



## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 19th December, 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

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

# AGENDA

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			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the North and East Plans Panel meeting held on 28th November 2013  (minutes attached)	3 - 8
7	Chapel Allerton		<b>APPLICATION 12/03198/FU - NEW HORIZON COMMUNITY SCHOOL NEWTON HILL HOUSE NEWTON HILL ROAD LS7 4JE</b>  To consider a report of the Chief Planning Officer on an application for variation of condition 9 of application 09/01417/FU to allow opening hours to be 08.00 to 20.00 hours Monday to Friday and 08.00 to 14.00 hours Saturday and no opening on Sundays  (report attached)	9 - 18
8	Cross Gates and Whinmoor		<b>APPLICATION 13/03635/FU - LAND OFF ASH TREE GROVE WHINMOOR LS14</b>  To consider a report of the Chief Planning Officer on an application for 13 houses  (report attached)	19 - 30
9	Cross Gates and Whinmoor		<b>APPLICATION 13/03636/FU - LAND OFF WHINMOOR WAY WHINMOOR LS14</b>  To consider a report of the Chief Planning Officer on an application for 10 houses  (report attached)	31 - 40

Item No	Ward	Item Not Open		Page No
10			<b>DATE AND TIME OF NEXT MEETING</b> Thursday 23 <sup>rd</sup> January 2014 at 1.30pm	

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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 10<sup>th</sup> December 2013

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – 19<sup>TH</sup> DECEMBER 2013**

Prior to the meeting of the North and East Plans Panel on Thursday 19<sup>th</sup> December 2013 the following site visits will take place:

10.55am		Depart Civic Hall
11.15am	Crossgates and Whinmoor	Land off Whinmoor Way Whinmoor – application for 10 houses – 13/03636/FU
11.30am	Crossgates and Whinmoor	Land off Ash Tree Grove Whinmoor – application for 13 houses – 13/03636/FU
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.55am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.50am**.

Yours sincerely

Angela M Bloor  
Governance Officer

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## NORTH AND EAST PLANS PANEL

THURSDAY, 28TH NOVEMBER, 2013

**PRESENT:** Councillor J McKenna in the Chair

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

### 71 Election of Chair

In the absence of Councillor Congreve, nominations to chair the meeting were sought

**RESOLVED** - That Councillor J McKenna be elected as Chair of the meeting

### 72 Chair's opening remarks

The Chair welcomed everyone to the meeting and informed Members that this would be the last Plans Panel for John Bramald, the Officer who registered public speakers and timed the presentations to Panel, as he was retiring from the Council. Members joined the Chair in a round of applause and wished John well for his retirement

### 73 Late Items

There were no late items

### 74 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 75 Apologies for Absence

Apologies for absence were received from Councillor Congreve who was substituted for by Councillor J McKenna and from Councillor J Harper

### 76 Minutes

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 31<sup>st</sup> October 2013 be approved

Draft minutes to be approved at the meeting  
to be held on Thursday, 19th December, 2013

## **77 Matters arising from the minutes**

With reference to minute 63 of the meeting held on 31<sup>st</sup> October 2013 – Application 13/9/00161/MOD – 61 High Ash Avenue LS17, the Head of Planning Services advised that the amendments to this longstanding case had now been undertaken on site, bringing the matter to a close

With reference to minute 69 of the meeting held on 31<sup>st</sup> October 2013, - Pre-application presentation on proposals at Millennium Village, Allerton Bywater, Members were informed that the formal application had now been submitted

With reference to minute 68 of the meeting held on 31<sup>st</sup> October 2013 – proposed new primary school at Florence Street and Stanley Road, concerns were raised at the amount of fly tipping which had occurred on the site, since the household waste site at Stanley Road had closed. That the likelihood of fly tipping taking place at the site had been drawn to Officers' attention by Members when a pre-application presentation had been made to Panel, earlier in the year and the matter needed to be addressed

The Head of Planning Services stated that he would raise this matter with colleagues and report back to Members on this

## **78 Application 13/04469/FU - Continued use of outbuilding for dog boarding business (for up to 5 dogs) - 72 Acaster Drive Garforth LS25**

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

Officers presented the report which sought approval for the continued use of an outbuilding for a dog boarding business at 72 Acaster Drive LS25

Members were informed that temporary planning permission had been granted last year in view of the possible impact of the commercial kennels on neighbourhood amenity. It was reported that no complaints had been received by the Environmental Protection Team since temporary planning consent had been granted and therefore Officers considered it appropriate to recommend a permanent permission be granted.. Members were informed that the applicant had applied to the Council for a licence for 5 dogs, in 4 kennels and that the licence had been granted and would be reviewed annually

The Panel heard representations from Councillor Dobson on behalf of a local resident, who provided information which included:

- the disposal of dog waste on the site and that a commercial arrangement was preferable
- the proximity of a primary school to the premises; associated highway issues and the possibility of amending the drop off and pick up times set out in condition 4, for people visiting the kennels so these would not conflict with the school run and add to the traffic congestion already experienced in this area

Members discussed the application and commented on the following matters:

- the well-run nature of the business operated by the applicant

- that a condition tying the planning consent to the current applicant should be considered
- that the application should be granted as set out in the submitted report
- the possibility of amending the drop off/pick up times at the dog boarding business to omit peak traffic times during the school day, with differing views on this given the limited impact involved

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report with an amendment to condition no 2, to add that the kennels should also only to be operated by the applicants

Under Council Procedure Rule 16.5, Councillor Lyons required it to be recorded that he abstained from voting on this matter

**79 Application 13/02833/FU - Detached house with attached double garage and associated landscaping - Cleavesty Centre Cleavesty Lane East Keswick LS17**

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day. The site had been locked but Members were content with viewing the site from outside

Officers presented the report which related to an application for a detached house with double garage and landscaping at the Cleavesty Centre, East Keswick, a former riding school which was sited in the Green Belt and within a Special Landscape Area

Members were informed that the proposals would see the removal of all of the existing buildings on the site and the erection of a u-shaped dwelling arranged around an internal courtyard, with a single storey glazed element which linked the buildings. The design of the scheme was intended to appear as a complex of farm buildings

The landscaping proposals were outlined and it was noted there was some inconsistency in relation to the access on the layout plan and that shown on the landscape plan

The planning history of the site was outlined with Panel being informed that previous proposals for three dwellings had been refused, with reasons being inappropriate development in the Green Belt and the isolated nature of the site. An application for a single dwelling on the site had also been refused, although the Inspector had considered the design of that scheme to be acceptable but had refused the application on the grounds of being inappropriate development in the Green Belt and creating an isolated dwelling in the countryside

Details of the size and scale of the development were provided and the impact of this on the openness of the area

Officers reported that a draft S106 Agreement had not been submitted with the application and that unlike the previous application for a single dwelling which had met level 6 of the Code for Sustainable Homes, the current application proposed to meet level 5 of this Code

Members' attention was drawn to paragraph 8.4 of the submitted report which set out relevant paragraphs from the NPPF relating to sustainable development and Green Belt

Members were informed that in terms of the design of the proposals, Officers were satisfied with this and that Highway colleagues had raised no concerns about the access and car parking arrangements, but that in respect of sustainability, Officers considered that there was a lack of accessibility to facilities and a lack of footway into the village and, together with concerns about inappropriate development in the Green Belt, were recommending to Members that the application be refused, with suggested reasons for refusal being included in the report

The Panel heard representations on behalf of the applicant, with Members being provided with information which included:

- a different interpretation of paragraph 89 of the NPPF
- inconsistencies in the submitted report
- that the issues of level 5 of the Code for Sustainable Homes and provision of a draft S106 Agreement had not been raised by Officers; that Code 6 would be targeted and that these issues could be controlled by conditions
- that the previous application for a single dwelling on the site was supported by Officers
- that the proposals would result in an improvement to the existing, vacant buildings currently on the site

**RESOLVED** - That the application be refused for the following 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

During consideration of this matter, Councillor R Grahame left the meeting

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

Thursday 19<sup>th</sup> December 2013 at 1.30pm in the Civic Hall, Leeds



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Originator: Sarah Hellewell

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 19<sup>th</sup> December 2013

Subject: 12/03198/FU - Variation of condition 9 of planning permission 09/01417/FU for hours of opening at New Horizons Community School, Newton Hill Road, Potternewton, Leeds, LS7 4JE.

**APPLICANT**  
Mr T Mahmood

**DATE VALID**  
25 July 2012

**TARGET DATE**  
19<sup>th</sup> September 2012

**Electoral Wards Affected:** Chapel Allerton

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Development to commence within 3 years.
2. Approved plans.
3. The hours of use of the premises shall be restricted to 0800 hours to 2000 hours Monday to Friday and 0800 hours to 1400 hours on Saturdays and no opening on Sundays.
4. The hours of delivery to and from the premises, including refuse collection, shall be restricted to 0730 hours to 1700 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays. No deliveries or collections shall take place on Sundays and Bank Holidays.
5. The acoustic fence as erected on the eastern boundary of the site adjacent to 2 Harehill Lane shall be maintained and retained for the lifetime of the use.
6. No assemblies or lessons shall take place outside the school building and no amplified sound or music shall be relayed from the school to any external areas associated therewith.
7. Lighting restrictions.
8. No more than 120 children shall be on the premises at any one time.

9. Within two months of the date of permission the car parking area to the east of the school building shall be laid out and marked out in accordance with plan 09 1F dated 20<sup>th</sup> November 2013. This area shall thereafter be retained for the parking of vehicles only and shall not be used as part of the outdoor play area for the school.
10. The building and extension shall be used as a school and for no other uses within Use Class D1 of the Town and Country Planning (Use Classes) (Amendment) Order 2005.

## **1.0 INTRODUCTION:**

- 1.1 The original 2009 application (09/01417/FU) for the retention of use of building as a school and a two storey extension was determined by North and East Plans Panel on 19<sup>th</sup> November 2009 and 11<sup>th</sup> March 2010. It was therefore considered appropriate to report this current application to vary the hours of use condition back to Plans Panel for determination.

## **2.0 PROPOSAL:**

- 2.1 The proposal seeks to vary condition 9 of planning permission 09/01417/FU approved on 16<sup>th</sup> March 2010 regarding hours of opening:

“The approved hours of use of the premises are restricted to 0800 hours to 1700 hours and 1800 hours to 2000 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays and Sundays and the reason stated was in the interests of the amenities of neighbouring residents.”

- 2.2 The variation in the hours sought are:

Monday to Friday 0800 hours to 2000 hours and Saturdays 0800 to 1400 hours with no openings on Sundays.

- 2.3 This application was originally submitted for the retention of school and use of part of the ground floor as a day nursery with associated landscaping and alterations. This following negotiations and discussion has been amended to variation of hours and has been re-advertised accordingly, as explained in section 5 of this report (in essence it was considered that not all the works applied for required planning permission but the new hours of use does). The application originally sought the hours of opening for the premises as Monday to Friday 0800 hours to 2100 hours and Saturdays 0800 to 1400 hours with no openings on Sundays.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to New Horizons Girls’ school in Potternewton. The school is housed in a large stone building with a slate roof, which has formerly been used as a training centre, and has been in use as a school since 2000. The building has two large bay windows at ground floor level to the front and a single storey extension to the rear, constructed of concrete blocks with render panels and a tiled roof and has a two storey extension.

- 3.2 There is an area of hardstanding to the west of the building, which is used as an outdoor play area, and an area of loose gravel to the east used for car parking. The site boundaries along Newton Hill Road to the south, Chapeltown Road to the west and Harehills Lane to the north are marked by stone walls which vary in height, with trees behind. Five of the trees around the site boundaries are protected by Tree Preservation Orders (TPOs).



- 3.3 The site is in a predominantly residential area with residential properties to the east, at a lower level than the application site, No 2 and 4 Harehill Lane and on the opposite side of Chapeltown Road to the west. There is an area of open land to the north and a Polish Catholic community centre/social club to the south.
- 3.4 The site has a pedestrian access and a vehicular access, both of Newton Hill Road.
- 3.5 The building has one main access to the front of the building/east elevation.

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

- 4.1 11/04489/FU - Variation of conditions 9 (hours of opening) and 15 (student capacity) of application 09/01417/FU – withdrawn
- 4.2 10/03230/COND - Consent, agreement or approval required by conditions 3, 4, 11 and 12 of Planning Application 09/01417/FU – pending at the time of writing this report.
- 4.3 09/01417/FU – Retention of use of building as a school and 2 storey extension – approved 16<sup>th</sup> March 2010. This application includes a condition which limits the number of children to 120 allowed on site at any one time.
- 4.4 34/75/02/FU - Alterations to increase the height of the boundary wall to the site - approved in April 2002
- 4.5 34/28/00/FU - The change of the use of the building to an educational facility with a further two prefabricated classrooms was approved in July 2000 for a temporary period until 31<sup>st</sup> December 2003
- 4.6 H34/189/91 - Permission for a detached prefabricated classroom unit to the training centre - approved in September 1991
- 4.7 H34/368/85 - The extension to the rear of the building - approved March 1986
- 4.8 H30/113/82 - the original change of use of the building from a house to an industrial training unit, including workshops and offices – approved April 1982

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

- 5.1 A meeting was held in June 2012 after the applicant was advised that 11/04489/FU - Variation of conditions 9 (hours of opening) and 15 (student capacity) of application 09/01417/FU – would not be supported due to the hours they were requesting (Monday to Friday 0800 hours to 2100 hours and Saturdays and Sundays 0900 hours – 1800 hours) and the increase in students numbers due to their implications and also lack of information supporting the application. At the meeting where representatives for the School and Council Officers discussed all issues relating to the site and it became apparent that the applicant wished to vary many of the conditions of the 09 permission and it was considered that a new application would be required particularly regarding a proposed nursery. The intention was also to tie up all outstanding issues together regarding the site.
- 5.2 Following the submission of the application long and protracted discussions took place on all the issues including the nursery, landscaping, bin store, parking and fence. Having discussed these matters and taken legal advice it was considered that the issues regarding landscaping, bin stores, car parking and acoustic fence would

be dealt with through discharge of condition. With regard to the nursery, after investigation and based on information provided to us and visiting the site that facility was set up as a prep-school as it provided an education element/activity and therefore there was no breach of the planning approval in this regard.

- 5.3 Therefore the applicant was advised of the Council assessment of the situation and advised of the above and that the application should be amended to varying of hours and that all other issues would be dealt with separately via condition discharge or if applicable enforcement action. The hours put forward in this report are suggested by Officers, taking into account discussions and views put forward and the lack of any supporting information from the applicant; it has been requested that a school calendar is provided which provides all the activities of the school in the hours requested, this has never been provided and is considered appropriate to condition this. The delay in dealing with the outstanding issues and determining this application is due to a lack of response by the applicant.

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

- 6.1 The original application for the retention of the school retention of school and use of part of the ground floor as a day nursery with associated landscaping and alterations was advertised by letter and site notice. A petition of 139 signatories was received stating:-

- that they object to further increase in noise and traffic congestion which will be caused by the new horizons schools proposed changes to status and opening hours

And

8 letters of representation were received raising the points:-

- busy road and busy junction already
- pupils use polish centre grounds
- already noisy and this will increase with longer hours
- will disturb their peace and quiet
- what goes on beyond the school day after 3.30pm
- always parking on Newton Hill Road

- 6.2 Ward Members: Ward Members briefing have been held and they been kept informed on the application and related issues and commented they wished to be kept informed.

- 6.3 The amended application was re-advertised by site notice and letters and emails posted and sent on 1<sup>st</sup> November 2013 and had a 21day consultation period.

- 6.4 Public/Local Response to amended proposal: 4 letters of representation have been received since the application was amended and re-advertised raising the points:-

- Breach of planning conditions
- Nursery requires planning permission
- Opening beyond the hours approved
- No enforcement action has been taken
- Wants guarantee conditions will be adhered to
- School and nursery operated by two different
- Covenant on site that states it must be used as an educational facility
- Nursery not run as a faith nursery.

6.5 A meeting was held on Friday 19<sup>th</sup> April 2013 2.30pm at Mr. & Mrs. Hughes premises on 2 Harehills Lane between Mr. and Mrs. and Hughes and Mr. Wood and Council Officers to provide an update of the issues relating to the site.

## 7.0 CONSULTATIONS RESPONSES:

### Statutory:

None

### Non-statutory:

Highways – no objection to variation of hours

Environmental Protection Team – raise no objection to the variation of hours and it is noted that the used would not be used at all on a Sunday which is reassuring and preserve amenities of the neighbours and will be safeguarded by conditions.

## 8.0 PLANNING POLICIES:

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

8.2 Development Plan - Leeds Unitary Development Plan (UDP) Review:  
The application site is unallocated in the UDP.

Other policies are considered relevant to the proposal:-

GP5 – General planning considerations

T2 – New development and highway safety

8.3 Emerging Policy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and has yet to report back fully. The weight to be attached is limited where representations have been made. Regeneration initiatives and the delivery of new housing are nevertheless noted to be key objectives of the Core Strategy.

8.4 National Planning Guidance – National Planning Policy Framework (NPPF):

The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.5 The NPPF supports the centres first approach, and states that local planning authorities should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' (paragraph 23) and apply a sequential approach to the consideration of applications for town centre uses that are not in existing centres. It also advises that 'plans and decisions should ensure developments that generate significant movement are located where the need to

travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34) and that developments should be designed to 'give priority to pedestrian and cycle movements, and have access to high quality public transport facilities' (paragraph 35). The Framework places great emphasis on the importance of good design as a key aspect of sustainable development.

- 8.6 Paragraph 72 of the NPPF states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues...'

- 8.7 Planning Circular – 11/95 Use of conditions in planning permission

## 9.0 MAIN ISSUES

1. Impact upon highway
2. Impact upon residential amenity

## 10.0 APPRAISAL

### Impact upon highway

- 10.1 Condition 9 states 'The hours of use of the premises shall be restricted to 0800 hours to 1700 hours and 1800 hours to 2000 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays and Sundays': The application seeks to vary the hours of use to the premises to be restricted to 0800 hours to 2000 hours Monday to Friday and 0800 hours to 1400 hours on Saturdays and no openings on Sundays.
- 10.2 The application seeks that the premises remain open between the hours of 1700 to 1800. It is considered that including this hour within the school hours 0800 hours – 2000 hours would not have a material impact on the traffic movements that the site currently generates. In fact by not having to close each evening for an hour there could be an actual reduction in the amount of vehicles using the facility.
- 10.3 The application also seeks to open the premises at 0800 hours on a Saturday instead on 0900 hours and open till 1400 instead of 1200 hours. This creates an additional 3 hours and it is not considered to have a material impact on the traffic movements that the site currently generates.
- 10.4 The application finally seeks that there is no opening on a Sunday. This would result in no traffic movements generated at all in comparison to the existing hours of opening which are 0900 hours and 1200 hours which is considered acceptable and is supported.
- 10.5 It is considered that the proposed variation to the hours of opening for the premises are acceptable and would not result in adverse impact upon highway safety as the altered hours would reduce the number of vehicles movements to and from the site.

### Impact upon residential amenity

- 10.6 The application site is located on the corner of Chapeltown Road and Harehills Lane and the nearest residential property is on the eastern boundary set at a lower level which is 2 Harehills Lane. There is a 2 metre boundary 'acoustic' fence which has

been approved by an Environmental Protection Officers following long discussion and negotiations.

- 10.7 The application seeks that the premises do not close up for the hour of 1700 to 1800. It is considered that including this hour within the school hours 0800 hours – 2000 hours is not considered that it would have a material impact on residential amenity that the site currently generates. In fact by not having to close each evening for an hour there could be an actual reduction in the amount of coming and goings to the premises.
- 10.8 The application also seeks to open the premises at 0800 hours on a Saturday instead of 0900 hours and to open till 1400 instead of 1200 hours. This creates an additional 3 hours which is not considered to have a significant adverse impact on residential amenity because even the though the hours of use are being lengthened the number of children on the site at any one time is not being increased and therefore the use of the site is not being intensified.
- 10.9 The application finally seeks that there is no opening on a Sunday: This would result in no movements at all to the premises as it would be closed in comparison to the existing approved hours of opening which are 0900 hours and 1200 hours and therefore the proposed no opening on Sundays is considered acceptable and is supported, providing a day of no-activity to nearby residential properties.
- 10.10 It is considered that on balance the proposed variation of hours are acceptable and would not have an adverse impact upon residential amenity and would improve on the existing hours on the whole.

#### Other Matters

- 10.11 All other outstanding matters have either been dealt with or are being dealt with outside the scope of this planning application and through other processes.

### **11.0 CONCLUSION**

- 11.1 It is considered that the variation of hours proposed in comparison to what were previously approved are acceptable and an improvement and they are not considered to have an adverse impact upon highway safety or residential amenity.

#### **Background Papers:**

Application and history files.13/01398/FU, 11/0448/FU/09/01417/FU

Certificate of Ownership: signed as applicant

12/03198

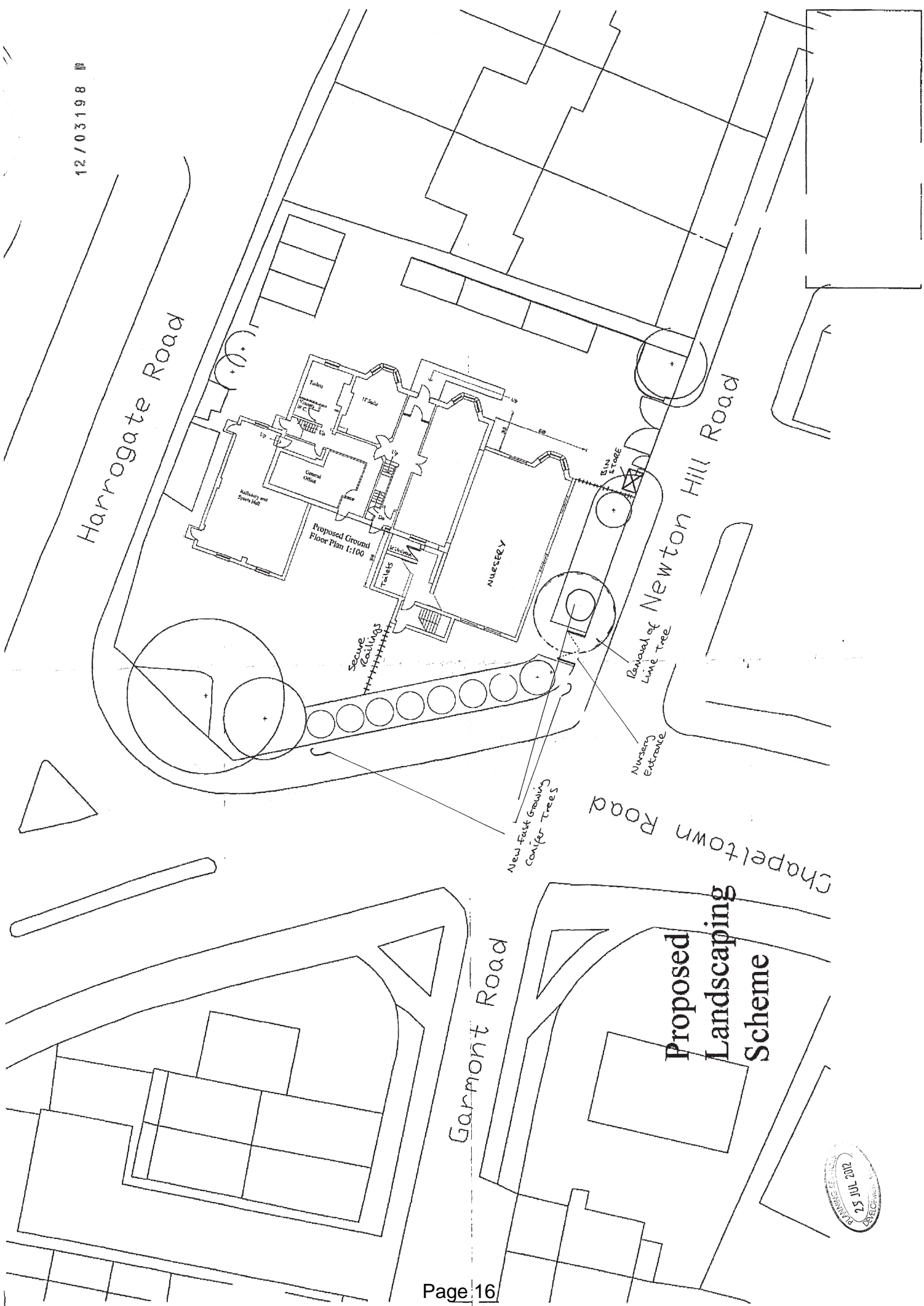
Harragate Road

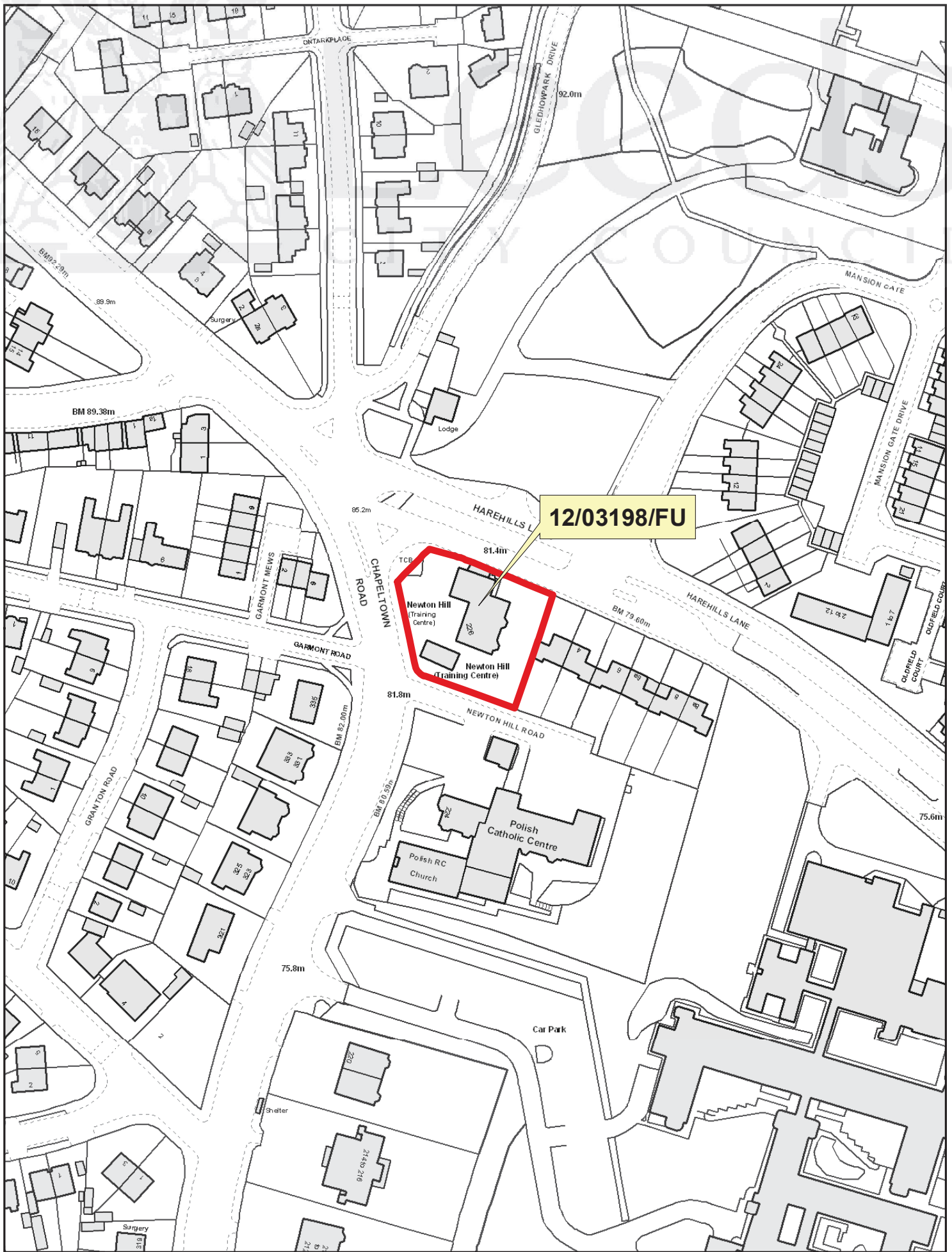
Newton Hill Road

Chapelstown Road

Garmont Road

# Proposed Landscaping Scheme





**12/03198/FU**

# NORTH AND EAST PLANS PANEL



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Originator: J Bacon

Tel: 0113 2477992

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 19<sup>th</sup> December 2013

Subject: APPLICATION Ref: 13/03635/FU 13 houses at land off Ash Tree Grove, Swarcliffe, LS14.

#### APPLICANT

Persimmon Homes (West Yorkshire)

#### DATE VALID

23<sup>rd</sup> August 2013

#### TARGET DATE

20<sup>th</sup> December 2013

#### Electoral Wards Affected:

**Cross Gates and Whinmoor**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### **RECOMMENDATION: GRANT PERMISSION subject to specified conditions:**

1. Time limit on full permission
2. In accordance to approved plans
3. Construction method statement
4. Submission of details of external walling and roofing materials
5. Submission of full details of boundary treatments
6. Area used by vehicles to be laid out
7. Submission of details of bins/ cycle stores
8. Details of the proposed site levels
9. Submission and implementation of landscape details
10. Details of landscape management
11. Provision for replacement of trees
12. Details of foul & surface water drainage (incl. existing & proposed)
13. Separate systems of drainage
14. No 1<sup>st</sup> floor windows to side gable of plots 234, 238-239 and 244 & 246
15. Installation of gas protection measures
16. Report any unexpected contamination encountered
17. Any imported soils to be tested

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 (North and East) on the basis that major applications associated with the Swarcliffe PFI programme have historically been considered by Plans Panel members, at the request of Ward Cllr Peter Gruen, in order to consider the amenity impacts of the development proposals on existing residents.
- 1.2 The application site forms part of the wider Swarcliffe PFI and Regeneration project that aims to revitalise and regenerate the Swarcliffe estate through a phasing of development and refurbishment over a period of time. This application site is one of a number of sites released for re-development within the Swarcliffe estate.
- 1.3 This development site (Development Site F) was identified under outline planning permission (Ref: 32/446/03/OT) to accommodate residential development. The development site is one of the smaller identified sites within the Swarcliffe estate and is to be built out by Persimmon Homes. The site received detailed reserved matters approval for 14 dwellings back in 2005 (Ref: 32/243/05/RM) but due to the recent difficult economic circumstances Persimmon have taken longer to develop their sites within the estate and it has meant that the approved development was not commenced. This 2005 permission has now lapsed and therefore this planning application seeks to re-establish residential development at the site in a format that reflects current housing market demand.

## **2.0 PROPOSAL:**

- 2.1 This application seeks planning permission to construct 13 dwellings, offering a mix of 5x three bedroom dwellings and 8x two bedroom dwellings. This represents an amendment to the previous permission at the site which comprised 14 two bedroom dwellings.
- 2.2 This proposal shows 5 dwellings to be laid out facing onto Ash Tree Grove with the remaining dwellings served off a new access road. The access road adopts an inverted L-shape and includes verge parking to one side for visitors. The access road also leads to a proposed parking court at the rear of the site which is to serve existing residents (providing 11 bays). Two different house types are proposed. One is a traditional two storey dwelling (containing 2 x beds) and other has a slightly higher elevation so as to provide a 3<sup>rd</sup> bedroom within the roof-space (served by velux style windows only).
- 2.3 The house types proposed follow the house types chosen at the other Persimmon development sites and adopt a similar site layout with properties facing out onto public areas and having private gardens to the rear. All the properties are provided with off-street parking through either driveways or parking bays to the front.
- 2.4 The proposed dwellings are to be constructed of brickwork and have tiled roofs which will reflect the external materials used for the other Persimmon development sites within the Swarcliffe estate. Similarly, the proposed boundary treatments will also reflect those treatments previously agreed elsewhere and comprise close-boarded fencing and walling (with timber fencing insert panels) to provide privacy to private garden areas and railings to demarcate the site and maximise levels of natural surveillance to benefit security where privacy is not required.

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

3.1 The application site is located to off Ash Tree Grove and is enclosed to three sides by existing housing. The application site contains an area of cleared land which has a road running around its perimeter. A garage court previously stood centrally within the site and was demolished a number of years ago to facilitate re-development.

3.2 The surrounding dwellings are predominantly 2 storey terraces constructed of brick and light coloured render with a grey tiled roof. The dwellings all back onto the application site and have high boundary fencing/ outbuildings directly adjacent to the site. In between the application site and the rear boundaries of these dwellings is a footway. The roadway to the perimeter of the site provides existing residents with opportunities to park to the rear of their properties and some of the residents have installed gates to allow them to park cars within their rear gardens/ yards.

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

4.1 32/243/05/RM 14 dwelling houses (Development Site F)- Approved (17/10/06).

32/462/04/RM 149 dwellings to housing estate- Approved (28/09/05).

32/265/04/RM Laying out of car parking and landscaping to Swarcliffe Estate- Approved (05/03/05).

32/446/03/OT Outline application for housing & retail and full application for road links & Home Zone with refurbishment of Swarcliffe Estate- Approved (31/12/03).

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

5.1 During the assessment of the application meetings between Council officers and the applicant took place to improve the visual appearance of the proposal and overcome concerns about the impact on existing residents. A number of shortcomings were identified within the original scheme which included unsuitable road/ parking arrangement; short separation distances between proposed and existing dwellings; adverse impacts on the outlooks of the residents along the evens side of Ash Tree View (which face onto the site from the north); excessive amounts of hardstanding to the fronts of dwellings leaving limited scope for landscaping; and, through the creation of lengths of ginnel (formed between the existing and proposed dwellings). Following these discussions revised plans were received re-configuring the layout, altering the house-types proposed and revising the parking arrangements.

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

6.1 The application was advertised (major) by site notice display on 6<sup>th</sup> September 2013 and publicised in the Yorkshire Evening Post on 19<sup>th</sup> August 2013. A further site notice display was posted on 11<sup>th</sup> October 2013 to publicise amendments to the original scheme.

6.2 The application received 14 letters of representation raising objections. The main grounds of objection are summarised below:

- Loss of privacy and too close to existing homes restricting outlook and light.
- Recent developments have increased traffic along Ash Tree Grove (increased driver speed, children are not safe)- this development will make the situation much worse.

- Loss and displacement of parking for existing residents (incl. onto Stanks Gardens which may lead to blocking footpaths). No parking available for visitors to existing residents. Lead to residents vying for spaces.
- Loss of rear vehicular access to property; unable to site skips if doing work at house.
- Keep layout of buildings spacious and without ginnels that encourage more crime and burglaries- ginnels provide opportunity for gangs to congregate. Creating ginnels goes against wider PFI scheme.
- Cramped new housing- views of housing out of every window.
- Bin collection will be affected with residents having to put bins at front of property or wheel considerable distance for collection. No access for emergency services.
- No green area- could be used for children play area or landscaped.
- No objection to building on the portion of the site containing the cleared garages.
- Complaint about recent development on Whinmoor Way (overlooking, occupier behaviour)- more houses bring more trouble and will have to close blinds to both side of house.
- Contradiction on the development site boundary position and question consultation/neighbour notification process.
- Developer should provide contributions for greenspace and affordable housing.
- Loss of pedestrianised flagged area and open space.
- Houses adjoining the site have suffered from major flooding problems in past and the development will add to drainage issues.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

7.1 Environment Agency: No comments to make.

### **Non-statutory:**

7.2 Flood Risk Management: No objection, subject to a condition requiring details of the surface water drainage arrangements.

7.3 Metro: Request for applicant to enter into Metro's Residential MetroCard scheme.

7.4 Contaminated Land: Request for additional information.

*Revised* comments following receipt of additional information: No objection subject to imposition of appropriate planning conditions.

7.5 Highways: No objections, suggested conditions.

## **8.0 PLANNING POLICIES:**

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

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

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and has yet to report back fully. The weight to be attached is limited where representations have been made. Regeneration initiatives and the delivery of new housing are nevertheless noted to be key objectives of the Core Strategy.

8.4 The application site is not specifically allocated within the City Council's Unitary Development Plan but lies within a 'Community Priority Area' for Urban Regeneration. As such, the following policies are considered to be of relevance:

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

BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.

R2 relates to neighbourhood regeneration initiatives (referencing Swarcliffe).

N2 & N4 relates to the provision of green space in new large scale residential developments.

N12 states that development proposals should consider the fundamental urban design principles.

N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N23 incidental space around built development should provide a visually attractive setting.

N25 boundaries of sites should be designed in a positive manner, using walls, hedges or railings where appropriate to the character of the area.

N38a states that all development should ensure that it does not increase the risk of flooding.

H4 relates to residential development on sites not identified for that purpose.

H9 & H10 seek to ensure a range of housing needs is provided including those suitable for the elderly and people with disabilities.

H11-H13 relates to the requirement for and delivery of affordable housing

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

T5 safe and secure access for pedestrians and cyclists should be provided to new development.

T24 parking provision to reflect the guidelines set out in UDP Appendix 9.

LD1 development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

Swarcliffe Planning Framework (2001)

Supplementary Planning Documents

Neighbourhoods for Living

Designing for Community Safety

Street Design Guide

National Planning Policy

National Planning Policy Framework (2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design and the delivery of new housing.

## **9.0 MAIN ISSUES**

- 1. Principle of development**
- 2. Impact on the design, appearance and character**
- 3. Impact on residential amenity**
- 4. Highway implications**
- 5. Other matters**

## **10.0 APPRAISAL**

### **1. Principle of development**

- 10.1 This site represents previously developed land positioned within a sustainable location. Accordingly the principle of residential development has already been established through the grant of planning permissions 32/446/03/OT and 32/243/05/RM. These permissions are material to the consideration of this latest application although it is acknowledged that those permissions have now expired. Nevertheless, the regeneration objectives to re-develop and revitalise the estate through the delivery of the remaining identified private housing sites within the estate is still relevant.
- 10.2 As part of the wider Swarcliffe regeneration programme the provision of greenspace and affordable housing were uniquely dealt with. This provision included a comprehensive delivery of wider landscaping and environmental improvements across the estate (incl. trim trail, highways verge planting etc.) and the delivery of affordable housing development sites which were secured under other detailed planning permissions. Similarly, matters associated with education provision have been dealt with historically. Accordingly, those requirements have already been met and are not to be re-visited within this application.
- 10.3 In effect, this planning application seeks permission to replace the previous approval at the site with a proposal that involves one less dwelling and a change to the proportion of 2 and 3 bed houses. In recent years, the Council has dealt with a number of applications that have sought to substitute dwellings at other nearby development sites (Sites C and E) and the purpose of those applications was to respond to changes in the housing market conditions as the dwellings approved back in 2005 were proving less desirable. These changes have generally resulted in a number of the 2 bedroom terrace houses and flat blocks being replaced by a mix of 3 and 4 bed detached/ semi-detached properties which could provide a greater proportion of family housing as well as reduce the numbers of dwellings across the site overall. Persimmon are progressing with the construction of those up-to-date planning permissions.
- 10.4 Similarly, this latest application seeks to re-establish Persimmon Homes' desire to build out their development sites within the Swarcliffe estate. The revised housing layout involves a change in the house-types to that previously agreed in order to reflect the current customer interest and house-types proposed have already been used on Persimmon's other development sites, Development Sites C and E.

10.5 Overall, it is considered that the re-establishment of residential development at this site through the delivery of a range of housing which meets current market demand will benefit the regeneration aspirations of the area and is supported.

## **2. Impact on design, appearance and character**

10.6 The relatively tight and enclosed nature of the development site and its relationship with surrounding existing dwellings, surrounding highways and perimeter footways present a number of challenges which have heavily influenced the detailed layout and design of this proposal.

10.7 The dwellings surrounding the application site mainly comprise of close knit rows of terraced houses. The terraced houses are two storey in height with open front and enclosed private rear gardens. The proposed layout of the development adopts a similarly compact arrangement of dwellings which are formed off the newly created access road. The proposed dwellings are formed in short terraces or in pairs of semis which have provided the opportunity to achieve suitable separation distances between the dwellings and to those existing dwellings that surround the site. Given the surrounding built context the proposed layout is considered to respect the characteristics of this locality.

10.8 The development site is backed-on by numerous dwellings meaning an almost continuous length of 1.8m high close-boarded fencing/ walling extends around the north, east and west boundaries of the site. This is an existing situation and is far from ideal in terms of from both a design and security perspective. These same concerns are expressed by some of the objectors and it is a situation which this proposal seeks to avoid repeating (at least internally) but with three sides of the application site abutting up to the back edge of footway/ highway it is clearly not possible to design out the existing situation and still retain the separate rear access that many residents also want to protect. With this in mind, the positioning and heights of boundary treatments demarcating the private and public areas within the development needs careful consideration.

10.9 The proposed site layout is designed to provide frontage development with plots 234-238 facing out onto Ash Tree Grove and plots 239-244 facing into the north-western portion of the site. The orientation of these dwellings ensures that they will offer visual interest and activity from the new access road. Moreover, low railings are proposed to the western and northern boundaries which will provide an open aspect for the adjacent dwellings and maintain good levels of natural surveillance across the fronts of these dwellings and to the proposed residents parking area.

10.10 Ten of the proposed dwellings (plots 234-243) will back on to each other and stand perpendicular to the rears of Nos.54-66 Stanks Gardens. This arrangement does however mean a length of ginnel is formed to the back of these existing dwellings so as to retain rear access for existing residents. In order to lessen the impact of this feature, revisions to the original layout have resulted in a shortening and widening of the route thereby allowing a clearer line of sight for pedestrian users. Furthermore, the route benefits from being overlooked by the existing dwellings positioned to the southern end of the route. Amendments have also been carried out to the north-eastern corner of the site where the footpath area to the rear of plots 244-246 have been widened, again to maximise visibility along the backs of these and the existing dwellings. In the light of these alterations and noting the need to retain existing access arrangements for the houses which lie beyond the application site, on balance it is considered both the layout and proposed boundary treatments are acceptable and ensure as best they can that the private garden areas are secure

and that existing and proposed pedestrian routes have reasonable levels of natural surveillance.

- 10.11 The proposed development is considered to offer visual interest through the use of the two different house types and these designs have been used elsewhere within other Persimmon Homes development sites across the estate. The appearance, scale and height of the proposed dwellings and the separation provided between them coupled with the use of similar external walling and roofing materials help ensure the proposed dwellings are compatible with the existing dwellings as well as provide a visual continuity with the dwellings currently being constructed within the wider estate.
- 10.12 The individual house plots accommodate off-street parking either through driveways or parking bays to the front. Where parking is provided to the front these lie adjacent to front gardens or areas of landscaping to help integrate the development into the street view and improve the development's visual appearance.
- 10.13 Overall, the proposed layout and house types are considered to readily assimilate with the form, scale and appearance of existing dwellings that stand adjacent to the application site and be compatible with the wider townscape.

### **3. Impact on residential amenity**

- 10.14 As stated earlier within this report, the proposed house types are either traditional two storey or marginally higher to facilitate a room within the roof-space so overall have a similar scale and massing of the surrounding dwellings. The proposed dwellings are arranged adjacent to a newly formed access drive and the proposed site layout is considered to afford adequate separation distance to the existing dwellings that surround the site.
- 10.15 The proposed dwellings to the south of the development site (plots 234-238) will face out onto the public highway and be set back from the carriageway so will not compromise residents' privacy due to a combination of the separation distance provided (19.5m) and because the main lounge windows face out to the rear, over their own private gardens. The side gables of proposed end of terrace dwellings (plots 238 & 239) will stand perpendicular to the rear gardens of Nos.54-56 & 64-66 Stanks Gardens although the separation distance provided between them is in excess of that required by Neighbourhoods for Living (12m required but 12.6m and 16.3m achieved) so adequately mitigates any adverse amenity impact on these existing occupiers in terms of dominance or overshadowing. Similarly, the separation distances available between the other end of terrace gables at plots 244-246 and the adjacent existing dwellings (12m required but 12.2m and 15.3m provided) ensures existing residents will not be unreasonably impacted on. The proposed dwellings will each have rear aspects that face down the length of their private gardens and it is considered that the garden sizes are acceptable. Restrictions are however to be imposed to prevent the insertion of additional first floor windows to the side gable adjacent to existing dwellings to avoid any undue overlooking impacts.
- 10.16 In view of the site's close proximity to existing dwellings it is considered reasonable to secure a construction method statement. This statement would control contractor activity, for example the hours during which construction can take place and the siting of contractors compound etc. Nevertheless, it is to be accepted that some degree of disturbance should still be expected during normal working hours (such as noise) due to the very nature of construction activities.



- 10.17 Overall, it is considered that the proposed dwellings will adequately safeguard the amenities of both the existing residents and future occupiers and will not be overly dominant, overshadow or overlook neighbouring properties. As such, it is considered that this proposal will not be significantly harmful to the residential amenity of existing or future residents.

#### **4. Highways implications**

- 10.18 The proposed dwellings will obtain vehicular access via Ash Tree Grove or via the newly constructed access road. The proposed development incorporates a mix of arrangements to meet off-street parking requirements ranging from parking bays to the front or separate driveways. These arrangements proposed are consistent with the off-street parking agreed to other Persimmon development sites within the estate.

- 10.19 The proposed development also includes a resident parking court (11 spaces) for the communal use of the existing residents on Ash Tree View (evens side) and Stanks Gardens, representing an increase from the 9 spaces shown under the previous permission at this site. A previously agreed car parking strategy (Ref: 32/265/04/RM) re-configured the laying out and secured the delivery of resident parking spaces across the wider Swarcliffe estate. As part of this strategy additional resident parking spaces are being provided by Persimmon within an adjacent development site (Site C). Development Site C is to deliver two separate resident parking courts which are located to the northern side (accessed via Ash Tree Gardens) and to the eastern side (accessed via Whinmoor Way) of Ash Tree View. This additional parking capacity (31 spaces) will be suitably convenient and available for use by the existing residents of Ash Tree View which allied to the parking spaces to be laid out within this proposal (11 spaces) will help compensate for the loss of parking opportunities within the application site. Unlike the properties along Ash Tree View the residents of Stanks Gardens have a road frontage to provide on-street parking although a number of the properties have laid out in-curtilage spaces. It is accepted the submitted proposals will change the established parking and vehicular access arrangements of existing residents, in particular, those that have erected gates and laid out driveways within rear gardens. However, redevelopment of this site has already previously been accepted and the provision of parking within the site when allied to the additional parking courts being delivered nearby, provide suitably convenient and more secure parking opportunities for existing residents which adequately compensate for loss of the current arrangements. Accordingly no highway or accessibility objections to the scheme are raised by officers.

- 10.20 By virtue of the scale of the development Metro have requested future residents be supplied with metrocards to encourage sustainable patterns of transport at a cost to the developer. Although this request is noted, the wider sustainability and access issues for the Swarcliffe PFI programme were considered as part of the original outline permission and such provision was not pursued since wider benefits were delivered. Accordingly it is not proposed to take a different approach now as part of this application.

- 10.21 Overall, it is considered that the access and parking arrangements are acceptable and would not be detrimental to operation of the highway network or road safety.

#### **5. Other matters**

- 10.22 In regard to drainage matters, the submitted Flood Risk Assessment proposes surface water to be discharged off-site to a main sewer. Officers in the Flood Risk Management Team consider this method to be acceptable however they require

details to show this and this can be adequately dealt with by an appropriate planning condition.

- 10.23 In respect of land contamination matters, the application site remained undeveloped until the 1960s until it was developed for garaging associated with the residential use until its demolition. On the basis of the submitted contamination reports, no objection to the development is raised by the Contamination officer although conditions are suggested to require the utilization of gas protection measures, the testing of any imported soils and the requirement for the developer to report any contamination encountered during construction.

## **11.0 CONCLUSION**

- 11.1 The proposed substitution of house types aims to improve the construction momentum within this smaller development site within Swarcliffe estate to facilitate a speedier delivery of a mix of houses which are more reflective of current market demands. Matters concerning the affordable housing, greenspace and education have been dealt with historically and are not to be re-visited through this application. The design, layout, scale and appearance of the proposed development will maintain visual interest to the street views and the proposed layout will ensure that no adverse overlooking, overshadowing or over-dominance concerns arise. Moreover, the proposed car parking arrangements are considered acceptable and adequate natural surveillance is to be afforded across the site. Accordingly, the application is recommended for approval subject to the conditions specified.

### **Background Papers:**

Planning application and application history files.

Certificate of Ownership signed on behalf of applicant and a notice served to Northern Powergrid, signed dated 8<sup>th</sup> August 2013.

KEY:

13 / 03635 /

- DENOTES 1800 HIGH CLOSE BOARDED FENCE
- DENOTES 900 HIGH 2 POST AND RAIL TIMBER FENCE
- DENOTES 1800 HIGH SCREEN WALL / FENCE
- DENOTES 900 HIGH RAILINGS
- TURF PLANTING AREA
- EXISTING FOOTPATHS
- PROPOSED TREES
- BLOCK PAVING



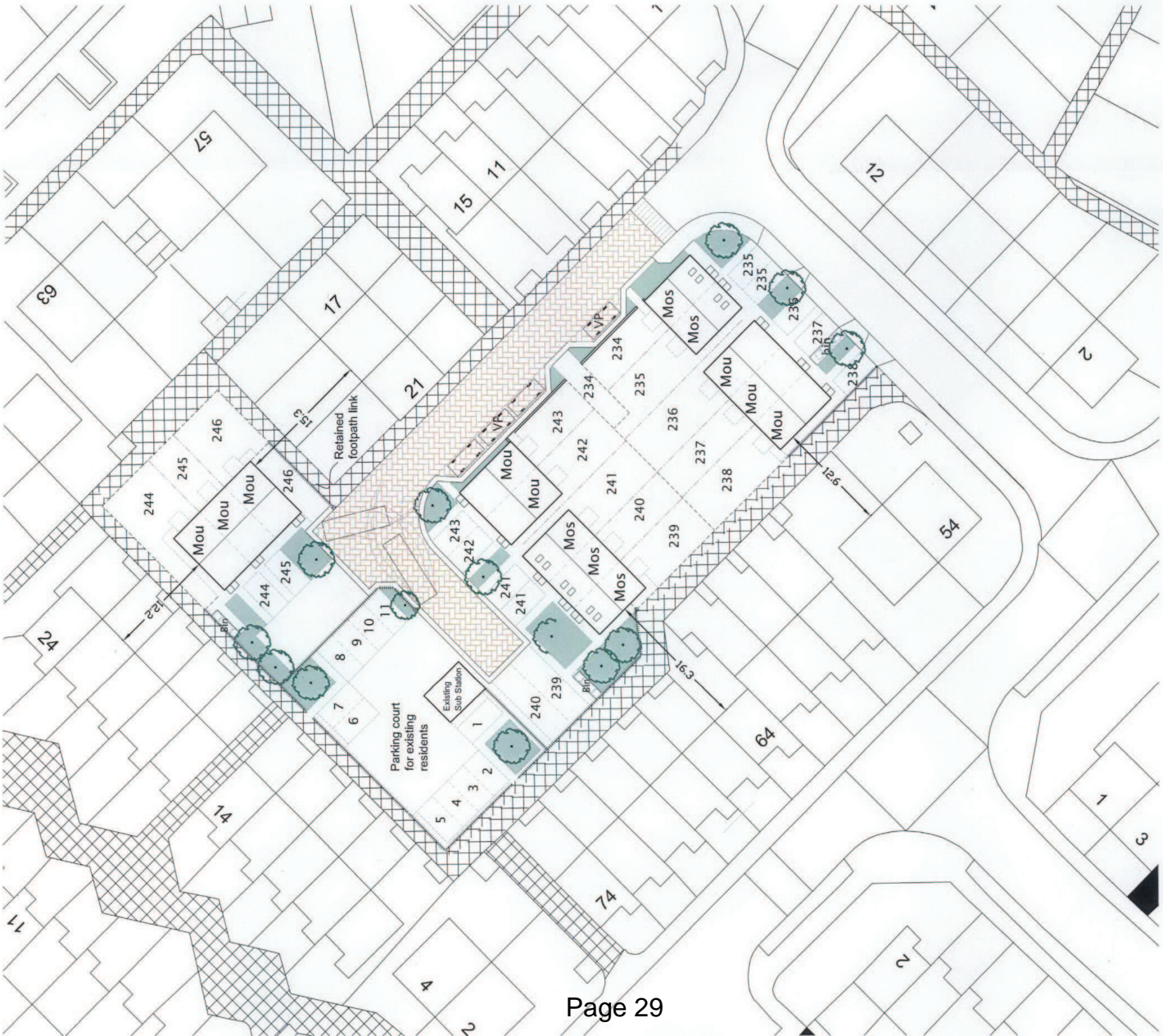
LEEDS CITY COUNCIL  
04 DEC 2013  
**REVISED**

FOR FULL LANDSCAPE DETAILS SEE LANDSCAPE ARCHITECTS PLANS

PARKING SPACES TO BE 4.8m X 2.4m  
ALL DRIVEWAYS ARE A MIN OF 5.6m LONG  
SINGLE DRIVEWAYS ARE 3m WIDE  
DOUBLE DRIVEWAYS ARE 6m WIDE  
6m x 3m GARAGES ARE INDICATED ON PLAN

- Rev E - Rear boundaries to plots 244 to 246 amended to suit opening the footpath
- Rev D - Rear boundaries to plots 244 to 246 amended to suit title
- Rev C - Plots 11-13 Hanburys swapped for Moultons and parking arrangement changed.  
Extra 2 parking spaces for existing residents.  
Extra railings introduced next to plot 5 and 6.
- Rev B - Plots 6-10 positions changed to suit parking.  
Plots 11-14 Mosleys changed for 3 Hanburys.  
Plots 1+2 Moultons swapped for Mosleys.  
Footpath at Western edge increased to 3m and shared surface road extended

Rev A - Plots 6-8 positions changed as per comments made dated 13.09.13.



SCHEDULE OF ACCOMMODATION

Housetype	Total
Mosley 2 Storey 3 Bed Semi Detached/ Terraced House	5 No.
Moulton 2 Storey 2 Bed Semi Detached/ Terraced House	8 No.

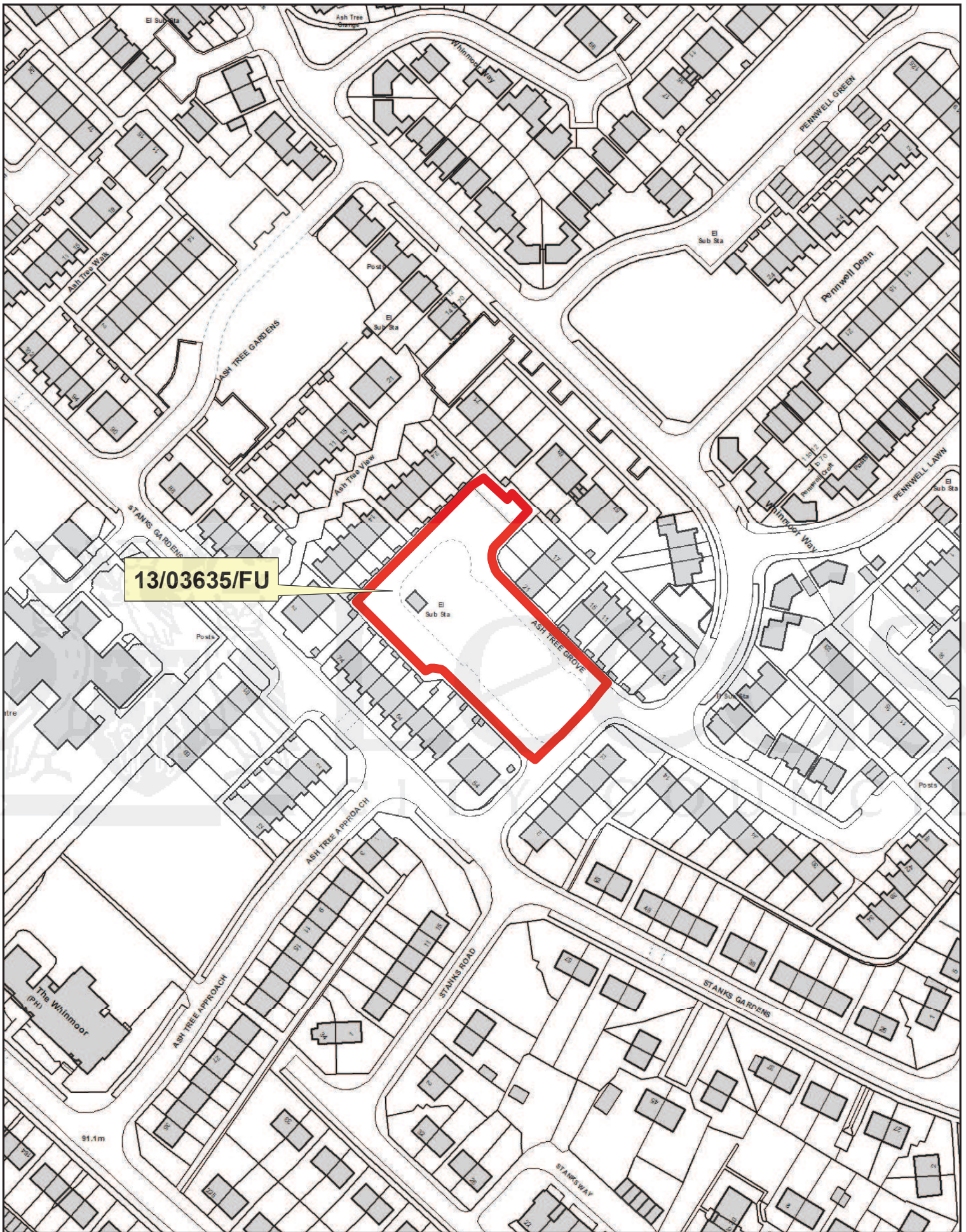
Total: 13 No.

**PERSIMMON**  
Together, we make a home

Proposed Residential Development  
Swarcliffe Site F off Ash Tree Grove

Proposed Planning & Landscaping Layout

Scale	1:500 @ A3
Drawn By	DRH
Checked By	CAH
Drawing Number	SWA-2013-F01E
	JUN 13



# NORTH AND EAST PLANS PANEL





Originator: J Bacon

Tel: 0113 2477992

## Report of the Chief Planning Officer

### *NORTH AND EAST PLANS PANEL*

Date: 19<sup>th</sup> December 2013

Subject: APPLICATION Ref: 13/03636/FU 10 houses at land off Whinmoor Way, Swarcliffe, LS14.

#### APPLICANT

Persimmon Homes (West Yorkshire)

#### DATE VALID

23<sup>rd</sup> August 2013

#### TARGET DATE

20<sup>th</sup> December 2013

#### Electoral Wards Affected:

**Cross Gates and Whinmoor**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### **RECOMMENDATION: GRANT PERMISSION subject to specified conditions:**

1. Time limit on full permission
2. In accordance to approved plans
3. Construction method statement
4. Submission of details of external walling and roofing materials
5. Submission of full details of boundary treatments
6. Area used by vehicles to be laid out
7. Submission of details of bins/cycle stores
8. Details of the proposed site levels
9. Submission and implementation of landscape details
10. Details of landscape management
11. Provision for replacement of trees
12. Details of foul & surface water drainage (incl. existing & proposed)
13. Separate systems of drainage
14. No insertion of first floor windows to side elevation of plots 252 & 257
15. Submission of site investigation information
16. Amendment to remediation statement
17. Submission of verification reports

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 (North and East) on the basis that major applications associated with the Swarcliffe PFI programme have historically been considered by Plans Panel members, at the request of Ward Cllr Peter Gruen, in order to consider the amenity impacts of the development proposals on existing residents.
- 1.2 The application site forms part of the wider Swarcliffe PFI and Regeneration project that aims to revitalise and regenerate the Swarcliffe estate through a phasing of development and refurbishment over a period of time. This application site is one of a number of sites released for re-development within the Swarcliffe estate.
- 1.3 This development site (Development Site K) was identified under outline planning permission (Ref: 32/446/03/OT) to accommodate residential development. The development site is one of the smaller identified sites within the Swarcliffe estate and is to be built out by Persimmon Homes. The site received detailed reserved matters approval for 11 dwellings back in 2005 (Ref: 32/234/05/RM) but due to the recent difficult economic circumstances Persimmon have taken longer to develop their sites within the estate and it has meant that the approved development was not commenced. This 2005 permission has now lapsed and therefore this planning application seeks to re-establish residential development at the site in a format that reflects current housing market demand.

## **2.0 PROPOSAL:**

- 2.1 This application seeks planning permission to construct 10 dwellings, offering a mix of 6x three bedroom dwellings and 4x two bedroom dwellings. This represents an amendment to the previous permission at the site which comprised 11 dwellings (3x three bedroom dwellings and 8x two bedroom dwellings).
- 2.2 This proposal shows the dwellings to be laid out in a simple linear arrangement with the dwellings facing onto Whinmoor Way and Langbar Approach. The proposal will facilitate the laying out of a section of roadway connecting the two roads. Three different houses types are proposed including a traditional two storey house and two slightly higher properties which contain a bedroom within the roof-space with light provided by either velux style windows and/or modest pitched roof dormers. All the dwellings are arranged in pairs.
- 2.3 The house types proposed follow those chosen at the other Persimmon development sites and adopt a similar site layout with properties facing out onto public areas and private gardens to the rear. All the properties are provided with off-street parking through either driveways to the side or parking bays to the front.
- 2.4 The proposed dwellings are to be constructed of brickwork and have tiled roofs which will reflect the external materials used for the other Persimmon development sites within the Swarcliffe estate. Similarly, the proposed boundary treatments will also reflect those treatments previously agreed elsewhere and comprise close-boarded fencing and walling (with timber fencing insert panels) to provide privacy to private garden areas and railings to demarcate the site and maximise levels of natural surveillance to benefit security where privacy is not required.

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

- 3.1 The application site is located to the western end Langbar Approach. The application site comprises a cleared area of open land. A high rise tower block previously stood on the site and was demolished a number of years ago at a time when other high rise tower blocks in the estate were also demolished to facilitate re-development.
- 3.2 To the west of the site lies the recently constructed Whinmoor Way carriageway with 2 storey height terrace dwellings beyond. These dwellings are constructed of light brown/ buff brick with a grey tiled roof and have low boundary fencing to the front. Similarly designed dwellings stand to the east. To the north of the site is an area of greenspace containing playing pitches and a multi-use games area and it is noted that the ground level of the land rises above the level of the application site. An existing footpath runs along this common boundary. To the south of the site are further rows of terrace housing.
- 3.3 Overall, this application site is located within a suburban residential estate that contains a mix of housing types and lies adjacent to a large area of greenspace.

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

- 4.1 32/234/05/RM Laying out of access road and erection of 11 dwelling houses (Development Site K)- Approved (29/07/05).
- 32/462/04/RM 149 dwellings to housing estate- Approved (28/09/05).
- 32/265/04/RM Laying out of car parking and landscaping to Swarcliffe Estate- Approved (05/03/05).
- 32/446/03/OT Outline application for housing & retail and full application for road links & Home Zone with refurbishment of Swarcliffe Estate- Approved (31/12/03).

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

- 5.1 During the assessment of the application meetings between Council officers and the applicant took place to improve the visual appearance of the proposal. A number of shortcomings were identified within the original scheme which included short separation distances between proposed dwellings; excessive amounts of hardstanding to the fronts of dwellings leaving limited scope for landscaping; long lengths of dropped kerb. Following these discussions revised plans were received re-configuring the layout, altering the house-types proposed and revising the parking arrangements. This is the scheme now before members and which has been subject to further publicity.

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

- 6.1 The application was advertised (major) by site notice display on 6<sup>th</sup> September 2013 and publicised in the Yorkshire Evening Post on 19<sup>th</sup> August 2013. A further site notice display was posted on 11<sup>th</sup> October 2013 to publicise amendments to the original scheme.
- 6.2 The application received 1 letter of representation raising an objection. The grounds of objection are summarised below:

- Since moved onto estate (Persimmon Homes, Site C) their parents' health has deteriorated- respiratory problems/ irritations to skin/eyes- caused by the dust from the machines operating at Persimmon construction sites throughout the day.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

7.1 Environment Agency: No comments.

### **Non-statutory:**

7.2 Flood Risk Management: No objection, subject to a condition requiring details of the surface water drainage arrangements.

7.3 Metro: Request for applicant to enter into Metro's Residential MetroCard scheme.

7.4 Contaminated Land: Request for an updated report covering some analysis on asbestos which was considered a potential contaminant in 2005. Conditions recommended.

7.5 Highways: No objections in principle however revisions are requested to the development layout to reduce the length of the dropped crossing along Whinmoor Way and to avoid overlapping with the Langbar Approach junction.

*Revised* plans received to address the above Highways comments. No objections, suggested conditions.

## **8.0 PLANNING POLICIES:**

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

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

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and has yet to report back fully. The weight to be attached is limited where representations have been made. Regeneration initiatives and the delivery of new housing are nevertheless noted to be key objectives of the Core Strategy.

8.4 The application site is not specifically allocated within the City Council's Unitary Development Plan but lies within a 'Community Priority Area' for Urban Regeneration. As such, the following policies are considered to be of relevance:

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

BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.



R2 relates to neighbourhood regeneration initiatives (referencing Swarcliffe).  
N2 & N4 relates to the provision of green space in new large scale residential developments.  
N12 states that development proposals should consider the fundamental urban design principles.  
N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.  
N23 incidental space around built development should provide a visually attractive setting.  
N25 boundaries of sites should be designed in a positive manner, using walls, hedges or railings where appropriate to the character of the area.  
N38a states that all development should ensure that it does not increase the risk of flooding.  
H4 relates to residential development on sites not identified for that purpose.  
H9 & H10 seek to ensure a range of housing needs is provided including those suitable for the elderly and people with disabilities.  
H11-H13 relates to the requirement for and delivery of affordable housing  
T2 developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.  
T5 safe and secure access for pedestrians and cyclists should be provided to new development.  
T24 parking provision to reflect the guidelines set out in UDP Appendix 9.  
LD1 development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

Swarcliffe Planning Framework (2001)

Supplementary Planning Documents

Neighbourhoods for Living  
Designing for Community Safety  
Street Design Guide

National Planning Policy

National Planning Policy Framework (2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design and the delivery of new housing.

## **9.0 MAIN ISSUES**

- 1. Principle of development**
- 2. Impact on the design, appearance and character**
- 3. Impact on residential amenity**
- 4. Highway implications**
- 5. Other matters**

## **10.0 APPRAISAL**

### **1. Principle of development**

- 10.1 The principle for residential development at this site has already been established through the grant of planning permissions 32/446/03/OT and 32/234/05/RM. These permissions are material to the consideration of this latest application although it is acknowledged that those permissions have now expired. Nevertheless, the

regeneration objectives to re-develop and revitalise the estate through the delivery of the remaining identified private housing sites within the estate is still relevant.

- 10.2 As part of the wider Swarcliffe regeneration programme the require for and provision of greenspace and affordable housing were secured. This provision included a comprehensive delivery of wider landscaping and environmental improvements across the estate (incl. trim trail, highways verge planting etc.) and the delivery of affordable housing development sites which were secured under other detailed planning permissions. Similarly, matters associated with education provision have been dealt with historically. Accordingly, as those requirements have already been met they are not to be re-visited within this application.
- 10.3 In effect, this planning application seeks permission to replace a previously approved housing layout with a proposal that involves one less dwelling and a change to the proportion of 2 and 3 bed houses. In recent years, the Council has dealt with a few applications that have sought to substitute dwellings at other nearby development sites (Sites C and E) and the purpose of those applications was to respond to changes in the housing market conditions as the dwellings approved back in 2005 have proved difficult to sell. These changes have generally resulted in a number of the 2 bedroom terrace houses and flat blocks being replaced by a mix of 3 and 4 bed detached/ semi-detached properties which could provide a greater proportion of family housing as well as reduce the numbers of dwellings across the site overall. Persimmon are progressing with the construction of those up-to-date planning permissions.
- 10.4 Similarly, this latest application seeks to re-establish Persimmon Homes' desire to build out their development sites within the Swarcliffe Estate. The revised housing layout involves a change in the house-types to that previously agreed in order to reflect the current customer interest and house-types proposed have already been used on Persimmon's other development sites, Development Sites C and E.
- 10.5 Overall, it is considered that the re-establishment of residential development at this site through the delivery of a range of housing which meets current market demand will benefit the regeneration aspirations of the area and it is therefore supported.

## **2. Impact on design, appearance and character**

- 10.6 The size and shape of this site largely dictates the layout of this residential scheme and results in a simple linear arrangement of semi-detached dwellings that take the opportunity to provide frontage development onto Whinmoor Way and Langbar Approach and respond to the positions of existing dwellings.
- 10.7 The proposed development is considered to offer visual interest through the use of a variety of house type designs and these designs have been used elsewhere within other Persimmon Homes development sites across the estate. The appearance, scale and height of the proposed dwellings coupled with the use of similar external walling and roofing materials will help ensure the proposed dwellings are compatible with existing dwellings as well as provide a visual continuity with the dwellings currently being constructed within the wider estate.
- 10.8 The individual house plots accommodate off-street parking either through driveways to the side (thereby creating good gaps between properties) or parking bays to the front. Where parking is provided to the front these lie adjacent to front gardens or areas of landscaping to help integrate the development into the street view and improve the development's visual appearance.

- 10.9 Six of the proposed dwellings will stand alongside the existing terrace row that lies to the east (off Langbar Approach). These existing dwellings front onto the greenspace to the north with the associated rear gardens and high boundary fencing abutting the carriageway of Langbar Approach. The proposed dwellings are oriented the other way round and such an arrangement is considered to provide greater visual interest, activity and natural surveillance on the street. This positive factor is balanced against having the proposed dwellings backing on to the greenspace with a length of 1.8m close-boarded fence aligning the boundary. Owing to the presence of playing fields the proposed development will be seen from wider public vantage points from the north however it is to be noted that the site lies at a lower ground level in comparison to the adjacent playing fields and this will help reduce the wider visibility of the fencing. Furthermore, given the wide expanse of open space and this relative short section of fencing the boundary treatment is not considered to be unduly intrusive. On balance, it is considered that frontage development is preferable and maximizes levels of natural surveillance on the street.
- 10.10 Overall, the proposed layout and house types are considered to readily assimilate with the form, scale and appearance of existing dwellings that stand adjacent to the application site and are compatible with the wider townscape.

### **3. Impact on residential amenity**

- 10.11 As stated earlier within this report, the proposed house-types reflect the height and scale of existing dwellings with the proposed dwellings being arranged in a simple linear arrangement fronting the road. The properties will face out onto the road with the rear aspects facing down the length of their private gardens.
- 10.12 By virtue of the presence of the road frontage and the footpath that runs alongside the eastern boundary of the site the proposed layout will afford adequate separation distance to existing dwellings. The proposed dwellings will also provide future occupiers with suitably sized private gardens.
- 10.13 Overall, it is considered that the proposed dwellings will adequately safeguard the amenities of both the existing residents and future occupiers and will not be overly dominant, overshadow or overlook neighbouring properties. As such, it is considered that this proposal will not be significantly harmful to the residential amenity of existing or future residents.

### **4. Highways implications**

- 10.14 The proposed dwellings will obtain vehicular access via Whinmoor Way or the newly constructed section of Langbar Approach. The proposed development incorporates a mix of arrangements to meet off-street parking requirements ranging from parking bays to the front and driveways to the side. These arrangements proposed are consistent with the off-street parking agreed to other Persimmon development sites within the estate.
- 10.15 By virtue of the scale of the development Metro have requested that future residents be supplied with metrocards to encourage sustainable patterns of transport at a cost to the developer. Although this request is noted, the wider sustainability and access issues for the Swarecliffe PFI programme were considered as part of the original outline permission and such provision was not pursued since wider benefits were delivered. Accordingly it is not proposed to take a different approach now as part of this application.

10.16 Overall, it is considered that the access and parking arrangements are acceptable and would not be detrimental to operation of the highway network or vehicle or pedestrian safety.

#### **5. Other matters**

10.17 The letter of objection received expressed concern about the dust and noise arising from the construction work associated with Persimmon Homes' development sites within the estate as a whole and the effects they are having on the health of residents. As outlined within para 1.3 of this report, construction of the residential development sites within the estate has taken longer to complete, prolonging any disruption for existing residents and those residents occupying recently completed dwellings. In view of the site's close proximity to existing dwellings it is considered reasonable to secure a construction method statement. This statement controls contractor activity, for example the hours during which construction can take place and the siting of contractors compound etc. Nevertheless, it is to be accepted that some degree of disturbance should still be expected during normal working hours (such as noise) due to the very nature of construction activities. The specific comments made regarding the wider scheme's health impacts are noted but are considered to fall beyond the scope of what can reasonably be considered under this planning application noting no demolition is proposed and the open nature of both the application site and the surrounding area.

10.18 In regard to drainage matters, the submitted Flood Risk Assessment proposes surface water to be discharged off-site to a main sewer and details to show this arrangement are to be secured through the imposition of an appropriate planning condition.

10.19 In respect of land contamination matters, the application site remained undeveloped until the 1960s until it was developed for a residential tower block and associated parking and gardens until its demolition. On the basis of the submitted contamination reports, no objection to the development is raised by the Contamination officer although conditions are suggested to require the testing of any imported soils and the requirement for the developer to report any contamination encountered during construction.

#### **11.0 CONCLUSION**

11.1 The proposed substitution of house types aims to improve the construction momentum within this smaller development site within Swarcliffe estate to facilitate a speedier delivery of a mix of houses which are more reflective of current market demands. Matters concerning the affordable housing, greenspace and education have been dealt with historically and are not to be re-visited through this application. The design, layout, scale and appearance of the proposed development will maintain visual interest to the street views and the proposed layout will ensure that no adverse overlooking, overshadowing or over-dominance concerns arise. Moreover, the proposed car parking arrangements are considered acceptable and adequate natural surveillance is to be afforded across the site. Accordingly, the application is recommended for approval, subject to the conditions specified.

#### **Background Papers:**

Planning application and application history files.

Certificate of Ownership signed on behalf of applicant.

**KEY:**

- - - DENOTES 1800 HIGH CLOSE BOARDED FENCE
- - - DENOTES 900 HIGH 2 POST AND RAIL TIMBER FENCE
- DENOTES 1800 HIGH SCREEN WALL / FENCE
- DENOTES 1800 HIGH RAILINGS
- DENOTES PROPOSED TREE LOCATION
- DENOTES TURF PLANTING AREA

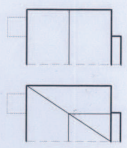
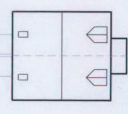
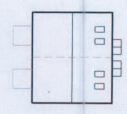
**LEEDS CITY COUNCIL**  
14 NOV 2023  
**REVISED**

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14 NOV 2023  
**REVISED**

FOR FULL LANDSCAPE DETAILS SEE LANDSCAPE ARCHITECTS PLANS

PARKING SPACES TO BE 4.8m X 2.4m  
ALL DRIVEWAYS ARE A MIN OF 5.6m LONG  
SINGLE DRIVES ARE 3m WIDE  
DOUBLE DRIVEWAYS ARE 6m WIDE

**SCHEDULE OF ACCOMMODATION**

Housetype	Total
 Hanbury 2 Storey 3 Bed Semi Detached/ Terraced House	2
 Souter 2 1/2 Storey 3 Bed Semi Detached/ Terraced House	2
 Morley 2 1/2 Storey 2 Bed Semi/Terrace	6

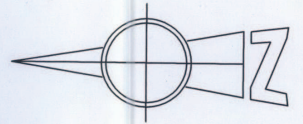


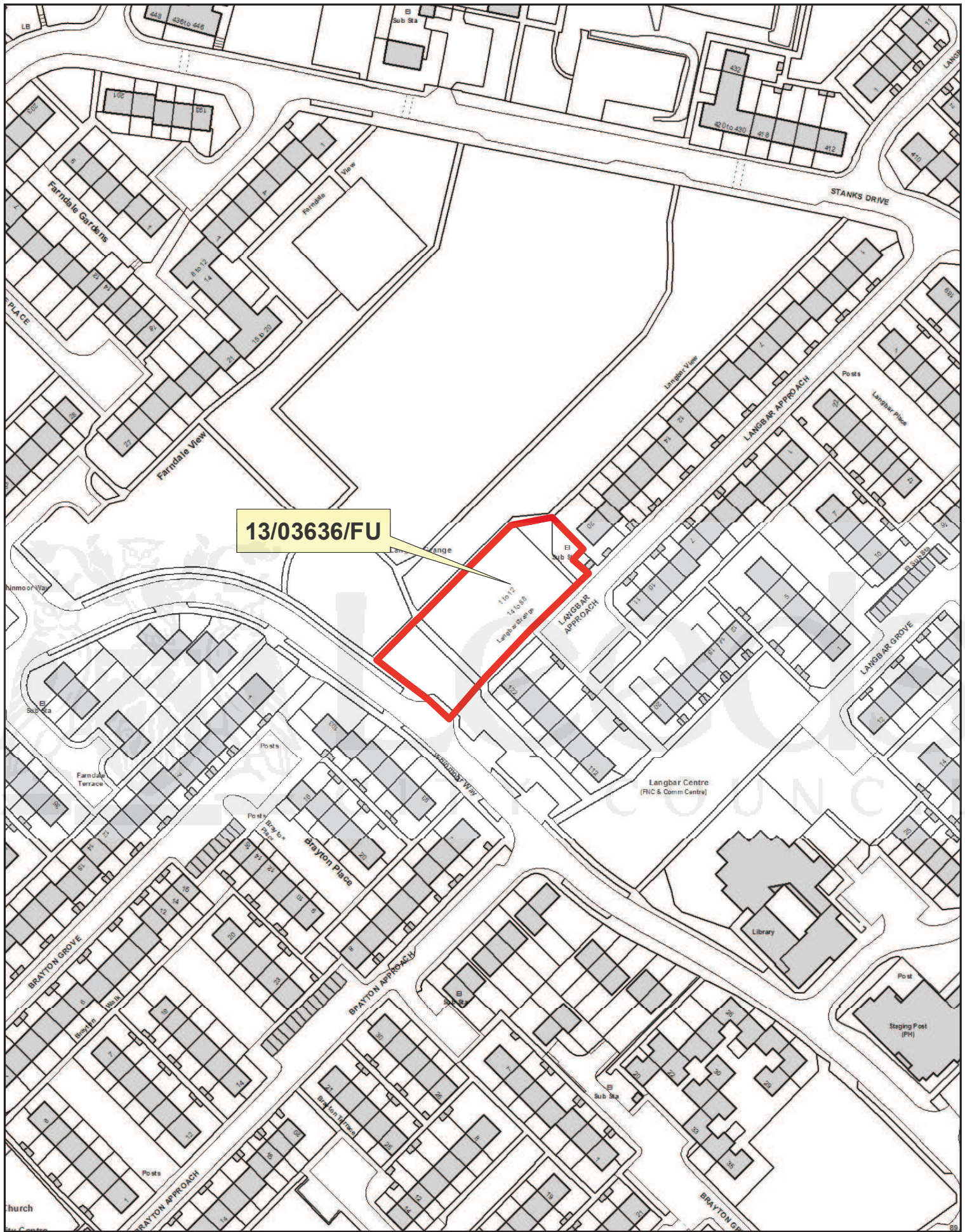
Proposed Residential Development  
Swarcliffe Site K  
off Langbar Approach

Proposed Planning & Landscaping Layout

Scale 1:500 @ A3	Drawing Number SWA-2013-K01C
Drawn By DRH	Checked By CAH
JUN 13	

Rev C - 1.8m Railings introduced next to plot 1 and path removed in front of plot 4. Plot numbers also updated.  
Rev B - Plot 1+2 Hanburys substituted for Morleys. And arrangement of plots 5-8 changed.  
Rev A - Changes made to the arrangements of plots on site from comments made by planners on 13.09.13





# NORTH AND EAST PLANS PANEL

