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## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 28th November, 2013  
at 1.30 pm

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### 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

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, 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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence (If any)</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the North and East Plans Panel meeting held on 31st October 2013</p> <p>(minutes attached)</p>	3 - 14
7	Garforth and Swillington		<p><b>APPLICATION 13/04469/FU - 13/04469/FU - 72 ACASTER DRIVE GARFORTH LS25</b></p> <p>To consider a report of the Chief Planning Officer on an application for change of use of outbuilding to dog boarding business</p> <p>(report attached)</p>	15 - 22
8	Harewood		<p><b>APPLICATION 13/02833/FU - CLEAVESTY CENTRE CLEAVESTY LANE EAST KESWICK LS17</b></p> <p>To consider a report of the Chief Planning Officer on an application for detached house with attached double garage and associated landscaping</p> <p>(report attached)</p>	23 - 38
9			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting will take place on Thursday 19<sup>th</sup> December 2013 at 1.30pm</p>	

To all Members of North and East  
Plans Panel

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> 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 19<sup>th</sup> November 2013

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – 28<sup>TH</sup> NOVEMBER 2013**

Prior to the meeting of the North and East Plans Panel on Thursday 28<sup>th</sup> November 2013 the following site visits will take place:

10.05am		Depart Civic Hall
10.30am	Garforth and Swillington	72 Acaster Drive Garforth LS25 – change of use of outbuilding to dog boarding business – 13/04469/FU
11.15am	Harewood	Cleavesty Centre Cleavesty Lane East Keswick LS17 – detached house with attached double garage and associated landscaping – 13/02833/FU
12 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.05am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.00am**.

Yours sincerely

Angela M Bloor  
Governance Officer

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## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 31ST OCTOBER, 2013**

**PRESENT:** Councillor D Congreve in the Chair

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

### **57 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### **58 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest. However Councillor Lyons and Councillor J Procter brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority, in the event that Metro had commented on the applications

### **59 Apologies for Absence**

Apologies for absence were received from Councillor J Harper who was substituted for by Councillor Nash

### **60 Application 13/01065/FU - Laying out of car park to proposed allotments - Land to the rear 84 and 86 High Ash Drive Alwoodley LS17**

The Panel's Lead Officer referred to revised plans for the proposals which the applicant had recently submitted. It was noted that on the Members site visit which had taken place earlier in the day, the site had been considered on the basis of the new plans

Panel was asked to agree to the withdrawal of the report from the agenda and that if no further significant objections were raised to the revised plans, that the application be deferred and delegated to the Chief Planning to determine

**RESOLVED** - That the report be withdrawn from the agenda and that if no further significant objections were made to the revised plans, that determination of the application be delegated to the Chief Planning Officer

### **61 Update on former 'D' Car Park - Portland Crescent**

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

In response to comments made by Members on the site visits earlier in the day, the Head of Planning Services confirmed that the permission granted by City Plans Panel for a hotel on the site of the former 'D' car park on Portland Crescent would be for a five star hotel to be completed in 2015. If any Members required further details on the proposals, these could be provided. In response to a comment by Councillor R Grahame, the Head of Planning Services agreed to provide him with details about the employment and training initiatives arising from the development

## **62 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 3<sup>rd</sup> October 2013 be approved

With reference to minute 53, Application 10/05048/EXT – Temple Green – land to south of East Leeds Link Road, Councillor Grahame advised that the proposed meeting with Asset Management Officers had not yet taken place. The Panel's Lead Officer agreed to look into this for Councillor Grahame

## **63 Application 13/9/00161/MOD - Non-material amendments to application 11/0165/FU for three replacement dormer windows to rear and reduction in height of existing two storey front extension - 61 High Ash Avenue Alwoodley LS17**

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

Officers presented the report which sought approval for non-material changes to a previous application

The planning history of the site was outlined, with the original permission being granted in 2002. Since that time there had been a prolonged planning issue which had included enforcement and prosecution. The previous owner had sold the property on and Officers had undertaken discussions with the new owner (the applicant), on the nature of the changes needed to bring the dwelling in to line with the planning permission. An extension of time application had been granted to allow the applicant to complete the works by December 2013

The application before Members was for amendments to a previous approval which Officers were of the view were acceptable. If Panel was not minded to accept the proposed changes, an indication on how this lengthy matter could be resolved, was requested

The Panel heard representations from an objector and the applicant who attended the meeting, which included:

- the impact of the proposals on the streetscene
- the message sent out by agreeing in this particular case to the proposed changes
- the need for the amendments to enable the house to function as required



Members discussed the following matters:

- the length of time taken to resolve the matter and the difficult situation endured by residents during this time
- the objector's concerns at the impact of the proposals on the streetscene; that this reason had been cited on applications which had been refused around the city and whether there had been any policy changes on this matter
- the different views of the objector and applicant on the head height at the top of the stairs and the need for this to be clarified

The Head of Planning Services explained the planning enforcement process; the delays to this which could occur if an applicant would not co-operate and that in some cases a further step of taking out an injunction against an applicant had to be considered. In respect of the current owner, much progress had been made and there was a willingness to undertake the works, albeit with some relatively minor amendments

The Head of Planning Services also advised that although a limited view of the streetscene had been taken by the objector, the wider view and that which physically would be seen looking up the street, would mean that the proposals were acceptable in the wider streetscene. Members were informed that this matter was subjective and that there had not been any change in policy in relation to this issue

Regarding the internal head height, Members were informed that whilst there was a big void when entering the property there was a pinch point further up which the proposed amendments would satisfactorily address

The Panel considered how to proceed

**RESOLVED** - That the non-material amendment to the approved scheme 11/01051/FU be granted

**64 Application 13/03839/FU - Variation of condition 12 of previous approval H30/259/82 to allow deliveries between 07:00 until 18:00 - Monday to Saturday and until 18:00 on Sundays - Morrisons Supermarket Roundhay Road LS8**

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval for a change to the hours of delivery at the former Blockbusters video store on Roundhay Road which was now a small Morrisons store. An extension of one hour each morning was being requested

The proximity of the premises to the nearest residential dwelling was highlighted, with the mitigation measures proposed by Morrisons in terms of delivery management being outlined, with this being controlled by condition

Members were informed that the store was located in a commercial area and within the district centre and that the opening hours were in line with those approved for other supermarkets

Members discussed the application and commented on the following matters:

- Sunday deliveries and the extent of these

- noise nuisance, particularly from reversing lorries and the possibility of dispensing with the warning sound in favour of a member of staff being used to ensure safety
- the effectiveness of delivery management plans, particularly for supermarkets; the number of complaints received by Councillors relating to this matter and the need for mitigation measures to be clear, agreed in writing prior to approval and any subsequent breaches to be addressed
- that the photographs displayed did not accurately reflect the constrained area set aside for store deliveries

As the applicant's agent was in attendance, the Chair invited him to provide factual information in response to questions raised by the Panel

Further discussion took place relating to the need for the additional hours of delivery in view of the store currently operating with slightly shorter delivery hours and the problems raised by conversions of empty premises to small supermarket stores which were often sited close to residential areas

As there was an indication that Members might be minded to refuse the application, the Chair invited the applicant's agent make representations to the Panel

In summary these related to:

- Officer support for the application
- the proximity of the premises to the Oakwood District Centre
- that mitigation measures could be implemented to overcome the concerns raised
- the possibility of granting a temporary consent, for one year

The Panel considered how to proceed, with proposals both to accept a 12 month temporary permission and to refuse the application being made and voted on

**RESOLVED** - That the Officer's recommendation to approve the application be not accepted and the refusal of the application be deferred and delegated to the Chief Planning Officer due to concerns about general disturbance and the impact on the amenity of nearby residents

As two proposals were made, for clarity, the Panel was asked to re-confirm the voting on the resolution to refuse

**65 Application 13/02206/FU - Detached two storey annexe accommodation with attached garage and car port to side of Applegarth - Orchard Drive Linton Wetherby LS22**

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for a two storey annexe accommodation with car parking at Applegarth, Orchard Drive, Linton, to address some minor discrepancies relating to the previous approval which was currently being implemented

Members were informed that the proposals were 220mm larger and 100mm wider than those previously approved. Concerns had also been raised locally about the materials being used to construct the annexe.

Officers advised that the annexe would be clad in stone and would match the existing dwelling

Conditions would be imposed restricting the dwelling to an annexe which was ancillary to the existing dwelling. For clarification condition no 6 in the submitted report would be amended to reflect this. A further proposed amendment was reported in respect of condition no 4 which would include a requirement for top opening bathroom and kitchen windows

If minded to approve the application, further conditions were proposed in respect of the absence of windows in the porch; details of the privacy screen to the balcony to be provided and the layout of the annexe

Members discussed the application and sought clarification of the balcony arrangement, which was provided. Concerns were voiced about the overall appearance of the annexe which seemed considerably larger than had been expected, and that the concerns raised by local residents about the project could be understood. Whilst the change from render to stone cladding was welcomed, the importance of ensuring the finish of the building was acceptable was stressed

In view of these comments, the Head of Planning Services suggested that the recommendation be changed to enable the application to be deferred and delegated for approval

**RESOLVED** - That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions as set out in the submitted report, with the following amendments:

Condition no 4 – to include ‘windows to be top opening’

Condition no 6 – to delete words ‘an extension’ and replace with ‘annexe ancillary to’  
and additional conditions as follows:

- Notwithstanding approved plans, no window/s to be inserted to porch
- Details of privacy screen to balcony to be submitted and approved prior to first occupation
- Annexe shall be laid out as a living room, kitchen, bathroom, garage and car port and shall be retained as such thereafter

and subject to resolving the issue of the stone finishing to the building

**66 Applications 13/02897/FU and 13/02896/CA - Demolition of two storey side/rear extension, detached garages, kennels, enclosures and outbuildings and new three storey side extension to 1 Sandhill Villas and erection of one detached dwelling at 1 and 2 Sandhill Villas Sandhill Thorner Leeds**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which detailed the proposals contained in the application which related to a site located in the Green Belt and in a Conservation Area

Although Officers were recommending the application relating to the demolition be approved, the application for the side/rear extension and detached new dwelling was recommended for refusal. On this point Members were informed that the suggested second reason for refusal in the submitted

report which related to highways issues be removed as a revised plan had been submitted to overcome the concerns expressed by Highways Officers

Members were informed that no objections to the scheme had been made by the Parish Council and that there was local support for the proposals

Officers were satisfied with the proposed demolitions as the current structures were not a positive feature in the Conservation Area. Whilst the residential extension element of application 13/02897/FU was acceptable as it was permitted to extend existing properties up to 30% in the Green Belt, the new build element of the application was of concern to Officers and that refusal of this application was being recommended to Members

In terms of the very special circumstances cited to justify harm to the Green Belt caused by the inappropriate development, Members were informed that the applicant's agent was of the view that the site was brownfield land and that the removal of the existing kennels and runs would be of benefit and would ease the situation regarding on-street parking

Officers advised they did not accept the view that the site was brownfield land; that there were no records of complaints being received about on-street parking in the vicinity of the site and that the slight improvement afforded by the demolitions did not outweigh the harm to the Green Belt from the proposed new dwelling

The Panel heard representations from the applicant's agent, and the applicant who attended the meeting and provided further information which included:

- the view that the site was a brownfield site
- planning policy
- the very special circumstances of the case
- correspondence from the Council's Environment Protection Team
- the local support for the proposals and the wish of the applicant to continue living in the area

The Panel considered how to proceed. Although there was sympathy with the applicant there were also concerns about the impact across the city of not adhering to policy and allowing a new dwelling to be constructed in the Green Belt

**RESOLVED –**

Application 13/02897/FU

That the application be refused for the following reason:

The Local Planning Authority consider that the proposed detached dwelling is inappropriate development within the Green Belt as it falls outside the list of exceptions to the restrictive approach to development within the Green Belt detailed in local and national policy. The Local Planning Authority also consider that the new dwelling by virtue of its size, scale and siting harms the openness and character of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and as no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006 as well as guidance contained within the National Planning Policy Framework

Application 13/02896/CA

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

**67 Applications 13/03145/EXT and 13/03164/EXT - Extension of time period for planning permission 10/02142/EXT for change of use, part demolition and extension to offices to form 15 flats and erection of part two and part three storey block of 22 flats with car parking and extension of time for associated Listed Building application - Mansion House Mansion Gate Drive LS7**

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

Officers presented the report which sought permission for an extension of time for a further three years to the unimplemented planning permission granted in 2007 and then extended in 2010 along with the associated Listed Building application

Members were informed that a separate recommendation for the Listed Building application had been omitted from the report in error. In respect of the status of the site, this had been incorrectly stated in the report as being previously developed land when it was part greenfield and part brownfield land

For extension of time applications, consideration needed to be given to any changes in planning policy or any physical changes to the area. In terms of the first matter, Members were informed that there had been no significant changes in planning policy which would affect the application. In respect of other changes there had been further deterioration of the building; that works had been done to make it more watertight and that theft and vandalism had taken place at the property. The Council's Conservation Team had drawn up a new schedule of works to protect the building but that funding was awaited for these works, with the applicant having to repay the Council for the costs incurred for the remedial works

The local concerns raised about the deterioration of the building and the delay by the applicant in implementing the approved scheme were noted, however it was the view of Officers that not granting the extension of time period would put the building at further risk. Assurances were also given that the works to the Listed Building would be done before the new build element was commenced

Members were also informed that the applicant had recently submitted a Statement of Intent which referred to the difficult financial climate which had delayed the scheme but that a more viable scheme for houses and flats on the site was being considered, with an application to be submitted in the next 3-4 months

The Panel heard representations from an objector who attended the meeting and raised issues which included:

- the length of time being taken to develop the site
- the impact of this delay on the condition of the Listed Building
- the soundness of the financial arguments given to explain the delay in implementing the planning permission

- that a more robust stance should be taken to securing and preserving the condition of the Listed Building
- that a one year extension of time should be considered

Members commented on the following matters:

- the urgent need for works to be carried out on the Listed Building and that the relevant Executive Board Member should be made aware of this matter. The Chair agreed for the Panel's Lead Officer to draft a letter to the Conservation Officer and Executive Board Member raising the concerns expressed about the state of the building and that it was on the at risk register
- concerns that the request for a further three years to implement the planning permission could be seen as an opportunity to delay the scheme further and that little good faith had been shown by the applicant in attempting to preserve the property
- that a one year extension should be considered
- concerns about the possibility of flats being considered for the site in view of the difficulties which existed in securing finance for their development
- that a development comprising terraced properties could be more viable

The Head of Planning Services reminded Members that when considering the applications, the need to focus on any changes which had occurred since the last permission was issued and stated the importance of engaging proactively with the applicant or possibly another developer experienced in bringing such schemes to fruition. Although it would be possible for the Council to consider a Compulsory Purchase Order for the building, Members were advised that this had cost implications at a time when the Council was experiencing budget reductions

Members considered how to proceed

**RESOLVED – a)**

Application 13/03145/EXT

That a 12 month extension of time period be granted for planning permission 10/02142/EXT, subject to the conditions set out in the submitted report

Application 13/03164/EXT

That a 12 month extension of time period be granted for Listed Building consent 10/02167/EXT subject to the following conditions:

- 1 Time Limit (12 months)
- 2 Development to be in accordance with the approved plans
- 3 Samples of all external walling including curtain walling, roofing materials and for the heads, cills and copings have been submitted for approval
- 4 Samples of all surfacing materials to the hard surfaced areas have been submitted for approval
- 5 Details of timber goods and glazing to be submitted for approval
- 6 Details of the restoration of the Mansion House staircase to be submitted for approval
- 7 Details of the internal doors (new and retained), architraves and skirting and other internal joinery (including the repair of timber columns and

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

a full schedule of windows – notwithstanding submitted window details) of the Mansion House are to be submitted for approval

8 Details of the treatment of the plasterwork of the Mansion House are to be submitted for approval

9 Details of the screens to the lateral corridors of the Mansion House are to be submitted for approval

10 Details of the fire prevention and insulation measures to floors and ceilings of the Mansion House to be submitted for approval

b) That a letter be drafted to the relevant Conservation Officer and Executive Board Member regarding the need to progress the remedial works to the building and that Planning Officers be asked to work more closely with relevant Officers in City Development to explore other options for developing the site

**68 Application 13/03703/FU - New two form entry (420) pupil primary school and associated 26 place nursery - Land between Florence Street and Stanley Road Harehills**

Prior to consideration of the following matter, Councillor R Grahame left the meeting

Further to minute 9 of the North and East Plans Panel meeting held on 13<sup>th</sup> June 2013, where Panel received a pre-application presentation on proposals for a new primary school at Florence Street, Members considered the formal application

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

The Planning Projects Manager presented the report and stated that whilst Members had supported the proposals in principle, concerns about highways issues and parking had been raised, with further work on these matters being undertaken

Members were informed that a dedicated parent parking area with 22 spaces had now been included. There would be an in and out arrangement to help with traffic flows and an additional area comprising 28 spaces had been included for staff parking

In terms of highways improvements, whilst the opportunity for these were limited, there would be a pedestrian crossing on Stanley Road; a pedestrian crossing on Harehills Road, that Ashton Pace would be closed off and a continuous footway created; Ashley Road would be closed off to cars, with cycle access only being allowed and build outs provided to reduce vehicle speeds on Stanley Road. On Florence Street and Compton Avenue, no vehicle parking would be allowed as part of a TRO; the existing residents' car parking would remain but would enable some short stay parking, with short stay parking also being allowed on Stanley Road

Members welcomed the improvements which had been made but concerns remained in relation to:

- parking on Florence Street for the businesses situated there
- illegal parking by parents at drop off and pick up times and that only a police presence would deter this from occurring

- the impact of queuing traffic back to St James' Hospital
- deliveries to the school and the need for this to be included in the traffic management plan together with arrangements for when the school gates would be opened and closed
- the extent of the problems caused to local residents due to parent parking outside schools
- the possibility that staff would park in the parent parking areas
- NGT and that a stop had been proposed on Stanley Road and whether this could be accommodated
- the possible future extension of the site to a three form entry primary school, with concerns there would be insufficient parking space for a larger school
- the lack of detail in the report in respect of the likely number of car journeys to the school and arrangements with Metro about bus provision
- safe access into the building for pupils

The Planning Projects Manager advised that the submission and agreement of a travel plan was a condition of the planning permission. In relation to access for pupils, Members were informed that measures by way of a barrier and crossing point would enable safe access through the plaza area into the school

Members considered how to proceed and recognised the difficulties in this case in view of the limitations on sites in the area; the need for primary school places and the outstanding issues relating to the traffic management plan

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and any others he considers to be appropriate and the submission of a satisfactory traffic management plan

**69 Pre-app/13/00521 - Pre-application presentation for the laying out of access and erection of 191 dwellings and commercial/industrial uses at the Millennium Village Allerton Bywater**

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

Officers presented a report of the Chief Planning Officer setting out early stage proposals for a mixed use development at the Millennium Village site, Allerton Bywater

At this point Councillor J Procter brought to the Panel's attention that he knew members of the Wheatley family, as reference was made in the planning history section of the report to an application being granted to Wheatley Construction

Members received a presentation on the proposals from the applicant's representatives who provided the following information:

- that the formal application for the proposals would be submitted in the next few weeks



- that the site had been assessed to determine where positive connections could be made and that the scheme being presented was felt to be robust and addressed the issue of on-street parking which was a problem within the village
- that the scheme was child and pedestrian friendly; had character and created a sense of place
- that a mixture of parking options were proposed
- that the scheme related well to the vacant land adjacent to the site, which was owned by Network Rail, with access to this land being included in the design layout
- that the older persons accommodation would include common areas and terraces and would be sited centrally
- that stone and brick were the main materials proposed for the residential dwellings, with some render details to the gables of some blocks
- that home zones would be provided
- that a small supermarket was proposed together with some other small units, with cedar cladding and blockwork proposed for the commercial units
- that a range of house types were proposed, including some bespoke units and that the affordable housing requirement would be met

Members then heard from Councillor James Lewis as Ward Member who addressed the Panel and commented on the proposals in relation to:

- access arrangements and the need to review the spine roads in the estate
- the need for the Council to move quickly to adopt the roads on the estate
- the housing mix and the need for the affordable housing provision to be tied down to local need and local connections
- that a convenience store was welcomed but that further information was needed on the uses of the other stores

Members commented on the following matters:

- the importance of not cramming in houses which would be detrimental to the existing, well planned estate
- the need for the convenience store to be sited where there would be passing trade
- that the older persons accommodation should be sited close to other facilities and bus stops
- the cycle route and whether this could be extended

In response to the specific points raised in the report, the Panel provided the following responses:

- that Members agree the development should be designed in accordance with the general principles as set out in the Allerton Bywater Design Code and supplemented by the guidance contained within Neighbourhoods for Living
- to note Members' comments on the layout as currently proposed, including the basic design approach taken for the different components and for the space around Silkstone

Square. Members welcomed the narrow palette of materials which was proposed and stressed the importance of moving away from the timber used on some of the existing residential accommodation

- that Members were content with the general design advanced for the various house types and commercial buildings
- that Members were satisfied on the work carried out so far on the relationship between the site and the neighbouring development in terms of connectivity, access and design approach but that further work was required regarding the cycleway and the Network Rail Land
- regarding the use of homezones and the proposal to provide additional off-street parking accessed directly off Flockton Road and Haigh Moor Way, Members commented that they would like to see additional parking on those two roads
- subject to the comments made about the siting of the convenience store, that Members were generally satisfied with the general mix, scale and proposed siting of the retail, commercial and industrial uses

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

During consideration of this matter, Councillor Campbell left the meeting

## **70 Date and Time of Next Meeting**

Thursday 28<sup>th</sup> November 2013 at 1.30pm in the Civic Hall, Leeds



**Leeds**  
CITY COUNCIL

Originator: P. Wilson

Tel: 0113 395 0325

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 28<sup>th</sup> November 2013

**Subject: APPLICATION Ref: 13/04469/FU – Continued use of outbuilding for dog boarding business (for up to 5 dogs at 72 Acaster Drive, Garforth, Leeds, LS25 2BQ)**

#### **APPLICANT**

Mr and Mrs T Bowers

#### **DATE VALID**

25<sup>th</sup> September 2013

#### **TARGET DATE**

10<sup>th</sup> January 2014

#### **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:**

**GRANT PERMISSION subject to the specified conditions below:**

1. In accordance with approved plans
2. Kennels only to be operated by persons who reside at 72 Acaster Drive and not to be sold or let separately
3. No more than 5 dogs to be boarded at any one time
4. Kennels only open to customers between 09.00 and 16.00 Mon – Fri, 10.00 and 14.00 Sat and not at all on Sundays. Deliveries and other operations only within the above times
5. Dogs to be kept in kennels and not allowed into any runs between hours of 20.30 and 08.00 on any day
6. Solid waste disposed of in accordance with Operational Business Plan
7. No lighting fitments to be directly visible to nearby residential premises
8. Dogs only to be boarded in soundproofed kennels and not in any other part of the kennels or other building within the garden of 72 Acaster Drive
9. Exercising of dogs within the site only to take place within identified area

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 planning application is presented to Plans Panel at the request of Ward Cllr Mark Dobson, in order to consider the amenity impacts of the development proposals on existing residents. He has requested to speak to Panel on behalf of a constituent.
- 1.2 Councillor Dobson did raise concerns on behalf of the same constituent, in respect of the previous application for dog boarding kennels at this site, but agreed to the granting of permission on a temporary basis of one year to monitor whether the use gave rise to any complaints.

## **2.0 PROPOSAL:**

- 2.1 In October 2012 planning permission was granted for the change of use of stables to dog boarding kennels for a temporary period of one year, to enable the use to be monitored to see if any issues arose regarding impact on residential amenity. The temporary permission was also subject to a condition limiting the number of dogs to be boarded at the kennels to no more than 3.
- 2.2 There are 4 kennels in total on site but the applicant has been licenced by the Council separately to board up to 5 dogs. The applicant has therefore been operating the kennels on the basis of the licence since it was granted in 2012.
- 2.3 This application, therefore, seeks planning permission to continue using the former stables as kennels for the boarding of up to 5 dogs on a permanent basis.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site comprises a semi-detached house and its curtilage in a residential area.
- 3.2 The property has an extremely long garden some 95 metres in length rising from the back of the house quite substantially to the rear (southern) boundary. Beyond the southern boundary are open fields used for agriculture.
- 3.3 The western boundary lies adjacent to the garden of 70, Acaster Drive which runs the full length of the application garden.
- 3.4 The eastern boundary lies adjacent to the gardens of 8 and 10, Nidderdale Close. The garden to No.8 adjoins, approximately, the first 30 metres from the rear of the house and the remaining 65 metres adjoins the garden to No. 10.
- 3.5 The boundaries are comprised of substantial dense hedges approximately 4 metres high, parts with high fences approx 3 metres in front and other parts where the boundary comprises high fences with some trees behind. The southern boundary comprises a 2 metre high fence with diagonal slatted fencing.
- 3.6 The original stables subject of this application are situated some five metres in from the southern boundary at the end of the garden away from the house and immediately adjacent to the eastern boundary. They are single storey, L-shaped, clad in stained timber with a flat roof and are 8 metres long. The building has a caged area with a tiled access walkway giving access to each external dog run. The runs are separated from each other by metal screens and the kennels themselves are soundproofed using kingspan acoustic panels. The kennels and associated access walkway are built up from the level of the land as it falls away to the north. There is a further door into that part of the building which forms the foot of the L. The building has external lights attached to the fascia of the building for illumination at night, if needed.

3.7 The garden is split into four distinct areas. An area adjacent to the foot of the L-shape and between this and the southern boundary, separated from the rest of the garden by timber fencing. The rest of the garden is separated into 3 further areas, one of which contains the kennels and is secured by mesh fencing with a lockable gate. The lower level contains garden structures including a decked sitting area and a shed/summer house. The land then drops to the patio level which contains other garden structures, seating/barbecue areas.

3.8 To the front of the property there is a paved area for vehicle parking which is capable of accommodating two vehicles.

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

4.1 There have been various planning applications on this site, mainly relating to extensions to the house.

4.2 H33/206/87 - use of land as garden extension and the erection of a block of three stables to the rear of a semi-detached house. This is the permission for the construction of the stables which now forms the subject of this application. This was granted on 12<sup>th</sup> October 1987.

4.3 12/03824/FU – Change of use of stables to dog boarding kennels granted 30<sup>th</sup> October 2012 (limited to a 1 year temporary permission and no more than 3 dogs to be boarded at any one time).

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

5.1 Following a request for further background information relating to the existing use, the applicant confirmed dogs started boarding in November 2012 and that business has been really good with dogs boarding most weeks including operating at full capacity throughout the summer months (May to late Sept).

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

6.1 The application was advertised by a site notice posted on 4<sup>th</sup> October 2013. The date by which representations should be received was 25<sup>th</sup> October 2013.

6.2 Individual letters were sent out on 26<sup>th</sup> September 2013 to persons who made representations in respect of the previous application. In addition individual letters were also sent to the occupants of dwellings on Nidderdale Close that lie between those persons who previously made representations. This letter was sent out on 14<sup>th</sup> November 2013 and any representations received will be reported to the Panel.

6.3 One letter of objection has been received from a local resident, together with a follow up letter from the same objector, requesting the application be reported to Plans Panel and that Councillor Dobson be allowed to speak on their behalf. The reason for objection relates to being able to hear dogs barking when sitting in their garden and that the extension to the kennel would mean more dogs and more barking.

6.4 Councillor Dobson, whilst not making any comment about the proposal, has requested that the application be reported to the Panel and that he be allowed to speak on behalf of the above constituent.

6.5 Two other letters have also been received from local residents which state that they have not noticed any adverse effects from the use over the past year in terms of either noise or parking problems.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

7.1 None.

### **Non-statutory:**

7.2 Highways - no objections to the proposals subject to a condition restricting the scale of the use to no more than 5 dogs to be boarded at any one time.

7.3 Highways' Traffic Team have not received any complaints relating to traffic/parking issues on Acaster Drive during the past year whilst the kennels have been operated on this basis.

7.4 Neighbourhoods and Housing Anti-Social Behaviour Team, who would be the team who would deal with complaints about barking dogs, have confirmed that they have not received any noise complaints in relation to the applicants' property.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

### Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review) 2006 are listed below:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

T2: Developments need to be adequately served by existing or proposed highways and have provision for adequate parking.

### Emerging Local Development Framework Core Strategy

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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 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. Notwithstanding this, the strategic nature of the Core Strategy is such that it doesn't contain any policies which are directly relevant to this proposal.

### National Planning Policy Framework

8.4 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development and as part of achieving this amenity issues have to be satisfactorily resolved (including that noise from development shouldn't give rise to significant adverse impacts on quality of life – paragraph 123).

## **9.0 MAIN ISSUES**

1. Principle of development

2. Impact on residential amenity
3. Highway implications

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The application proposes to retain, on a permanent basis, the change of use of an existing former stable building to boarding kennels. The principle of the development has, therefore, already been accepted but only for a temporary period. The main issue for consideration, therefore, relates to residential amenity issues, as this was the reason why only a temporary permission was deemed appropriate. Amenity issues are discussed in detail below.

### Impact on residential amenity

- 10.2 The main issue usually associated with boarding kennels is that of noise and the objection letter received picks up on this point. In order to address this issue as it was also raised when the original application was made the applicant prepared an Operational Business Plan in support of the application that specified the proposed method of operation for the boarding kennel business. This still forms the basis on which the business would be run.
- 10.3 Each kennel has been provided with sound proofing to ensure that when dogs are within the kennels, barking is barely audible outside the building. To the front of each kennel is a mesh sided run area which the dogs can use during daytime hours. The sides of the runs where they adjoin each other have been provided with metal panels so that dogs are less aware there are other dogs adjacent which might cause them to bark.
- 10.4 Indeed on a recent, unannounced, site visit by the case officer, a dog in the soundproofed part of the kennels, could only be heard barking when standing close to the kennels, but this was muted and could not be heard as you moved away from the kennels towards the back of the house. A dog in a neighbouring garden could however be heard barking clearly at the time of the visit.
- 10.5 In addition to the above the dogs are exercised individually, usually by walking within the open space to the south of the site. Occasionally dogs are exercised in the garden area but this takes place in the area immediately to the rear (south) of the kennels and between the kennels and the southern boundary. This area is the furthest away from the nearest dwellings. A condition limiting dog exercising to this area is advanced to ensure that dog activity is kept as far away as possible from the nearest dwellings and in such cases dogs are supervised by the applicant. This is how the applicant has operated the business during the past year.
- 10.6 It is accepted that despite the mitigation measures conditioned, some noise may still be generated. As such, it is considered appropriate to retain the condition that regulates when dogs can be outside their kennels. The condition requires that no dog be allowed outside of the kennels between the hours of 20:30 hours and 08:00 hours.
- 10.7 The Environmental Health Officer, in respect of the previous application, discussed in detail with the applicant control measures to minimise noise problems when dogs are outside the kennels, which the applicant has taken on board and resulted in the various measures as discussed above. Accordingly no residential amenity objection is raised to the use being allowed to continue operating from the site.
- 10.8 As part of this current application, the applicant would wish to board no more than 5 dogs at any one time. Whilst this is more than was allowed by the original planning



permission (limited to 3 dogs), the applicant obtained a license for 5 dogs in the belief this was acceptable and has essentially operated on this basis for almost a year. As can be seen from the foregoing information, the operation of the kennels on this basis has not resulted in any complaints to the requisite authorities. In addition, although there has been one letter of objection to the continuation of the use from a local resident who previously objected to the proposal, there have been 2 further letters; one of support and one of no objection (including one from a local resident who, in relation to the previous application had expressed concern). In respect of the previous application 13 letters of objection and no letters of support were received.

- 10.9 In the light of the above, it is also considered reasonable to allow the use to continue offering boarding for up to 5 dogs.
- 10.10 Dog waste is collected when walking the dogs and disposed of in dog waste bins in the area, on the walk. Waste from the runs or kennels is disposed of in an appropriate manner in the applicant's domestic bin or down the toilet. This method of dealing with dog waste has been agreed by the animal welfare officer in licensing and is proposed to continue.

#### Highway implications

- 10.11 Highways officers have raised no objections to the proposal subject to a condition restricting the number of dogs to be boarded at any one time to no more than 5. Such a condition is suggested.
- 10.12 The applicant is also suggesting that dogs can only be brought and collected outside of the times when children are going to and from school as there seems to be much more activity, both vehicular and pedestrian, at these times. It is suggested, therefore, that dog owners only be able to attend between the hours of 09:00 hours and 16:00 hours and again a condition requiring this is suggested.
- 10.13 There are two parking spaces on the site, one of which will be occupied by the applicant's car, leaving one space for visitors bringing or collecting dogs. As the business is run on an appointment basis the availability of parking for clients can be actively managed. Indeed the Highways Traffic Team has indicated that they have not received any complaints regarding traffic or parking issues during the past year whilst the kennels have been in operation.

### **11.0 CONCLUSION**

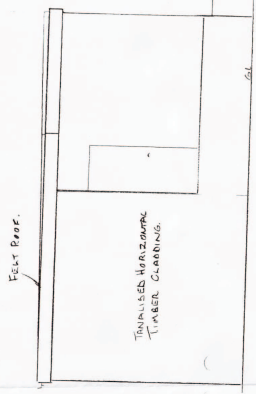
- 11.1 The temporary permission was issued so that the amenity impacts of the use could be monitored. No complaints have been received during the previous year and the level of representation to this application which seeks a permanent permission for the business does not suggest it is causing any significant amenity problems which warrant a refusal recommendation. In the light of the foregoing, the proposal is considered to accord with local policies designed to protect amenity issues and the suggested conditions will provide sufficient control of operations such that any potential issues are sufficiently mitigated. As such the proposal can be supported and is recommended for approval.

#### **Background Papers:**

Planning application and application history files.  
Certificate of Ownership: signed by applicant.

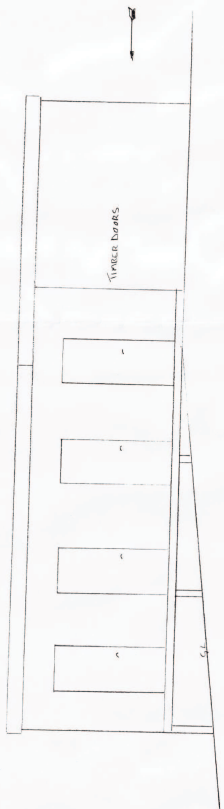


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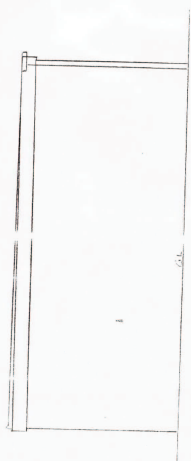


SIDE ELEVATION

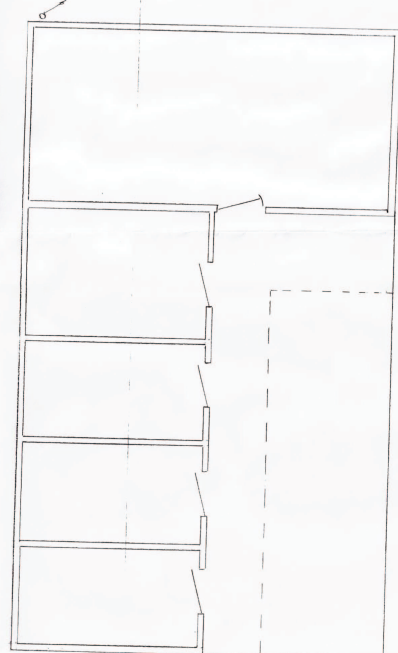
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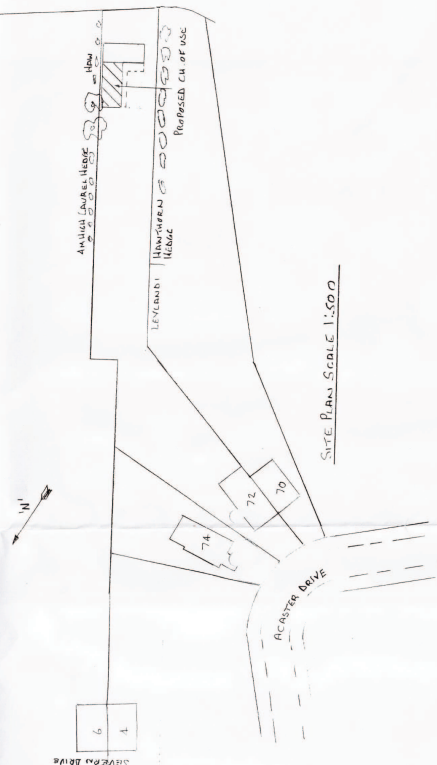
FRONT ELEVATION



VIEW FROM REAR



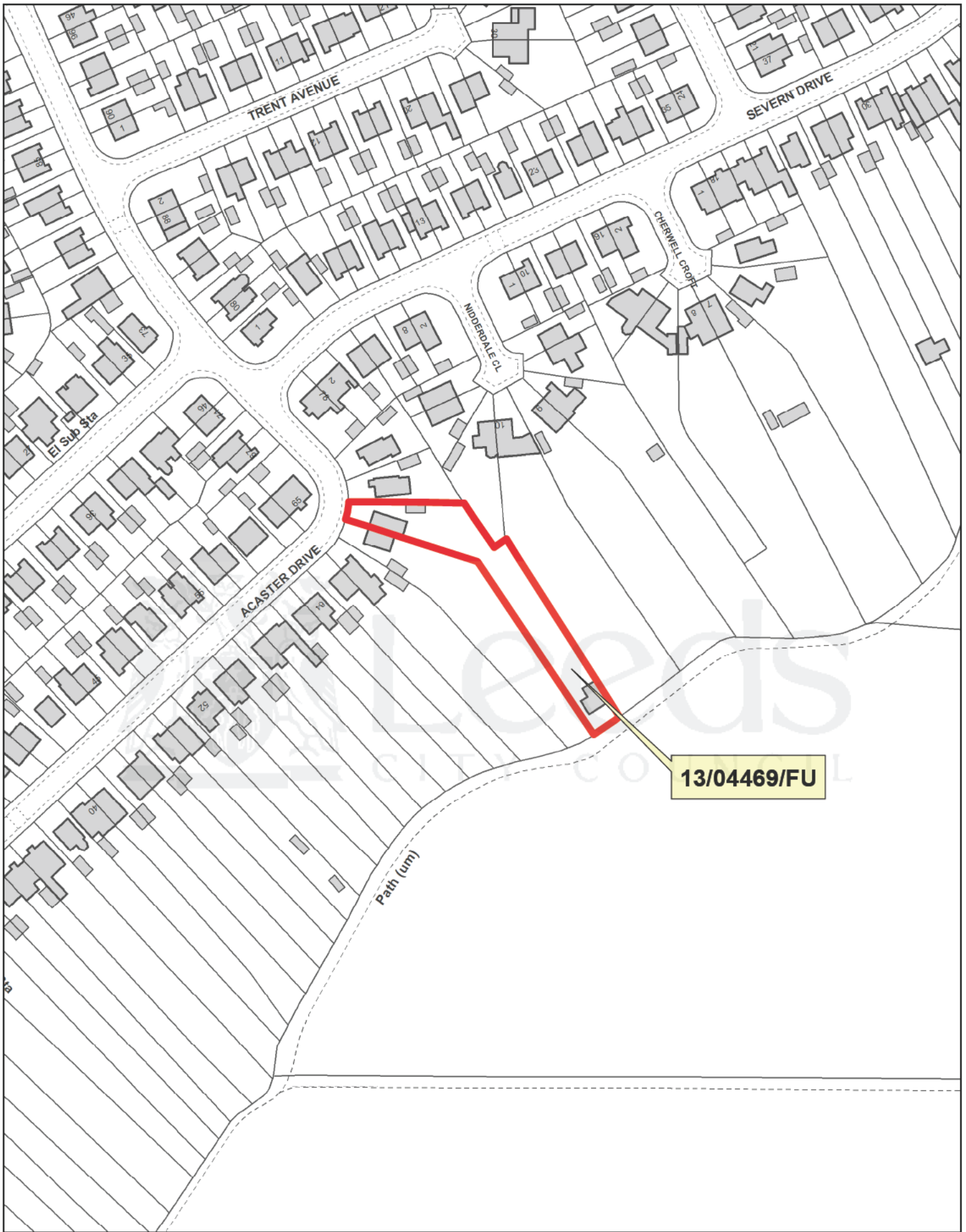
PLAN



SITE PLAN SCALE 1:500

PROPOSED CHANGE OF USE OF EXISTING OUT BUILDINGS TO PREMISES FOR MR & MRS ANGLE BOWERS 7E ACASTER DRIVE

DRAWN BY: B. D. GILL  
3 FIELDS HOUSE  
KELCEY LANE  
GUILDFORD  
GU10 2AD



# NORTH AND EAST PLANS PANEL





Originator: J Thomas

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 28<sup>th</sup> November 2013

Subject: 13/02833/FU – Detached house with attached double garage and associated landscaping at Cleavesty Centre, Cleavesty Lane, East Keswick, LS17 9HJ

#### APPLICANT

Mr S Burrows

#### DATE VALID

16<sup>th</sup> July 2013

#### TARGET DATE

10<sup>th</sup> September 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: REFUSE PERMISSION for the specified reasons:

1. The Local Planning Authority consider that the proposed detached dwelling is inappropriate development within the Green Belt as it falls outside the list of exceptions to the restrictive approach to development within the Green Belt detailed in local and national policy. Inappropriate development is, by definition, harmful to the Green Belt and no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006 as well as guidance contained within the National Planning Policy Framework.
2. The Local Planning Authority consider that the proposed detached house would result in an isolated dwelling in the countryside and, in the absence of any special circumstances, would fail to promote sustainable development in rural areas. As such the proposal is contrary to paragraph 55 of the National Planning Policy Framework.

## 1.0 INTRODUCTION

- 1.1 This application seeks permission to erect a dwelling on the site of the Cleavesty Centre, a disused riding school and kennels located to the north of East Keswick village and within the Green Belt.
- 1.2 A total of nine applications for some form of residential development have been submitted to the authority since 1983 and all have been refused. Between 1983 and 1996 the applications largely sought accommodation for staff working at the business. More recently outline applications for three houses were submitted in 2008 and 2009 and a detached five bedroom house was submitted in 2010. This application was considered by Members who declined to accept the officer recommendation of approval, however before the authority could reach a decision the applicants lodged an appeal against non-determination. This application and the 2008 scheme were the subject of Public Inquiries and both appeals were dismissed.
- 1.3 These previous applications have established that the main issues are whether residential development is acceptable within the Green Belt and whether the site is sustainable. The applicant has previously accepted that new buildings within the Green Belt are inappropriate development but have submitted that a improvement to the openness of the Green Belt, as well as the quality of the landscape, the ecology of the site and the sustainability credentials of the development were the very special circumstances which outweighed the substantial harm through inappropriateness. The authority and the Planning Inspectorate did not agree. The conclusion of the most recent appeal decision following the Public Inquiry noted that:
- “the benefits of the scheme would be fairly extensive but, in balancing the harm it would cause against these benefits, I consider that the overall extent of the harm would be so great that the combined weight of the other considerations is not sufficient to clearly outweigh the totality of the harm arising from the inappropriateness of the proposal and the other identified harm.”
- 1.4 The application currently before Members has been submitted as the applicant asserts that the NPPF (specifically the list of exceptions at paragraph 89) allows for the redevelopment of previously developed sites and thus the construction of a new dwelling at the Cleavesty Centre is no longer inappropriate development. It is also claimed that the NPPF has strengthened the emphasis upon sustainable environments. The authority do not agree with this interpretation of paragraph 89 and have thus far refused all applications which have relied upon a permissive interpretation of paragraph 89; two appeals are currently under consideration by the Planning Inspectorate.
- 1.5 The application is brought before Members due to the history of the site and the Panel’s involvement in the previous application.

## **2.0 PROPOSAL**

- 2.1 The applicant seeks permission to erect a five bedroom dwelling house with attached garage and gym. Other works are proposed to the wider curtilage of the current site to create a managed landscape to the north and west sections of the site.
- 2.2 The proposed dwelling and ancillary buildings form a rough U-shape and are arranged around a courtyard garden. The scheme has been designed to broadly reflect a converted farm complex. To the west side of the courtyard is a 24m by 8m two storey stone ‘barn’ with a gabled slate roof. Glazing insertions are largely full height windows with a strongly vertical emphasis. To the north side of the courtyard is a 13.5m by 9.0m single storey stone structure which resembles a byre, or other form of ancillary



farm building; a gabled pantile roof is proposed. Glazing to this building has a horizontal emphasis. This is linked to the 'barn' by a two storey glazed corridor and staircase.

- 2.3 The garage and gym lie to the east of the site and is of timber construction with a gabled, pantile roof. This is a link-detached structure with a glazed single storey walkway running across the front of the 'byre' and around to the east of the site. A small area of solid walling on the east elevation helps to define a second entrance to the complex.
- 2.4 A generous domestic curtilage is proposed; this comprises approximately half the site and is larger than was proposed in 2010. The other areas of the site will become managed landscapes. There is some inconsistency in the information submitted by the applicant, with the site plan indicating a wildflower meadow and the landscape plans showing vegetable gardens and orchards.

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

- 3.1 The application relates to a disused former riding school to the north of East Keswick beyond the village envelope and within the Green Belt. The site is bounded to the east by Cleavesty Lane and to the North by the A659 (Harewood Road). Access is taken from Cleavesty Lane.
- 3.2 There are a collection of building on the site, including the covered riding school and the more low lying kennel buildings. Areas of hardstanding are also present, with a car park along the part of the boundary with Cleavesty Lane and two outdoor ménage areas. The boundaries of the site are defined by a mix of post and rail fencing and hedging.
- 3.3 The wider landscape, a special landscape area, is largely open and has an agrarian character. The site itself is located on a reasonably flat plateau with long range views of the site possible from the A659, Crabtree Lane to the east and the Ebor Way footpath to the north.

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

- 4.1 As outlined above there is a long history of applications which have sought some form of residential development on the site. The full list of these application is included at paragraph 4.3 below. The two most relevant applications are the 2008 outline application for three dwellings and the 2010 full application for a five bedroomed dwelling house, with the later application being the most relevant. Both these applications were the subject of Public Inquiries.
- 4.2 The 2008 application was dismissed for three reasons. It was considered to be inappropriate development in the Green Belt, to harm the character of the Special Landscape Area, and to be an unsustainable location. The Inspector considered the impact upon the SLA to be neutral, but found the site to be unsustainable and the development to be inappropriate in the Green Belt.
- 4.3 The 2010 application would have been refused for two reasons; inappropriate development in the Green Belt and also concern regarding the proposed contemporary design of the dwelling. The Inspector did not agree with the authority's judgement of the design and in fact considered this reason to be unsubstantiated and awarded costs against the council. The Inspector did agree that the proposal was inappropriate development within the Green Belt and the appeal was dismissed for

this reason. In coming to this view the Inspector gave great consideration to the issue of sustainability, despite the fact that the council had not considered this. The sustainability benefits of the proposal were found to be neutral and did not weigh in favour of the development. The Inspector also considered that the new house would create an isolated dwelling in the countryside which was in conflict with national rural development policy. This was a major failing of the proposal.

4.4 The planning history (detailed below) clearly indicates that the issues of the site are finely balanced.

4.5 H31/243/83/FU Siting of 2 mobile homes to riding school  
**Refused**

H31/104/89/OT Outline application to layout access and erect one detached bungalow with integral garage  
**Refused**

H31/26/88/FU Erection of 1 bedroom flat and staff accommodation to riding stables  
**Refused**

H31/29/91/FU Detached mobile home to stables and kennels  
**Refused**

31/278/96/FU Detached prefabricated 2 bedroom mobile home to riding centre  
**Refused**

08/06442/OT Outline application to erect 3 dwelling houses to site of equestrian centre  
**Refused (appeal dismissed)**

09/01720/OT Erection of detached 5 bedroom house with attached double garage to equestrian/kennels/cattery  
**Refused**

10/02898/FU Erection of detached 5 bedroom house with attached double garage to equestrian/kennels/cattery  
**Not determined (appeal dismissed)**

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Prior to the submission of the current scheme the applicant held a meeting with officers and Councillor R Procter where they (the applicant) set out why they considered the proposal was compliant with Green Belt policy and explained the more traditional form of design. Officers explained that they did not agree with the applicant's interpretation of Green Belt policy.

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

6.1 The application has been advertised by neighbour notification letter, site notice and newspaper advert.

6.2 The Parish Council have raise no objection to the scheme but note that stone would be preferable to timber boarding on the garage.

6.3 The occupant(s) of Low Cottage on Main Street in East Keswick object to the loss of provision for outdoor recreation and the encroachment of housing beyond the village.

## 7.0 CONSULTATIONS RESPONSES:

7.1 Contaminated Land: Express no objection to the scheme subject to conditions;  
Mains Drainage: Express no objection to the scheme;  
Highways: Express no objection to the scheme subject to an appropriate visibility splay.

## 8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

### Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review) 2006 are listed below:

GP5: Development proposals should resolve detailed planning considerations.  
BD5: All new buildings should be designed with consideration given to both their own amenity and that of their surroundings  
N13: The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.  
N33: Provides a list of when development might be not inappropriate within the Green Belt  
T2: New development should not adversely affect the highway network:

### Emerging Local Development Framework Core Strategy

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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 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.

### General Policy

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of Leeds.

Planning applications that accord with the policies in this plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specified policies in that Framework indicate that development should be restricted.

### Policy P10: Design

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

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles:

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality;
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight;
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views;
- (iv) Car parking, cycle, waste and recycling storage are integral to the development;
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion;
- (vi) The development is accessible to all users.

### National Planning Policy Framework

- 8.4 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development and the document also strongly promotes good design. In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment. In respect of the Green Belt authorities should regard the construction of new buildings as inappropriate and significant weight should be given to harm to the Green Belt.

Paragraph 55 notes that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in



a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.

Paragraph 80 notes that the:

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 89 notes that:

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

## **9.0 MAIN ISSUES**

- 1) Sustainable Development/Rural Development
- 2) Green Belt
- 3) Design and Character

#### 4) Representations

### 10.0 APPRAISAL

#### Sustainable Development/Rural Development

- 10.1 As the NPPF makes clear the purpose of planning is to help achieve sustainable development and this goal lies at the heart of planning policy. Paragraph 55 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities are instructed to avoid new isolated homes within the countryside unless there are special circumstances, one of which is the exceptional quality or innovative nature of the design.
- 10.2 The application site is located beyond the built envelope of East Keswick and within the open countryside. At the most recent Public Inquiry the creation of an isolated dwelling in the countryside was considered, and this matter was a significant concern to the Inspector who concluded that although the design of the house was of high quality it did not result in a form of development which would allow an exception to the national policy objective of strict control over new houses in the countryside. The proposal still conflicts with national rural development policy in respect of isolated dwellings in the countryside. Although there are no significant concerns raised in respect of the design of the proposal (see below) the new dwelling is not of exceptional quality nor innovative. As such the creation of a new dwelling would directly conflict with the stated objective of national planning policy to prevent isolated homes within the countryside.
- 10.3 Due to the isolated location of the dwelling sustainability has always been a significant concern in respect of the development. In 2008 the Inspector considered that the unsustainable nature of the site weighed heavily against the proposal. In coming to this view the Inspector noted the lack of accessible public transport, the difficult cycling and walking conditions on nearby roads, the lack of services, shopping and other facilities in East Keswick, and also the lack of a school or employment facilities within the village. This led the Inspector to conclude that the majority of journeys would be undertaken by car and that the benefits of the scheme through improved biodiversity did not outweigh the substantial drawbacks of allowing a new home in a demonstrably unsustainable location.
- 10.4 At the most recent appeal the appellant put forward a package of sustainability measures which included a large home office to reduce the need to travel to work and the provision of an electric/low emission car on the site. The new dwelling would also be zero-carbon (level 6 of CSH). The improved sustainability measures led the inspector to conclude that, on balance, the new house would have a neutral impact in terms of access and sustainability.
- 10.5 The proposal currently before the authority does not include the enhanced sustainability package that was proposed at the last appeal. Whilst there remains a study located within the main ground floor accommodation, this does not appear quite comparable to the previous office which was distinct and separate from the main living space. The electric/low emissions vehicle is no longer proposed and the design and access statement notes that the dwelling is only “targeting in excess of Code 5 for Sustainable Homes”. The domestic curtilage of the dwelling has also been increased which reduces the land given over to ecological enhancement and

there is a lack of clarity about both the use and character of the land which is to be located outside the domestic curtilage.

- 10.6 The new orchard area to the north which is located outside the domestic curtilage is located immediately adjacent to the vegetable gardens within the domestic curtilage. The design and access statement also makes reference to orchard land enabling “small scale ancillary areas for the keeping of egg laying hens and the creation of autumn fruit crops”. The use of land both within and outside the defined domestic curtilage for the same purpose (small scale cultivation) which is ancillary to dwelling could very easily lead to a lack of definition between the two areas and the steady encroachment of domestic garden into the ‘orchard’ land. The use and nature of the biodiversity area is also unclear. The creation of a semi-managed landscape would not be of significant concern, however with three separate access points from the domestic garden area, the creation of a formal stone path to the orchard, mown paths, benches and what appears to be a domestic woodpile, it is not clear that the land is being ‘given over’ in order to enhance bio-diversity. Rather it would appear to be a managed and rather formal area which could very quickly have a domestic character.
- 10.7 As such the proposal conflicts with national rural development policy by creating an isolated dwelling in the countryside. Furthermore, the dwelling would be located within a demonstrably unsustainable location and sustainability credentials of the scheme currently under consideration are not considered sufficient to outweigh the unsustainable location of the site. Measures which were previously considered to weigh in favour of the scheme have been omitted or lessened and the remaining sustainability measures do not overcome the distinct disadvantage of the site’s rural location.

### Green Belt

- 10.8 The application site is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.9 Paragraph 89 of the NPPF, like Policy N33 of the UDP, provides a list of circumstances in which the construction of new buildings in the Green Belt might be considered not inappropriate. There is a difference between the two lists with the NPPF including at bullet point 6 the following exception:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.10 As the UDP does not include any policy which equates to bullet point 6 of the NPPF and indeed is silent on this matter, there is a degree of conflict between the Development Plan and the NPPF. This therefore does marginally reduce the

weight which can be applied to policy N33, however where the text of the policy remains in conformity with the NPPF its weight is not diminished.

- 10.11 The main issues in relation to this application are therefore;
- (i) whether either element of the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy framework set out in the NPPF. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
  - (ii) if it is inappropriate development, whether the harm, by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

These will each be discussed in turn.

#### Inappropriate development

- 10.12 All parties (including the applicant) have previously accepted that the construction of a new house in the Green Belt is inappropriate development. This view was shared by the Inspector who dismissed the previous appeal. The applicant no longer accepts that the proposal is inappropriate development and considers that bullet point 6 of paragraph 89 means the scheme should be found to be acceptable in principle.
- 10.13 As noted above bullet point 6 of paragraph 89 of the NPPF notes that the redevelopment of previously developed sites (brownfield land) within the Green Belt need not be considered inappropriate development provided that the development would not have a greater impact on openness and the purposes of including land within it.
- 10.14 It is unclear at the present time exactly how this bullet point is to be interpreted. There is no definition of a previously developed sites within the NPPF and the authority has no local policy which provides definition or clarity. The applicant suggests that as The Cleavesty Centre is a site which has previously been developed its complete or partial redevelopment is permitted by bullet point 6. The authority do not agree with this interpretation of the NPPF as this would mean that all brownfield sites within the Green Belt, of any size or scale could be redeveloped. This interpretation would contradict the well-established presumption against development within the Green Belt and would also be in conflict with other Green Belt policies within the NPPF.
- 10.15 The authority has taken a much more cautious approach and does not believe that the phrase previously developed sites can mean all brownfield land within the Green Belt. When considering how the phrase is to be understood the authority has looked to Annex C of PPG2. The text of bullet point 6 is similar to the general thrust of Annex C of PPG2 which makes reference to the “limited infilling at major developed sites” (C3) and also whether “they are redundant or in continuing use, the complete or partial redevelopment of major developed sites” (C4). Both paragraphs C3 and C4 note that infilling and redevelopment should have no greater impact on the purposes of including land in the Green Belt and also that redevelopment should contribute to the objectives for the use of land in Green

Belts. The similarity between the language of Annex C and bullet point 6 means that it is also reasonable to assume that their intention is similar.

- 10.16 In choosing the phrase previously developed sites rather than major developed sites it is clear that the NPPF does not intend bullet point 6 to carry exactly the same meaning as Annex C and that the choice of language may signal some change in the forms of development which may be considered as exceptions to the restrictive policy on Green Belt development. The exact meaning of the phrase remains unclear.
- 10.17 The authority has suggested that when assessing whether a parcel of land can be a previously developed site there needs to be some consideration of scale and character. It is likely that the changes introduced by the NPPF mean that it may no longer be necessary for a site to be of the scale of a hospital or colliery for its redevelopment to be considered not inappropriate. Crucially though it must still be in line with Annex C of PPG2 and thus be of a scale and character where redevelopment would bring about environmental improvements or secure employment. Three applications have been refused on this basis. Two are at appeal with a Hearing arranged for 17<sup>th</sup> December. Both of these involve proposals to demolish commercial buildings and erect a new dwelling. The most recent refusal was that at Sandhills Villas which was considered by Panel last month. An appeal is expected.
- 10.18 Members should also be aware of two relevant appeal decisions from other authorities. The first relates to the redevelopment of a commercial stud farm and associated buildings. In this case the appellant successfully argued that the inclusion of bullet point six at paragraph 89 of the NPPF suggested 'subtle but significant' changes to the forms of development which could be considered as exceptions within the Green Belt. In reaching a view on whether the land and buildings could be considered a previously developed site the Inspector made reference to a complex of substantial buildings which were spatially and functionally linked.
- 10.19 The second relevant appeal relates to the redevelopment of an indoor riding arena on the edge of a village to form a single dwelling. The Inspector in this instance did not consider bullet point 6 of paragraph 89 to introduce subtle changes but rather wholesale changes. In assessing whether the erection of a new dwelling was inappropriate development within the Green Belt the Inspector offered only the following comment:
- “the site in this case has clearly been previously developed and the proposal is for its complete redevelopment.”
- This was enough for the Inspector to conclude that the proposal was not inappropriate development within the Green Belt. The Inspector also made reference to the silence of the local plan on the issue of previously developed sites and also noted that this silence made the local plan out-of-date.
- 10.20 The question which remains is whether The Cleavesty Centre can be considered a previously developed site in the context of Green Belt policy. The authority consider the answer to this to be no. The indoor equestrian centre which is present on the site is a large building and there are other structures as well as the manege areas and the hardstanding associated with the car park. However, the scale of the site remains modest and whilst the existing buildings which are on the land are not particularly attractive structures they are common to many sites within the Green



Belt having the appearance of large agricultural buildings. The scale and character of the site do not have a substantially detrimental impact upon the appearance of the area and nor would its redevelopment bring about substantial environmental improvements.

#### The purposes of including land within the Green Belt

- 10.21 Whether or not the land and buildings are considered to be a previously developed site, paragraph 89 states that the redevelopment must not have a greater impact upon openness and the purpose of including land within it than the existing development. In both the 2008 and the 2010 appeals openness was a significant consideration with the most recent inspector noting that the new house would result in a 41% reduction in footprint, a 36% reduction in volume and the overall height of the house would be 0.45m less than the ridge height of the indoor riding school. The replacement of the existing buildings would therefore result in a substantial reduction in scale, bulk and site coverage and a significant increase in openness. The Inspector concluded that this was a significant benefit of the proposal.
- 10.22 The new house now under consideration would largely be located on the site of the existing indoor area and would both reduce the overall volume and dispersal of structures across the site. Based on figures provided by the applicant there would be a 56% reduction in footprint and a 48.7% reduction in volume. Conditions could be used to ensure that further ancillary structures could not be constructed without the benefit of planning permission. This reduced dispersal and volume of structures would have a benefit to openness. However, unlike the previous scheme where the ridge of the new house was 0.45m lower than the ridge of the existing equestrian building, the ridge of the new dwelling will be 9.0m in height, approximately 3m higher than the ridge of the current equestrian building. As such whilst the reduced dispersal and volume would have some benefit to openness, the increased height of structures on the land would reduce openness and heighten the visual mass of the new dwelling. The increased height of the new dwelling substantially reduces the benefit of the reduced dispersal, particularly as the kennels and runs are low slung structures which do not impose themselves on the landscape. The impact upon openness of the current proposal is therefore neutral at best.
- 10.21 The proposal would also conflict with the stated national policy objective of safeguarding the countryside from encroachment. As noted above The Cleavesty Centre is remote from East Keswick Village and is in an isolated location. The land does not form a natural 'rounding off' of the village, would encroach into the countryside and Green Belt.
- 10.22 Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. As the development proposed by the applicant does not satisfy any of the noted exceptions to this restrictive approach to development, the construction of a new dwelling at The Cleavesty Centre must be considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to harm to the Green Belt. Because the development is inappropriate it is necessary to consider whether any other considerations exist which are sufficient to outweigh the harm through inappropriateness.

#### Design and Character

- 10.25 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity.
- 10.26 The new dwelling which is proposed raises no significant concerns in respect of its design nor its impact upon the wider landscape character. The house has been designed to resemble a farm complex with a cluster of buildings set around three sides of a courtyard. The two ‘main’ buildings are constructed of stone with timber proposed for the garage building. Slate is proposed to the roof of the larger building with pantiles to roofs of the other two structures. The arrangement of the buildings and the mix of materials are appropriate within a rural context and the scheme will not cause significant harm to the character of the area. It is noted that East Keswick Parish Council have raised concern regarding the use of timber cladding to the garage, however as this has been designed to be an ancillary structure and to have a lesser scale than the two stone buildings the use of timber is not considered to be harmful.

#### Other Matters

- 10.27 In order to be considered acceptable in respect of highway safety development proposals must not impede the free and safe passage of cars and pedestrians. The proposed works do not materially change the existing access arrangements however Highways have requested that the visibility splay at the existing access be improved. Were consent to be granted this could be addressed by condition.

#### Representations

- 10.34 All material planning considerations raised through representations have been discussed above. The concerns of the occupant of Low Cottage regarding the loss of an appropriate leisure activity within the Green Belt are noted, however the equestrian business ceased some years ago and the authority has no powers to insist that this use must be reinstated.

### **11.0 CONCLUSION**

- 11.1 The application is therefore considered to be unacceptable. The construction of a new dwelling within the Green Belt is inappropriate development which is, by definition harmful to the Green Belt and no very special circumstances have been forwarded which outweigh this harm. Furthermore the proposal would result in the creation of an isolated home in an unsustainable, rural location. As such the development fails to comply with the aims and intentions of policies N33 and GP5 as well as advice contained within the National Planning Policy Framework, and is thus recommended for refusal.

#### **Background Papers:**

Application files                    13/02833/FU  
Certificate of ownership:    Certificate A signed by the agent



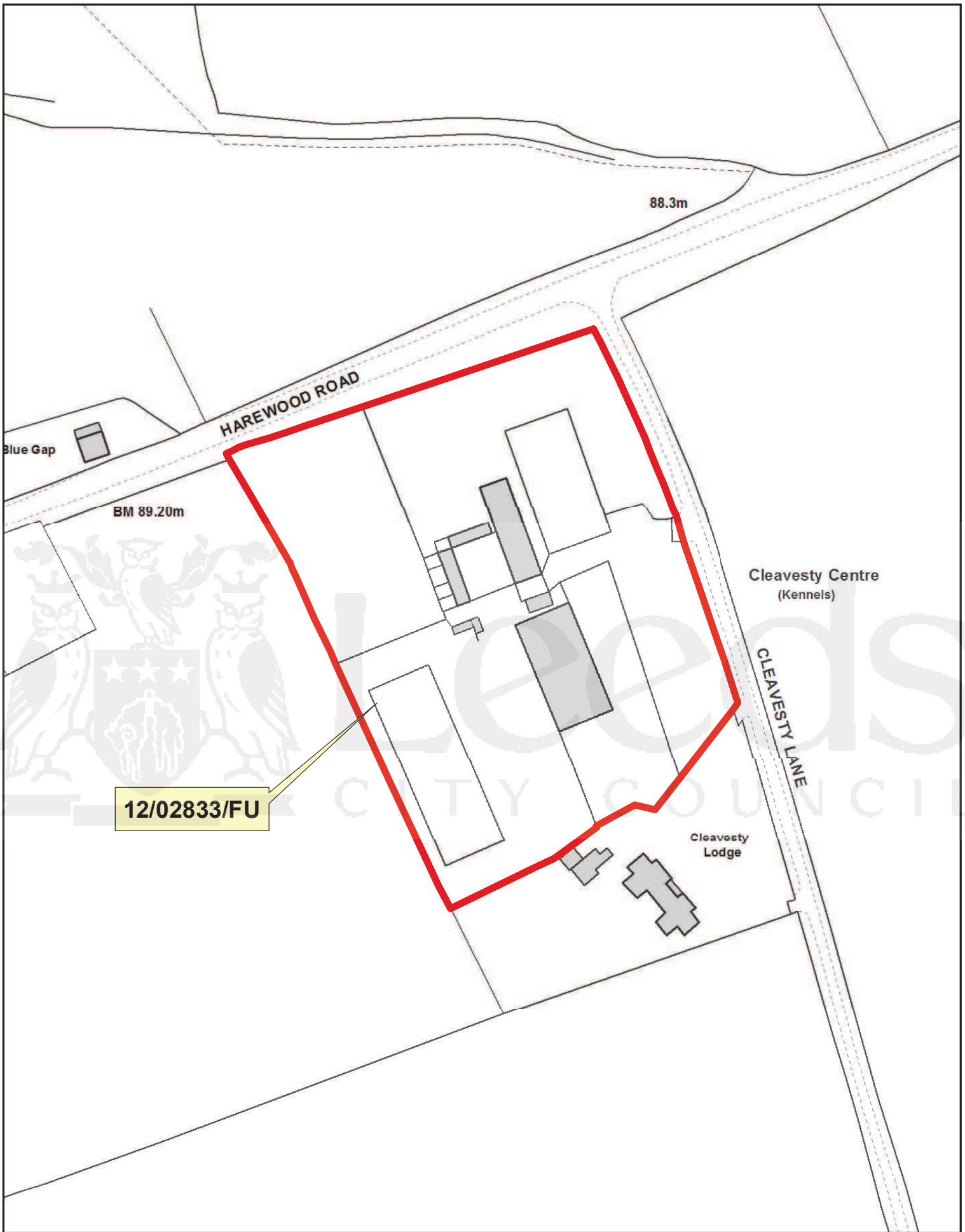
FOR  
 MR + MRS  
 S. BURNANS  
**SITE PLAN**  
 Date NOVEMBER 2017  
 Scale 1:500  
 Drawn [Signature] Checked

**HALLIDAY CLARK  
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 Dwg. No. 5491/1/208 Rev.



Proposed site plan:  
 (1:500)





# NORTH AND EAST PLANS PANEL



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