject to the inclusion of a condition such that earthworks are carried out in accordance with the submitted strategy.

7.2 Non-statutory:

TravelWise Team: - The Travel Plan has been subject to negotiations and is currently awaiting submission of the final draft. A monitoring fee of £11,665 is required.

Transport Development Services: - A Public Transport Improvement contribution is required totalling £449,683.

Metro: - The S106 agreement should reflect that agreed previously, including bus stop improvements and a shuttle bus.

Public Rights of Way: - A definitive public right of way (No. 6) runs adjacent to the western boundary of the site, along the 'fly line'. A claimed right of way runs adjacent to the southern boundary. It is noted that public safety warning signs should be erected if any of the paths are affected by access requirements and that the rights of way should remain open at all times.

West Yorkshire Archaeology Service: - A condition is recommended. However, it is noted that an Archaeology Report has been approved before and it is therefore suggested that this is conditioned.

Yorkshire Water: - The scheme is acceptable, subject to the imposition of drainage conditions.

Flood Risk Management Team: - The proposals meet the requirements for mitigating flood risk, although previous comments about the shape of ponds and their benefit to biodiversity is noted. Revised plans have subsequently been submitted, which accord with the previously approved details.

Public Rights of Way: - There are no claimed or definitive rights of way crossing or abutting the site.

Environmental Protection Team: - No objections, the additional information provided demonstrates that the proposals would not result in significant noise and disturbance.

Contaminated Land: - No objections, conditions recommended.

8.0 PLANNING POLICIES:

8.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

Leeds Unitary Development Plan (UDP) Review:

The main application site is identified within the UDP as a Key Employment site under Policies E4:13 and E8:7. The balancing pond is within the Greenbelt as allocated by Policy N32.

SA1: Secure the highest possible quality of environment.

GP5: seeks to ensure all development proposals resolve detailed planning considerations including issues of access, design and residential amenity.

GP7: Use of planning obligations.

T2: New development and highways considerations.

T2C: New development and Travel Plans.

T2D: Public transport contributions.

T24: Car parking provision.

N12 & N13: relate to urban design priorities and require new buildings to have regard to their surroundings.

N24: requires appropriate screening between developments and the Greenbelt.

N25 & N26: require landscaping proposals and boundary treatments to make a positive addition to the site and surrounding area.

N29: Archaeology.

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49, N50, N51: seek to ensure developments do not adversely affect nature areas either directly or in-directly.

BD5: General amenity issues.

LD1: Landscape schemes.

8.3 Supplementary Planning Guidance / Documents:

SPG10 Sustainable Development Design Guide (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Public Transport Improvements and Developer Contributions (adopted).

SPD Designing for Community Safety (adopted).

SPD Travel Plans (draft).

SPD Sustainable Design and Construction (adopted).

8.4 National Planning Guidance:

National Planning Policy Framework: Paragraph 19 requires that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

8.5 Emerging Policy

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.

8.6 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

9.0 **MAIN ISSUES**

1. Principle of development
2. Highway and access issues
3. Urban design
4. Landscape design and visual impact
5. Ecology

6. Drainage and flood risk
7. Impact on residential amenity
8. Employment and training opportunities
9. Planning obligations

10.0 APPRAISAL

Principle of development

- 10.1 Although the main development site currently has both a rural appearance and use (grazing), it is allocated for employment purposes on the Unitary Development Plan proposals map under Policy E4:13. Furthermore, Policy E8:7 also identifies the site as a 'Key' employment site which seeks to ensure employment opportunities are secured at a local level. Further guidance also indicates that development of the site is only acceptable following the construction of the M1 – A1 link Road and the provision of off-site drainage works and watercourse improvements including flow balancing works to Cock Beck (para 16.3.7).
- 10.2 In view of the main site's employment allocation, the fact the M1 – A1 link road has now been constructed and the proposed balancing pond would achieve the off-site drainage works referred to, the development is considered to be acceptable in principle. The balancing pond is not considered to be an inappropriate use within the Greenbelt providing it is well designed and does not adversely affect its openness or rural character.
- 10.3 One issue that has arisen since the previous grant of planning permissions is HS2. On the 28th January 2013, the Government announced its initial preferences for Phase 2 of the HS2 project extending high speed rail lines from the West Midlands to Manchester in the North West and to Leeds in the North East. Phase 1 of the HS2 project connects London to the West Midlands. The initial preference for the HS2 line is to follow the south side of the M1 motorway and thus through the centre of the application site. In light of this, officers have liaised with the Government's HS2 Team who have advised that the Council should have regard to the announcement of the Government's initial preference for Phase 2 and the Government's commitment in January 2012 to delivering Phase 2 as material considerations. It is understood that the Secretary of State intends to begin a consultation on a proposed Phase 2 route in 2013 and, following consultation, will make an announcement of the preferred route in 2014. As a result, the proposed route may be subject to some change as a result of detailed consultation. Given the current early stage of design and that consultation on the proposed route is due to take place later this year, officers consider that the initial preferences are no impediment to granting planning permission for employment uses on this site.
- 10.4 In light of the above and given that planning permission for similar schemes has been granted for the principle of the development twice before, it is considered that the principle of development in this instance is acceptable.

Highway and access issues

- 10.5 The Transport Assessment submitted with the application has been assessed by Council Officers and the Highways Agency and as a result of initial comments further revisions/explanation has been provided. The assessment indicates the requirement for a roundabout off Aberford Road to provide access into the site.
- 10.6 A mixed use development of B1 (office), B2 (general industry) and B8 (storage and distribution) uses was approved on the site under application 33/119/05/OT, providing permission for 77,990sqm of employment use. The current application seeks an

increase in this floorspace to 93,822sqm, although the B1(a) office units have been removed entirely with a mix of only B1(c) (industrial process which can be carried out in a residential area), B2 (general industry) and B8 (storage and distribution) uses now proposed. Based on the previously agreed trip rates, the current proposals are considered to have an almost identical impact in terms of numbers of vehicles generated.

- 10.7 In considering the general traffic movements likely to be associated with the development, the Transport Assessment concludes that trip rates will not result in congestion problems on either the local highway or motorway network. The conclusion is based on the development not exceeding the assumed trip rates. Therefore, in order to provide greater certainty, it is recommended to condition the maximum level of floorspace and also phase development subject to trips, such that phase 1 is the amount of development that can take place before improvements are required to the eastbound off slip at junction 47 of the M1. These conditions and the required scheme have already been suggested and/or agreed by the Highways Agency.
- 10.8 With regard to car parking provision on site, this is extensive given the nature of the proposed development. Overall, highways officers accept the level of parking provision, provided that additional funding can be secured through the S106 agreement in order to fund further TROs in the future, should they be required. The developer has agreed to this in principle, provided that suitable triggers are agreed in the S106 agreement.
- 10.9 In addition, a number of other initiatives aimed at reducing the need to travel to and from the site by private motor car are recommended. These include the use of the Public Transport Improvement Contribution of £449,683, inclusive of an extension to local bus services (instead of the shuttle bus facility secured under the previous S106 agreement), as well as improved connections to Aberford Road (from the south east of the site), a Pelican crossing on Aberford Road and improvements to bus stop 24237, including the provision of a shelter. Traffic Regulation Orders will also be required to fund a speed limit reduction on Aberford Road, from 50mph to 30mph, as well as waiting restrictions, an amendment to the Aberford Road HGV restriction and a residents parking permit scheme if required, all as per the previously approved planning applications.

Urban design

- 10.10 Whilst an outline planning application with all matters reserved except for access, a great deal of work has historically been done on previous applications in terms of establishing an acceptable development envelope, given the site constraints and its context on the edge of Garforth and within the wider landscape. The Design and Access Statement reiterates that the detailed design solution has been informed by:
- market requirements;
 - the plateaux profile;
 - the design framework
 - visual and landscape impact;
 - access; and
 - urban design principles;

Market requirements

- 10.11 The detailed technical requirements for operation have informed the broad design and layout of the large warehouse units in order to achieve wide market appeal and a greater opportunity of finding an end user in a difficult economic climate. The applicant has stated that, following research undertaken, many enquiries are for units in excess

of 150,000sqft (approximately 14,000sqm) in the Yorkshire region. In addition, there is also a market demand for larger facilities offering footprints over 500,000sqft and up to 800,000sqft (approximately 46,500sqm – 74,000sqm). Accordingly, the indicative layout shows buildings with the following floorspaces:

Unit 1 – 16,388sqm

Unit 2 – 71,488sqm

Unit 3 – 2,230sqm

Unit 4 – 1,858sqm

Unit 5 – 1,858sqm

- 10.12 Given the above quantum and disposition of development, it can be seen that the illustrative layout is intended to provide a range of unit sizes that will be attractive to the market. Whilst only an illustrative layout, unit 1 is indicated to have a footprint area of approximately 100m x 155m. Units 3, 4 and 5 are similar in size, approximately 50m x 40m each. Unit 2 is the largest unit, measuring approximately 180m x 370m.

The plateaux profile

- 10.13 In terms of understanding the levels, these are described in the submitted Design and Access Statement as a series of plateaux – an upper plateau to the south east corner, a middle plateau to the north east corner and a lower plateau to the western half of the main body of the site. These plateaux are to be effected by a neutral ‘cut and fill’ exercise, utilising material from within the site.

- 10.14 The plateaux profile has influenced the location of the various forms of development. The upper plateau will be approximately 7m below the level of Aberford Road, at a point adjacent to The Weigh House. The applicant considers it therefore logical that the lower buildings on smaller footprints, which are more easily assimilated into the wider landscape, should be located on the upper plateau. Within the site, the middle plateau is approximately 4-5m lower than the upper plateau. As such, the applicant considers that the middle plateau is better able to accommodate a larger unit. The lower plateau is approximately 1-2m lower than the middle plateau and approximately 7-8m lower than the upper plateau. As the lowest part of the site and the largest plateau, it is considered most appropriate location for the largest unit. The thinking behind the plateaux strategy has previously been established and officers consider that this is an appropriate and acceptable approach.

Visual and landscape impact

- 10.15 A Design Framework was submitted with the previous reserved matters application and provided an assessment of the site and the landscape character of the local and wider context, together with a visual assessment of views into the site. The essence of this document has been carried forward to the Design and Access Statement submitted with the current outline application. The document also proposes the use of landscape interventions in order to lessen the visual impact of the proposed buildings and to use planting, as appropriate, in the various character areas of the overall development. Officers are satisfied that the height and siting of the buildings, together with the proposed landforms and approach to a planting scheme are satisfactory for the purposes of mitigating the visual impact of the development.

Access

- 10.16 The primary access into the site has been considered and approved under the previous outline consent. Nothing has changed since this time and so the point of access is still considered to be appropriate. Detailed landscaping conditions can be used to ensure that appropriate boundary treatments and planting are secured around the site entrance.

10.17 The proposals also make provision for a permissive path adjacent to the northern boundary, through the landscaped belt, linking Aberford Road to the Fly Line public right of way. It is intended that the path is publicly accessible at all times and will be maintained by the developer. It is noted that concern has been raised in one of the letters of representation that the new path could give rise to anti-social behaviour and wildlife crime. Whilst this is possible, such activities could occur in any event, with or without the path and also on other rights of way in the locality. On balance, this is considered to be an important element of the scheme in terms of improving local connectivity and has been approved on the previous applications. Accordingly, the benefits are considered to outweigh any potential negatives, which are ultimately Police matters.

Urban design principles

10.18 The Design and Access Statement sets out a number of urban design principles in order to guide the future development of the overall site, again carried forward from the work on previous applications. Specifically, these include creating a sense of arrival, enveloping the built form with landscaping, using buildings to respond to the sensitivities of the upper plateau, using boundary treatments to respond to the sensitivities of the southern boundary and incorporating measures to ensure a sensitive interface with Hawks Nest Wood and the Fly Line.

Landscape design and visual impact

10.19 One of the key issues resolved in the previous reserved matters application was how and where the proposed buildings will be visible from in the context of the wider landscape. A Design Framework was therefore prepared and its conclusions have been adopted in the submitted Design and Access Statement and used as a basis for preparing the illustrative masterplan.

10.20 Essentially, the applicant tested what can be seen from various viewpoints. The intention was that the views from the various tested viewpoints form the basis of informing the masterplan regarding the height, scale and use of materials in the buildings. The Design Framework then summarised the key sensitivities, opportunities and their implications. The document found that subject to particular attention being given to the sensitive views from the north and west, the motorway junction and Aberford Road, the tested heights and assumed disposition are a suitable basis for assimilation of the development into the landscape. It is also stated that there needs to be particular attention paid to colour, reduction of reflectivity and reduction of perceived horizontality (referring to the horizontal mass of the large storage and distribution unit).

10.21 Subject to the considerations of the Design Framework, a series of design principles were set out, from which the development proposals should emerge. In terms of impact upon the wider landscape, it is important that the buildings are not overly prominent or give rise to visual intrusion by way of their siting, scale, colour or use of materials.

10.22 Given that these principles have carried forward to this application, officers are satisfied that future reserved matters submissions can be made for buildings which will not have an adverse impact on the landscape or visual amenity.

Ecology

10.23 There are no nationally or internationally designated sites for nature conservation in the vicinity of the application site. Hawks Nest Wood, is however, a Leeds Nature Area of local importance for nature conservation.

- 10.24 The application site has, in the past, supported an active badger sett. Under licence from Natural England, the applicant created a new sett elsewhere. In the interests of the badgers safety, the location of the new sett cannot be publicly disclosed. A Great Crested Newt Survey was performed by consultants acting for the applicant in February 2007, which included a detailed amphibian survey and phase one habitat survey. The previous application was accompanied by an Environmental Impact Assessment (EIA) due to these sensitivities. The Great Crested Newts were subsequently relocated under licence from Natural England. In light of the above, there are now no protected species on site at the current time and hence the site is no longer sensitive and the current application is not accompanied by an EIA.
- 10.25 The approach to the proposed landscaping scheme is intended to foster a new bio-diverse framework by enhancing wildlife corridors along the northern and southern edges of the site, linking into Hawks Nest Wood, which has existing ponds and established woodland habitat. In addition, the larger balancing pond within the 'Pan handle', is also proposed to create a significant habitat.

Drainage and flood risk

- 10.26 The surface water run-off from the site currently drains into two unnamed watercourses. A ditch in the south west corner of the site runs for approximately 200m north along the western boundary before discharging into a marshland area in Hawks Nest Wood. The second watercourse flows in a westerly direction across the north of the site and is culverted along its full length within the main development site before reverting to an open ditch in the Pan Handle area. This watercourse discharges into the Shippen Dyke to the west of the site. Two land drains are known to discharge into the watercourse at its western end. The Flood Risk Assessments (FRAs) indicate that there are no recorded flooding events within the general area of the site, although the north west corner of the main site is known to pond during periods of consistent wet weather.
- 10.27 An existing Yorkshire Water public surface water sewer runs along the southern boundary of the site. This sewer discharges at the head of the western boundary ditch. There is an existing 150mm diameter Yorkshire Water foul sewer located in Aberford Road.
- 10.28 Both the FRAs previously prepared for the site conclude that the site is not at risk from fluvial flooding, tidal flooding, rising groundwater or overland flow. There are consequently no requirements to raise floor levels or create compensatory basins. There are no aquifers present beneath the site and the site does not lie within a groundwater Source Protection Zone.
- 10.29 With respect to the surface water drainage, the FRAs conclude that the final surface water discharge rate will be limited and that the northern watercourse can accept this level of discharge, that on-site storage shall be provided for critical 1 in 100 year storms (plus 20% allowance for climate change) and that the surface water drainage strategy shall incorporate Sustainable Drainage Systems (SuDS) measures as appropriate for the site. Up to 12,000m³ of surface water storage in total will be required to satisfy the stated requirements. With regard to the physical appearance of the site, surface water will be received by a series of connected ponds and swales along the northern and southern boundaries of the site, before flowing northwards along the western boundary and then westwards into the Pan Handle area where a much larger pond is proposed, with a permanent depth of water of approximately 0.6m. A landscaped bund is proposed to the west of the Pan Handle as a fail safe in order to prevent any flooding of land to the west. No surface water runoff will be

discharged to the existing watercourse adjacent to the Fly Line or to the existing sewer. A separate pond is proposed in the far south-western corner of the site and is designed specifically to be attractive as Newt habitat. This pond would remain completely separate from the surface water drainage system described above. It is also noted that the design of the ponds and swales has been amended since the previously approved schemes in order that they have a more naturalised appearance and are more easily assimilated into the landscape. These details have previously been approved through discharge of condition applications.

- 10.30 The near surface ground conditions comprising essentially cohesive impermeable strata and engineered fill will preclude the use of infiltration SuDS techniques. Thus ponds, detention tanks/basins, conveyance swales, rainwater harvesting and permeable car park paving are considered appropriate SuDS solutions for the site.
- 10.31 The roof drainage systems serving the development buildings will discharge to the receiving network via rainwater harvesting systems. The rainwater reclaimed will be used to provide water for landscape irrigation and toilet flushing. Harvested rainwater will be temporarily stored in proprietary tank systems before being passed through filters prior to pumped discharge to the buildings. Despite the harvesting of rainwater, the below ground surface water drainage system design will assume that the harvesting system storage will be full during storms and will overflow to the general surface water drainage network. The volume of the rainwater harvesting tanks will not therefore be used for surface water attenuation.

Impact on residential amenity

- 10.32 Concern has been expressed from local residents that the development has the potential to cause noise and disturbance problems, particularly in view of the site's size and the types of uses proposed and the stated 24 hour operation of the premises. In view of this, Environmental Health Officers have been consulted and following the submission of further information consider that the likely comings and goings and noise levels associated with the proposals will not have an unacceptable impact on the amenity of nearby occupiers of residential properties. A number of conditions shall be attached relating to hours of construction and lighting and it is also noted that the highway works relating to speed limit reduction, waiting restrictions and the HGV restrictions will assist in mitigating the effects of the development. It is also noted that the nature of the use necessarily involves a significant amount of HGV movements and given the location of the site, adjacent to the M1 motorway, together with the HGV restriction, will prevent the potential impact of HGVs travelling through Garforth that otherwise could occur.
- 10.33 The previous planning permission also considered the potential for the development to cause structural problems to the Weigh House due to its elevated position from the main site. It is therefore recommended that a condition be attached requiring a structural survey of the building be carried out to establish its current condition prior to any work taking place on site. This will enable future liability to be established in the event that problems do arise. Furthermore, proposed level details throughout the site will also be conditioned to help minimise this type of risk in the first instance. These conditions have previously been discharged, although it is considered that a new survey which is up to date should be required.

Employment / training opportunities and timing

- 10.34 The planning statement submitted with the application notes that in utilising job density assumptions published by the Homes and Communities Agency, between 1,340 and 1,979 jobs are likely to be created as a result of the proposals. It is acknowledged that this is a substantial range but this is due to the nature of uses for

which planning permission is sought and the variations in job creation densities that are subsequently applied. The actual number of jobs that will be created will be dependent upon the nature of end users and their requirements. Therefore as an indication, a mean figure between the low and high job creation estimates has been used for the purpose of high level assessment. The mean figure shows that a potential 1,660 jobs would be created as a result of the proposals. This will have a positive effect upon the local economy and will provide for further choice in the jobs market and provide for further employment opportunities. It should be noted that even at the lower end of the estimate, the job creation potential that the site offers is substantial. Therefore, it is considered that the proposals will have a significantly beneficial impact upon the local economy and employment levels. It should also be noted that local training and employment initiatives are to be secured through the S106 agreement and will include provision for both the construction of the development, as well as its longer term occupation and operation (The figures stated above do not include jobs created through the construction process).

- 10.35 It is noted that previous applications have been approved, but not implemented due to the economic downturn. This outline application seeks to promote a development that is responsive to current market needs. Nevertheless, the applicant has stressed that economic conditions remain challenging and this means that the rate of take up of sites and premises remains uncertain and generally well below the level experienced before the recent recession. Given that this is the case and given that the economic recovery remains slow and uncertain, it is requested that the implementation timescales should reflect this new 'norm'. The NPPF is also clear in that significant weight should be placed on the need to support economic growth through the planning system (NPPF paragraph 19), which should also include setting appropriate timescales for implementation.
- 10.36 Given the ability to set longer timescales for the implementation of planning permissions and the submission of reserved matters, the applicant has requested a 7 year implementation period (5 years to submit all of the reserved matters and 2 years to implement the development following approval of the last of the reserved matters). In light of the size, scale and nature of the development and the advice in the NPPF, officers are minded to agree a 7 year time limit condition.

Planning obligations

- 10.37 The applicant has previously entered into a S106 agreement on the outline planning consent. The requirements of the S106 are detailed below and the various clauses will become operational if subsequent reserved matters applications are approved and implemented.
1. Travel Plan (including monitoring fee of £11,665).
 2. Improvements to bus stop 24237 at a cost of £10,000.
 3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.
 4. Agreement to undertake a feasibility study to investigate and implement a controlled pedestrian crossing over Aberford Road.
 5. Agreement to undertake a feasibility study to investigate and implement a speed limit amendment on Aberford Road, the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
 6. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
 7. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

10.38 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.39 All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

11.0 CONCLUSION

11.1 In conclusion, it is considered that the principle of development on this allocated employment site continues to be acceptable. Many of the key issues have been resolved through the previously approved planning applications and this submission reflects the principles established previously through the creation of a series of plateaux and the appropriate size and siting of buildings. It is therefore considered that the site can be developed without having a detrimental impact on visual amenity or the wider landscape character of the area. The highway impact of the proposals, whilst varying in terms of type when compared with the previous approvals, has no worse an impact and measures are agreed that can be secured through the S106 agreement in order to prevent adverse impacts. Whilst the site has been ecologically sensitive in the past, issues with protected species have been resolved and the site is ultimately allocated for employment purposes. However, the illustrative layout and the drainage solutions have been designed to maximise the potential for enhanced habitat creation and biodiversity in the future. The proposed drainage system is considered to be acceptable and will have a positive effect on the surrounding landscape. Whilst the concerns raised regarding traffic and noise are understood, it is considered that the 24 hour operation of these types of premises is a fundamental element and that the information provided, together with the safeguards of measures to be imposed through the conditions will satisfactorily ameliorate any impact on residential amenity. Lastly, it is considered that the scheme provides an opportunity to provide a significant employment resource which will have the potential to provide a significant economic benefit to Garforth and the surrounding area.

11.2 Overall, the proposals are considered to be acceptable and the recommendation is therefore to defer and delegate to the Chief Planning Officer for approval and imposition of the specified conditions (and any others which he might consider appropriate) and following completion of a Section 106 Agreement.

12.0 Background Papers:

12.1 Application and history files.

Certificate of Ownership – Notice served on Leeds City Council (in respect of access works to Aberford Road).

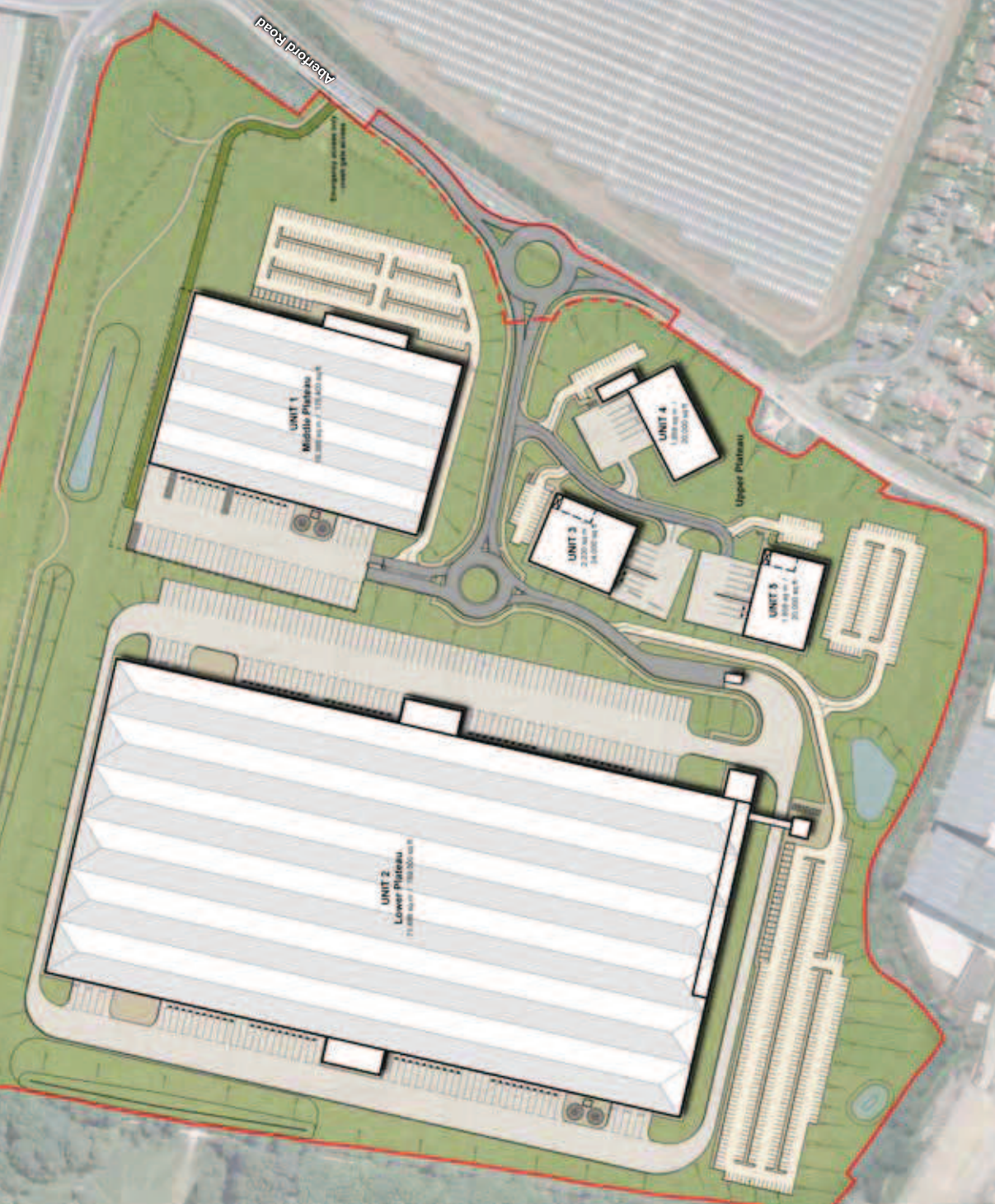
1. This document is prepared under the authority of the Massachusetts Department of Transportation and is subject to the Massachusetts Department of Transportation's approval and is not to be construed as a contract.

2. All drawings are prepared in accordance with the Massachusetts Department of Transportation's standards and specifications.

3. All drawings are prepared in accordance with the Massachusetts Department of Transportation's standards and specifications.

4. This drawing is intended to be used for informational purposes only and is not to be construed as a contract.

M1 Motorway Junction 47



Schedule Of Accommodation (SOA)

Module	Area (sq ft)	Value (£)
Unit 1	141,800	18,000,000
Accessories	11,000	1,000,000
Site Office (100)	1,000	100,000
Site Office (100)	1,000	100,000
Total	154,800	19,200,000
Unit 2	171,000	22,000,000
Accessories	11,000	1,000,000
Site Office (100)	1,000	100,000
Site Office (100)	1,000	100,000
Total	184,000	24,200,000
Unit 3	141,800	18,000,000
Accessories	11,000	1,000,000
Site Office (100)	1,000	100,000
Site Office (100)	1,000	100,000
Total	154,800	19,200,000
Unit 4	141,800	18,000,000
Accessories	11,000	1,000,000
Site Office (100)	1,000	100,000
Site Office (100)	1,000	100,000
Total	154,800	19,200,000
Grand Total	625,400	80,600,000

Page 61

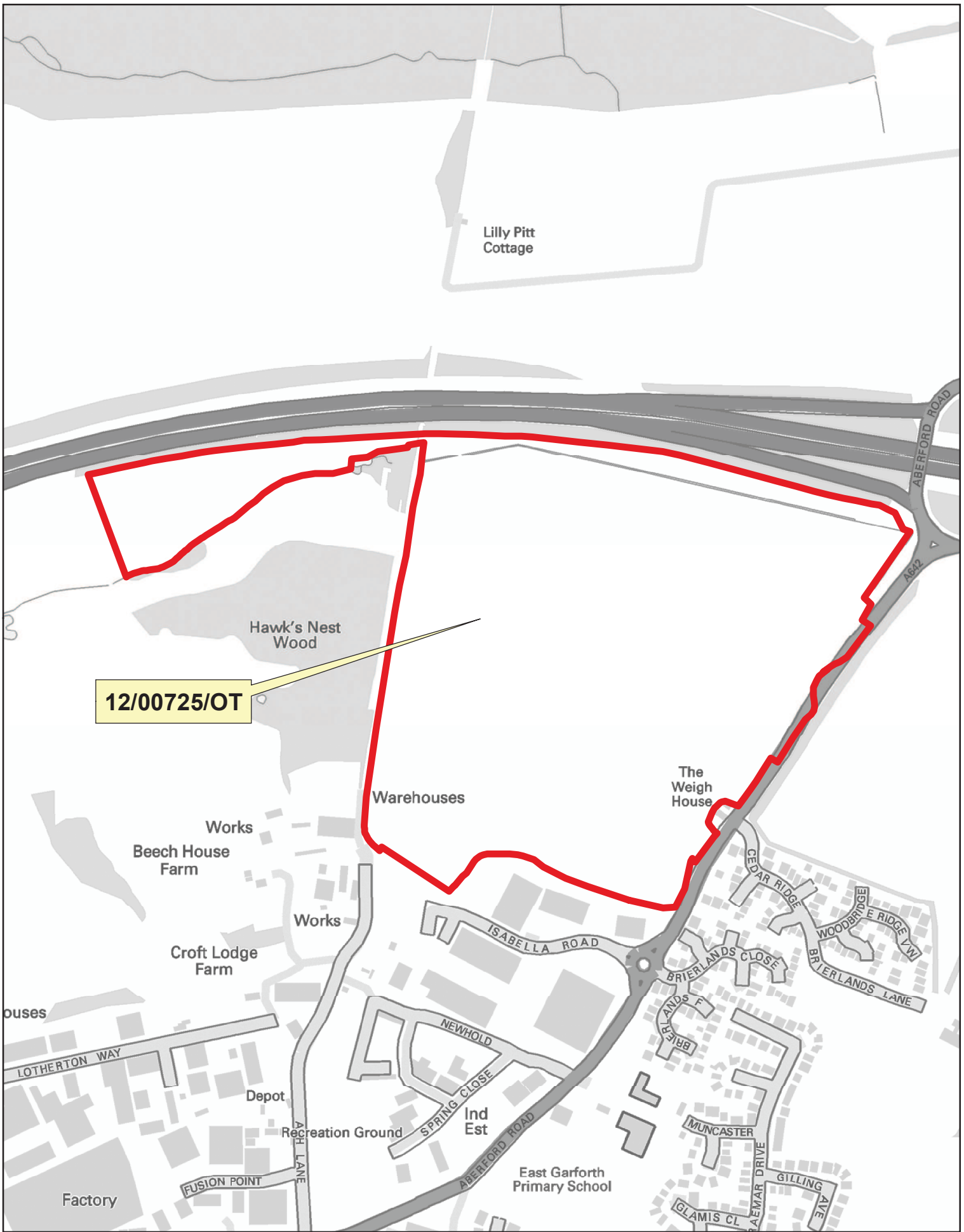
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Project No: 15246/A1 / SK309
Project Name: M1 Motorway Junction 47
Client: CalEast Holdings
Project Manager: MMD
Date: 2015



NORTH AND EAST PLANS PANEL





Originator: Chris Marlow

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 8th August 2013

Subject: Application 10/01412/OT – Outline application to layout access and erect 79 dwelling houses on land off Queen Street, Allerton Bywater, Leeds

APPLICANT

Hargeaves Management &
Estate Services Ltd

DATE VALID

25th March, 2010

TARGET DATE

24 June, 2010

Electoral Wards Affected:

Garforth and Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure the following:

- 4 affordable units (2x submarket & 2x social rented)
- A total financial contributions pot of £503,989 (less £43,730 should the on-site greenspace be maintained at the applicant's own expense) to be spent towards the contributions listed in para. 10.15 of the main report with the final detailed apportionment to be agreed with Ward Members
- Drainage contribution of £12,280 (paid to TW)
- An accelerated programme for the delivery of the scheme
- Local employment and training initiatives during the construction phase
- Footpath/cycle links to be provided

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

-
1. Time limit (to match accelerated delivery programme)
 2. Appearance, landscaping and scale all reserved
 3. Plans schedule
 4. External materials to be agreed
 5. Boundary treatment to be agreed
 6. Surfacing materials to be agreed
 7. Final drainage details to be agreed
 8. Contamination conditions
 9. Detailed access arrangements (including visibility and levels) to be agreed
 10. Parking areas to be provided and maintained
 11. Construction method statement
 12. Protection of existing trees/vegetation
 13. Maximum floorspace restriction (to match the total quantum used in the VA)
 14. Green Travel Plan
 15. Landscape conditions (implementation and management)

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

1.0 INTRODUCTION:

- 1.1 Members are reminded that consideration of this application is accompanied by a separate report relating to the scheme's overall viability. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered the accompanying report should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).
- 1.2 Some Members may recall this application was previously presented to the former East Plans Panel in October 2011 as one of two position statements for neighbouring residential developments off Queen Street. The adjacent greenfield site already had the benefit of outline permission and Taylor Wimpey are now building after the reserved matters application was approved in 2012. At the time one of the main reasons for the position statements was to ensure consistency in terms of the intended design approach across both sites. Further questions were however asked in terms of Members comments on the principle of the development bearing in mind its brownfield nature; the proposed access arrangements; the quality of future residents living conditions as a result of the proposed layout, the need for buffer planting along the common boundary with the newly created country park and what sort of appearance the dwellings should have e.g. should the design be traditional or not.
- 1.3 Overall Members accepted the principle of development and favoured a traditional approach to design for the houses. However, some concern was expressed regarding the proposed means of access in terms of highway safety. The need for the layout to

meet the guidance contained within Neighbourhoods for Living was also stressed as was the requirement for buffer planting to be provided along the common boundary with the country park. The need to look closely at drainage was raised including that any surface water balancing within the greenspace area should be achieved via underground storage tanks rather than an open pond due to its impact on this area's use. In addition, although Members acknowledged the applicant was likely to raise viability as an issue, any affordable housing provided should be pepper-potted throughout the site. The need for Ward Members to be involved at an early stage regarding any Section 106 negotiations was also raised.

- 1.4 In light of the Panel's comments, Officers have worked with the applicant to create an improved layout which Ward Members have been consulted on and are now content with. The layout revisions include an improved, more generous setting for a number of plots, the provision of a 3m landscape buffer beyond the main rear gardens for the dwellings which back onto the country park and confirmation underground storage tanks will be used within the greenspace area to hold surface water. Following the completion of the Ward Member consultation, the applicant was then able to progress with a detailed Viability Appraisal (VA) for the scheme.
- 1.5 In terms of considering the VA, the time gap between the submission of the original application and its receipt was sufficiently great to warrant an updating of the original contributions sought. This process resulted in Children's Services changing its initial request for a full contribution towards primary school places only to a full contribution for both primary and secondary school places – equating to an additional £141,527 from that originally requested.
- 1.6 The VA prepared by the applicant has been considered by officers and the conclusion that for the development to be viable there would have to be a substantial reduction in the level of Section 106 contributions sought is accepted. In reporting this position back to Ward Members, officers were requested to re-visit the offer with the aim of securing an improved deal. An improved offer has been made and a further meeting has taken place between officers and representatives from both Garforth & Swillington and Kippax & Methley Wards. The applicant was also present at this latest meeting to help explain matters. Ward Members appreciated the financial position was difficult and were generally keen to see the site brought forward for a residential development. On this basis Members were content for the application to be brought forward with a favourable officer recommendation and indicated a preference for the Section 106 to secure some affordable housing (4 x units) but that the rest could be put into a contributions pot to be apportioned to best meet local needs at the point of the scheme being delivered. An accelerated timescale for the delivery of the scheme was therefore also to be included within the Section 106.

2.0 PROPOSAL:

- 2.1 The application is submitted in outline and seeks approval for the means of access and layout only. All matters relating to scale, appearance and landscaping are therefore still reserved.
- 2.2 The layout has been revised following the comments made by Members during the scheme's position statement in 2011 but does still propose 79 dwellings arranged around a simple road layout. The dwellings are mostly detached and semi-detached although a small number of short terraces are also proposed. The layout also includes an area of on-site greenspace measuring 0.32h within which the underground storage tanks are proposed. Although the design of the actual dwellings

is not known at this stage, the design and access statement indicates they would be family housing, generally two storeys in height and containing a mixture of 2, 3 and 4 bedrooms.

- 2.3 Vehicle access into the site would be through the provision of a single road from Queen Street and includes alterations to the existing carriageway to provide a right turn lane (similar to what the Taylor Wimpey scheme has provided). In addition, the site also includes a secondary access point which runs to the side and rear of the neighbouring residential estate albeit this would only be used by vehicles in an emergency (otherwise it is only available for pedestrians and cyclists). A further pedestrian/cycle link into the existing footpath/bridleway to the south is also proposed.
- 2.4 The applicant has undertaken a viability exercise but is nonetheless willing to make a contribution towards the Council's normal Section 106 requirements. The offer comprises of 5% affordable houses (equating to 4 units), an overall contributions pot and a commitment towards an accelerated delivery programme and employment/training initiatives during the construction phase.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a brownfield site situated to the south side of Queen Street. The red line boundary incorporates the existing Biffa Waste Depot and the Hollinhurst Depot used for the storage and distribution of coal. Part of the Biffa site (Administrative Buildings) have been demolished since the application was last presented to the Plans Panel in 2011 and activity levels have also decreased following a partial relocation to Gelderd Road. In addition, the coal bagging site is also operating on a reduced scale and temporary basis. The site covers a total area of 2.83 hectares.
- 3.2 In other respects the site has not altered since October 2011 so includes some poorly defined landscaping elements to the south west and south eastern boundaries. The only existing trees of note are situated in front of the Biffa site on a grassed verge adjacent to Queen Street. Otherwise the application site itself is dominated by hard-standings associated with the two industrial operations. The Biffa site has direct access onto Queen Street, with the main area of the coal bagging depot reliant on a relatively narrow informal access road leading to Queen Street further to the east.
- 3.3 The site is bounded on three sides by areas of designated green belt. The main frontage of the site sits opposite a small residential development of cottages to the north side of Queen Street named Bowers Row with Hollinhurst Wood (Site of Ecological and Geological Interest SEGI) lying further to the north and west. There is a public right of way running alongside the south and south western boundaries of the site with land beyond forming part of the former St Aiden's colliery site currently in the ownership of UK Coal but is anticipated to be shortly opening up as a country park.
- 3.4 The eastern boundary of the site abuts a former green field site allocated for housing. This site received planning approval for 114 houses and is currently under construction by Taylor Wimpey. The house types being constructed are of a traditional design and are two storeys in height with some having additional accommodation within the roofspace. The land between the coal bagging yard and Queen Street has been redeveloped in the last 7 years with 34 houses constructed

in two phases by Barwick Developments. These properties are also traditional in appearance.

- 3.5 The front of the application site is set down from the highway (Queen Street) then reduces in levels towards the south and east of the site. Setting aside the current Industrial uses the area is semi-rural in character.

4.0 PLANNING NEGOTIATIONS:

- 4.1 The applicant has been seeking planning permission for a residential development since 2009 and was the subject of a previous scheme (09/04606/FU) for a total of 115 dwellings which was withdrawn. Negotiations between the applicant and officers prior to this re-submission resulted in the current application initially being submitted for 88 dwellings and included 3 blocks of flats. The applicant has since revised the scheme and now proposes a reduced scheme of houses only.

- 4.2 Following Member feedback to the position statement in October 2011, officers have worked with the applicant to revise the scheme. Both sets of Ward Members were consulted on the general acceptability of the revised layout in April 2012 so as to give the applicant a degree of confidence to initiate a detailed VA based on a definitive number of houses and at a basic size. Ward Members were generally content with the revised layout and noted improvements had been made.

- 4.3 The formal VA was submitted in August 2012. The appraisal concluded that the development in supporting the full schedule of Section 106 contributions would result in a negative return. The VA has been reviewed by Council surveyors and the conclusion reached that the scheme cannot afford to deliver all the normal contributions associated with a residential development of this size is accepted.

- 4.4 Officers have reported this position to Ward Members where concern was expressed about the size of the pot being offered and that it was not adequate even if it was re-portioned to best meet local needs. Officers were therefore requested to seek an improved offer.

- 4.5 An improved financial offer of £50,000 was made and an accelerated timetable for the scheme's delivery was also advanced to avoid any concerns over potential 'land banking'. The applicant also attended the most recent briefing with officers held this July. Having heard the applicant's desire to obtain a residential consent which will allow full relocation of the site's existing industrial use as well as considering the improved offer, the general consensus from the Members present was that although the new offer was still below the required "ask", it was a site that they wanted to see developed and accordingly a pragmatic view needed to be taken. On this basis the application could be advanced to the Plans Panel with the Ward Member perspective being the Section 106 should be pursued on the basis 4 affordable houses are secured and the remaining monies go into a central pot for re-portionment based on local needs. The accelerated delivery timetable and employment/training clauses also need to be secured.

5.0 RELEVANT PLANNING HISTORY:

09/04606/OT: outline application for a residential development to coal bagging depot and biffa waste site. Withdrawn.

Neighbouring sites:

09/04353/OT: outline application for residential development to adjacent site to the east granted on appeal 26/01/11 (Taylor Wimpey Site)

11/01713/RM: reserved matters application for 114 dwellings Permission Granted 14/06/12. (Taylor Wimpey site)

33/392/01/FU: residential development of 24 houses on site adjacent to the north of the coal bagging granted 19/08/2003 (Barwick Developments)

09/02870/FU: residential development of 6 semi-detached and 4 terraced houses on remainder of site granted 27/01/2010 (Barwick Developments)

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 The original application was advertised by site notices, posted 12th April, 2010. The application has also been advertised in a local newspaper, published 15th April, 2010.
- 6.2 At that time 2 letters of representation were submitted in response to the public notification process. One letter welcomed the proposed redevelopment of this brownfield site in favour of the adjacent greenfield site to the east. The second letter objected to the proposed development on grounds of the excessive number of dwellings without the necessary infrastructure being place, including parking, schools, doctors, buses etc. In addition, the proposal would increase the level of traffic in the area and prejudice the interests of highway safety along Queen Street in particular. The second letter was supported by Councillor Mark Dobson.
- 6.3 Allerton Bywater Parish Council opposed the original development given the increase in traffic generation particularly when viewed in context with the adjacent site for 120 dwellings. It also objected on grounds of the lack of sufficient infrastructure to support the development with regard to school places and doctors surgeries.
- 6.4 Great and Little Preston Parish Council submitted comments in November 2011. Whilst not objecting to the development per se concerns were expressed that the information provided by Metro was inaccurate and exaggerated in terms of the number of bus services operating along Queen Street. In addition, it was pointed that the site is wholly within their Parish and not Allerton Bywater.
- 6.5 Although the submitted layout has been amended, the changes are all modest and internal to the site itself. For this reason it is not considered necessary to formally re-advertise the application albeit Ward Members have been involved and consulted on the changes.
- 6.6 Ward Members from both Garforth & Swillington and Kippax & Methey have been consulted about the layout alterations and the VA/Section 106 negotiations as although the entire site falls within Garforth & Swillington, it is located close to the boundary and any decisions regarding where Section 106 contributions are directed has implications for both wards e.g. local school provision. Ward Members views are as expressed in the introduction and negotiations sections of this report.

7.0 CONSULTATIONS RESPONSES:

7.1 **Statutory:**
Environment Agency:
No objection subject to conditions.

7.2 **Non-statutory:**
Yorkshire Water:
No objection subject to conditions.

Highways:

Proposed access arrangements including the provision of a right turn lane within Queen Street are acceptable subject to the necessary visibility being secured. A Pegasus crossing should be provided to ensure improved accessibility and improvement made to the kerbing of local bus stops. Upgrade of emergency access for pedestrians and cyclists required and provision of footpath and cyclist links to the south. Although it is not completely clear if all the dimensions of the internal layout are to the required standard, the supporting documentation does indicate the layout will meet the Council's criteria contained in the SPD the "Street Design Guide". No objection subject to conditions.

Flood Risk Management:

Initial concerns regarding the lack of a proper outfall to the south withdrawn as a comprehensive solution for the combined sites (including improvements for the existing development) can be achieved. The drainage improvements works to be funded initially by the developer of the adjacent site (Taylor Wimpey) with appropriate contributions made at a later date.

Parks and Countryside:

Initially concerned about maintenance of any detention basin or storage tank solution but following receipt of further information these features can be privately maintained so no objection.

Transport Policy (Travel Wise):

In accord with the relevant guidance the following should be included in a S.106 agreement: Travel Plan monitoring fee - £2,500; Residential Metro Cards; Contribution to Cycle improvements; Secure Cycle compound to Brigshaw High School.

NGT/Public Transport:

Supplementary guidance indicates a S.106 contribution of £86,661 is required.

Metro:

Provision for Bus Stop improvements x2 @ £10,000 each; and Travel Cards.

Contamination:

No objection subject to conditions

Public Rights of Way:

The proposed link to an existing footpath (No.10) is welcomed.

Neighbourhoods and Housing:

No objection subject to conditions relating to hours of construction and mud/dust control.

Children Services:

Full S.106 contribution required for primary places at £234,813. A more recent review has revealed a full contribution for secondary school provision at £141,527 is also now justified.

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents.
- 8.3 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 8.4 As the Council has submitted the Publication Draft Core Strategy for 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 The application site is not allocated within the UDPR proposals map. Nevertheless, the following policies are considered to be of relevance:

GP5: Requires development to address all general issues.

GP7: Use of planning obligations.

E7: Relates to the development of existing employment sites.

H4: Residential development on non-allocated sites

H11: Provision of affordable housing

H12: Affordable housing type to be negotiated

H13: Affordable housing to remain in perpetuity

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N10: Retention of existing rights of way.

N12: Urban design principles to be followed.

N13: Design of new buildings to be high quality.

N23: Seeks to ensure incidental open space and existing landscape features are provided/included.

N24: Development proposals abutting the Green Belt

N25: Relates to retaining existing boundary features which are positive

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49: Habitat protection.

N51: Habitat enhancement.

T2: New development and highways considerations.

T2D: Public transport contributions.

T5: Safe access for pedestrians and cyclists.

T7: Development and cycle routes.
T7A: Requirement for secure cycle parking.
LD1: Landscape schemes.

8.6 **Leeds City Council: Supplementary Planning Guidance / Documents:**

SPG4 Greenspace relating to new housing development (adopted).
SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications received after July 2008)
SPG10 Sustainable Development Design Guide (adopted).
SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG25 Greening the Built Edge (adopted).
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (draft).
SPD Sustainability Assessments (draft).

8.7 **Emerging Core Policy**

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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for 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.

8.8 National Planning Policy:

National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. Acknowledges that viability is an important issue and should be taken into consideration as part of the decision making process.

9.0 **MAIN ISSUES**

1. Principle of development
2. Access
3. Layout
3. Landscaping/Appearance/Scale
4. Flood risk/Drainage
5. Viability and the Section 106 offer

10.0 **APPRAISAL**

1. Principle of development

- 10.1 The application site is brownfield in nature and contains two industrial type uses which are now considered to be non-conforming for the area since the closure and subsequent restoration into a new country park on the adjoining colliery site, the redevelopment of the northern part of the coal bagging site for residential use and more recently through the construction of the neighbouring greenfield site by Taylor Wimpy. As such, the surrounding built development is now exclusively residential in character and accordingly the proposal to bring the site into residential use is welcomed.
- 10.2 In addition to the above, the delivery of additional housing on a brownfield site is welcomed from both a regeneration perspective noting both commercial activities are already not operating to full capacity and also because of the contribution this site would make towards achieving the Council's wider housing targets. For these reasons the redevelopment of the site can be supported in principle albeit more detailed matters still require further consideration as discussed below.

2. Access

- 10.3 Access is applied for and the site would be served by a single access road taken from Queen Street and running into the site, parallel to the western boundary. This main access road terminates where it meets the on-site greenspace provided at the southern part of the site. Pedestrian/cycle access continues through the greenspace and links to the public routes already available within the country park to the south. The main access road gives access to a hierarchy of smaller roads and cul-de-sacs.
- 10.4 Other pedestrian/cycle links to the main urban areas of Allerton Bywater would be via the emergency vehicle access (currently the access road to the coal bagging depot). There are existing bus stops on Queen Street close to the proposed new access road and further south on Leeds Road so this link is considered to be important. The amended layout has also achieved significant improvements where the emergency access road enters the development site thereby allaying previous concerns regarding potential for conflict between pedestrians/cyclists using this link and vehicles manoeuvring around this part of the site.
- 10.5 During consideration of the position statement, some Members expressed concern regarding highway safety, in particular vehicles exceeding the speed limit whilst travelling past the site in either direction between the settlements of Swillington and the main residential areas of Allerton Bywater. The proposed access arrangements are noted to include the provision of a right turn lane into the site for vehicles approaching from the west (Swillington). This approach is consistent with the access arrangements implemented for the neighbouring Taylor Wimpy site and accordingly officers do not consider further improvement works to be necessary.

3. Layout

- 10.6 As with the means of access, the scheme's layout is applied for and accordingly permission is sought for a total of 79 dwellings on the site. Officers previously considered the layout had merit in that it provided a simple but interesting and varied series of streets which helped to create a sense of place. This element of the scheme is fundamentally unchanged. However, working with officers, the applicant has improved the spatial context of a number of plots creating a more relaxed and less cramped layout. These layout tweaks although relatively small are considered to have addressed the main concerns raised by Members during consideration of the position statement and Ward Members are also content with the basic layout now proposed. In

particular, the main separation distances advocated by Neighbourhoods for Living are now achieved and a 3m wide landscape buffer is shown to be provided beyond the main rear gardens which back onto the country park. The introduction of this buffer is considered sufficient to filter views of the development when viewed from the south and west bearing in mind the existing off-site landscape features which also exist. Confirmation that underground storage tanks will be used is also welcomed and can be secured by condition. The positioning of the greenspace area is sensible as it provides the opportunity to link into the equivalent space provided as part of the Taylor Wimpey development.

- 10.7 Overall, the proposal to provide a series of streets populated by family housing in a mostly detached and semi-detached format and fronting the road is supported. The general approach to the Queen Street frontage and wider site is not dissimilar to what has been achieved on the neighbouring Taylor Wimpey site and is certainly less intensive than the adjacent Barwick Developments scheme. Accordingly no objection is raised to the revised layout as currently presented.

4. Landscaping/Appearance/Scale

- 10.8 The scheme's overall landscaping, appearance and scale are all identified as reserved matters and accordingly the level of detail currently provided with this outline application is limited. Notwithstanding this, the following general comments can be made in response to the information which has been provided and which is considered to provide officers with sufficient comfort to allow full consideration of these matters to follow at the reserved matters stage.

- 10.09 The fixing of the overall layout means it is possible to establish where landscaping can and can't realistically be provided. The submitted layout shows a general intention to retain the existing landscaping along the Queen Street frontage and importantly the properties which back onto the country park are provided with larger gardens to allow for the provision of a 3m landscape buffer. These features in conjunction with the general density proposed and the siting of the proposed greenspace are adequate to ensure a suitable landscaping scheme can be developed in the future

- 10.10 With respect to the appearance and overall scale of the properties themselves, although it is not proposed to finalise these details through this outline application (particularly as the applicant is not a housebuilder so will be taking any approved scheme to the market), a combination of the submitted layout, design and access statement and indicative streetscene do provide a strong indication of what is intended. Essentially a scheme comprising of traditionally designed, two storey family housing is anticipated. With the above in mind, officers are of the opinion these matters can adequately be dealt with at the reserved matters stage.

5. Flood Risk/Drainage

- 10.11 The overall drainage strategy for the site is that on-site storage of surface water will need to take place to ensure appropriate discharge rates are achieved and that ultimately the site will discharge into a watercourse adjacent to the south western corner of the site. This general approach to the site's drainage is accepted by both the Environment Agency and Yorkshire Water albeit detailed conditions are recommended.

- 10.12 Notwithstanding the above, the Council's Flood Risk Management team raised concerns about the suitability of the watercourse for discharging surface water as it is

not considered to constitute a proper outfall. This is because the ditch was at that time very shallow, completely overgrown and drains very poorly.

10.13 Since these original comments were made, the Taylor Wimpey site has received reserved matters approval which also included a detailed drainage scheme which secured a financial contribution to ensure improvements works were undertaken to the receiving watercourse. In addition, the improvement works were specifically designed to ensure existing problems associated with poor drainage from the Barwick Development site were addressed and importantly that sufficient capacity was provided to allow the current application to connect into the system at some point in the future. A maintenance contribution of £30,000 was secured from Taylor Wimpey at the time and the agreement allows for this cost to be shared with the eventual developer of this site. Members will note from the table contained in the following section of this appraisal that the pro-rata costs for the drainage maintenance works are identified as £12,280.

10.14 In the light of the improvement works which have already been undertaken to the receiving watercourse, the general drainage strategy for the site can be accepted, with the full details to be secured by appropriately worded conditions.

6. Viability and the Section 106 offer

10.15 Since the application was originally reported to Members as a position statement, Children’s Services have reviewed the situation regarding local school capacity which has resulted in a full education contribution now being sought at both a primary and secondary school level. Setting this aside, the schedule of contributions required to make the scheme policy compliant is largely as originally reported and is provided in the table below.

Contributions	Policy compliant	Current offer
Affordable Housing:	15%	5%
<i>Sub market</i>	6	2
<i>Social rent</i>	6	2
Education:		
<i>Primary</i>	£234, 813	
<i>Secondary</i>	£141, 527	
Greenspace:		
<i>Off-site</i>	£47, 759	
<i>On-site (maint.)</i>	(£43,730)	£453,989*
Travel Plan	£2,500	
Metrocard	Circa £35,000	
Public Transport	£86,661	
Bus stops	£20,000	
School cycle	£15,000	
Pegasus Crossing	Circa £50,000	
Drainage		£12,280 (paid to TW)
Improved offer		£50,000
Accelerated delivery timetable		YES
Footpath/cycle links	YES	YES
Employment & Skills Clauses	YES	YES

Total	£676,990	£503,989*
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* = less £43,730 if on-site greenspace area is privately maintained

10.16 As can be seen from the table overleaf, the proposed residential development of this site attracts a significant number of costs which stem directly from Council policy and seek to ensure the development is both sustainable in all respects but also fully accessible due to its positioning on the edge of the built up area. Added to the above costs is the provision of affordable housing which at the full 15% equates to a cost in the region of £822,548 - bringing the total policy compliant ask to just over £1.5 million.

10.17 The applicant's proposed Section 106 offer clearly falls well short of the Council's normal requirements and a VA has been undertaken in support of the offer made. In addition, the applicant has proposed an accelerated timetable to help facilitate the early delivery of the site and to avoid any potential concerns about land banking. The details of the accelerated timetable are as below:

- Outline permission to be limited to 2 years
- To market the site and agree a sale within 6 months of the outline permission being formally issued
- Housing developer to submit reserved matters application within 3 months
- Upon approval, 4 years to complete the development
- On expiry of the 4 year build out period, require a further VA to be prepared for any outstanding units to ascertain if any further contributions should be made (and in the event the VA supports a reduction in contributions – not to seek reimbursement)

10.18 The applicant's VA has been assessed by Council surveyors and the figures used have been verified and are also comparable with those used on the neighbouring Taylor Wimpey site. The overall contribution cost per unit is nevertheless significantly higher than the neighbouring site and would also be spread across less units. Furthermore, the development costs associated with redevelopment are understandably greater due to its existing use and the subsequent cost of remediation.

10.19 Having taken into consideration all of the above factors, officers support the current proposal as it is considered to represent a reasonable offer in the current economic climate and relates to a brownfield site which is clearly desirable to bring forward for redevelopment. The proposed delivery timetable for inclusion within the Section 106 is also supported as it does offer some protection to the Council by avoiding a potential land banking situation. The actual makeup of the Section 106 is currently arranged in accordance with the feedback received by Ward Members who are also keen to see this site redeveloped.

11.0 CONCLUSION

11.1 The application seeks to replace an existing industrial site with a residential development that is considered to be far more compatible and sensitive to the area from both a visual amenity perspective and also in terms of its impact on existing residents living conditions. Although submitted in outline form, the means of access from Queen Street has been applied for and is not considered to give rise to any highway safety issues that merit refusal of the scheme. The general arrangements are

noted to be similar to those already accepted on a neighbouring site albeit this site also offers further connectivity in the form of an emergency access road in recognition of its positioning on the outer edge of the built up area.

- 11.2 With respect to the proposed layout, this has also been applied for at this stage and amendments have been secured to address the main concerns made by Panel Members when the application was originally considered as a position statement. The proposed layout is therefore fixed and the general form of development compares well with that achieved on the neighbouring sites. All other matters (appearance/landscaping/scale) can adequately be considered as part of a reserved matters application.
- 11.3 The position regarding the scheme's viability has been subject to a VA and whilst the total Section 106 package falls well below the Council's normal policy requirements, the offer is considered reasonable bearing in mind the current economic climate and also the specific site circumstances. Ward Members also consider this to be the case and are keen to see this site redeveloped for housing. On this basis, the application is recommended for approval subject to the conditions specified and following completion of a Section 106 to secure the total package of contributions as detailed at the beginning of this report.

Background Papers:

Application file: 10/01412/OT

Certificate of Ownership: Cert B served on Highway Services

10/01412
 Planning and Design Services Ltd
 10/01412
 10/01412

	APPLICATION SITE
	PROPOSED GARAGES
	GARAGES FOR WORK
	WORKED CARAVAN
	OPEN SPACE
	EXISTING UNCOVERED AREA
	AREA RESERVED FOR USE
	SHARED CARPORT
	SURFACE PAVING UNITS
	FOOTWAY, CYCLE WAY AND WHEELCHAIR ACCESS ONLY
	EXISTING TREE RETAINED
	PROPOSED NEW TREES
	EXISTING LANDSCAPED TO THE BOUNDARY OF THE SITE TO BE RETAINED
	PROPOSED LANDSCAPED TO THE BOUNDARY OF THE SITE

CLIENT: HARGREAVES ESTATE & MANAGEMENT SERVICES LTD	DATE: 10/01/12
PROJECT: FORMER ROLLERSHED DEPOT	DATE: 10/01/12
DRAWING TITLE: SITE PROPOSAL LAYOUT	DATE: 10/01/12
SCALE: 1:500	DATE: 10/01/12
DATE: 10/01/12	DATE: 10/01/12

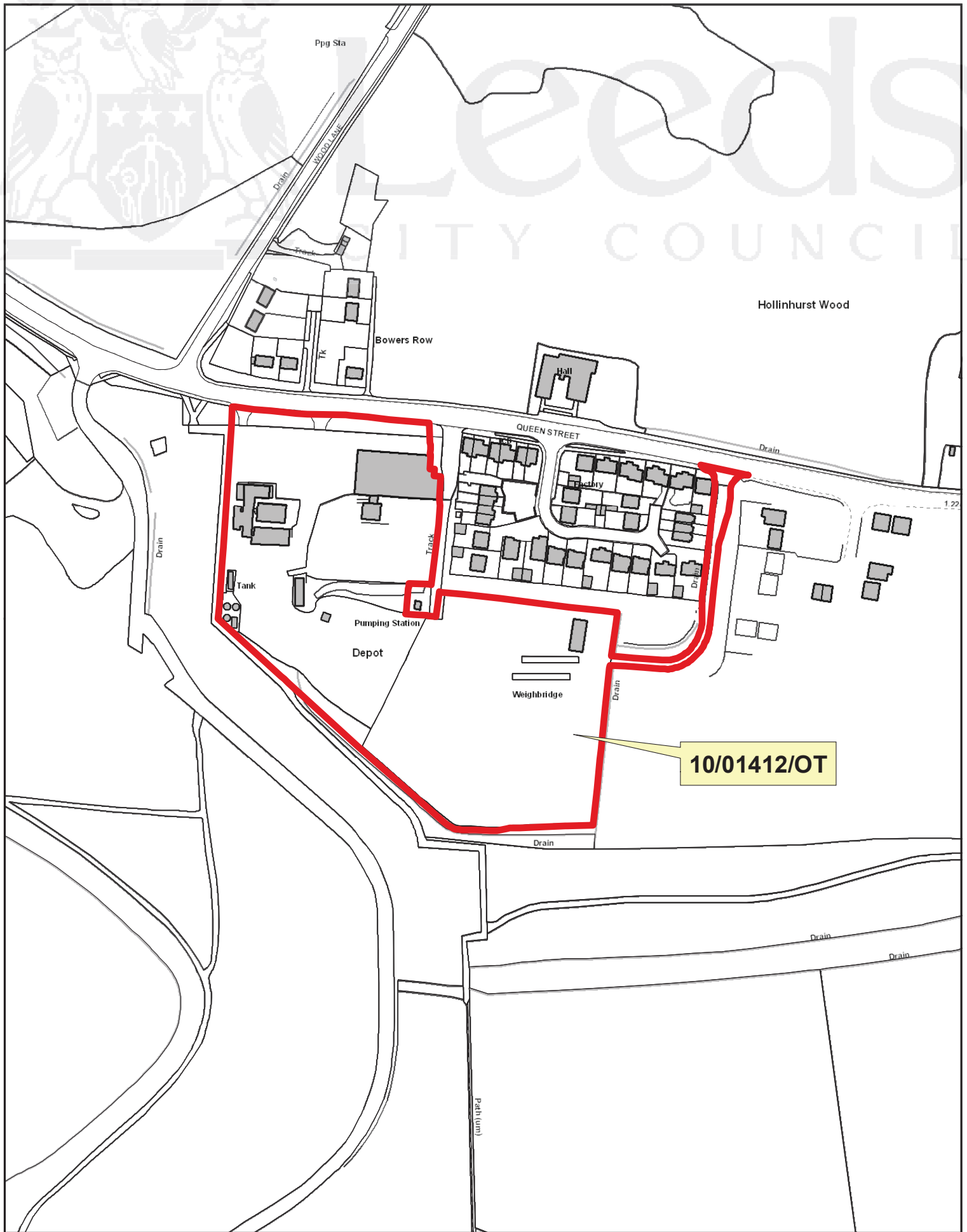
APPREVED BY:
 Date: _____
 Signature: _____

DATE:
 10/01/12

LEEDS CITY COUNCIL
 10/01/12

The changes shown on this plan do not need further public comment





NORTH AND EAST PLANS PANEL

