



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 15th May, 2014
at 1.30 pm

MEMBERSHIP

Councillors

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

C Campbell

J Procter
G Wilkinson

Whip's nominee

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

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			<p>MINUTES</p> <p>To approve the minutes of the North and East Plans Panel meeting held on 17th April 2014</p> <p>(minutes attached)</p>	9 - 14
7	Kippax and Methley		<p>APPLICATION 13/05235/FU - PARK LANE ALLERTON BYWATER WF10</p> <p>Further to minute 69 of the North and East Plans Panel meeting held on 31st October 2013, where Panel received a pre-application presentation on a mixed used development at the Millennium Village, to consider a report of the Chief Planning Officer setting out the formal application for 189 new homes including affordable houses and elderly person's apartments, together with commercial facilities, including retail and industrial units and outline application for additional industrial units</p> <p>(report attached)</p>	15 - 32
8	Chapel Allerton		<p>APPLICATION 14/00944/FU - IRIS HOUSE SCOTT WOOD LANE MILES HILL LS7</p> <p>Further to minute 133 of the North and East Plans Panel meeting held on 17th April 2014, where Panel resolved to defer consideration of a retrospective application for outbuilding and pigeon lofts to side/rear to enable a site visit to take place, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	33 - 42

Item No	Ward	Item Not Open		Page No
9	Harewood		<p>APPLICATION 13/05941/COND - OAK TREE COTTAGE 26 CHURCH LANE BARDSEY LS17</p> <p>To consider a report of the Chief Planning Officer in respect of an application for consent, agreement or approval required by condition 3 of planning application 13/00955/FU</p> <p>(report attached)</p>	43 - 52
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 19th June 2014 at 1.30pm</p>	

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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To all Members of North and East
Plans Panel

Chief Executive's Department
Governance Services
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Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
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angela.bloor@leeds.gov.uk
Your reference:
Our reference: n&e pp site visits
Date 6th May 2014

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 15TH MAY 2014

Prior to the meeting of the North and East Plans Panel on Thursday 15th May 2014 the following site visits will take place:

10.30am		Depart Civic Hall
10.40am	Chapel Allerton	Iris House , Scott Wood Lane LS7 – retrospective application for outbuilding and pigeon lofts to side/rear – 14/00944/FU
11.10am	Harewood	Oak Tree Cottage 26 Church Lane Bardsey LS17 – consent, agreement or approval required by condition 3 of planning application 13/0955/FU
12 noon		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.30am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.25am**.

Yours sincerely

Angela M Bloor
Governance Officer

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NORTH AND EAST PLANS PANEL

THURSDAY, 17TH APRIL, 2014

PRESENT: Councillor D Congreve in the Chair

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

124 Chair's opening remarks

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

The Chair announced this would be the last meeting for Helen Atkinson, from Legal Services who was leaving the Authority to take up a new post. On behalf of the Panel the Chair wished Helen well in her new job

125 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The supplementary information referred to in minute 126 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

126 Late Items

Although there were no formal late items, the Panel was in receipt of supplementary information in respect of Application 13/02572/FU – Former Whitebridge School Cartmell Drive LS15, which had been circulated to the Panel in advance of the meeting (minute 135 refers)

127 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however Councillor Lyons brought to the Panel's attention his membership of the West Yorkshire Combined Authority, as Metro had commented on some of the applications being considered

128 Apologies for Absence

Apologies for absence were received from Councillor R Grahame. The Chair welcomed Councillor Hardy who was substituting for Councillor R Grahame

129 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 27th March 2014 be approved

130 Application 13/03881/FU - Four detached houses to paddock - Jewitt Lane Collingham Wetherby LS22

Further to minute 118 of the North and East Plans Panel meeting held on 27th March 2014, where Panel resolved not to accept the Officer's recommendation to approve an application for four detached houses to paddock, Members considered a further report of the Chief Planning Officer which contained possible reasons for refusal of the application, for the Panel's determination

The Panel discussed the proposed reasons, with some concerns being raised about the strength of these and whether they captured all of the issues which had been raised by Panel

RESOLVED - That the application be refused for the following reasons:

1 The Local Planning Authority considers that the proposed dwellings, owing to their siting in relation to Hollybush Green and their elevated position, would appear dominant and would overlook and affect the privacy of the dwellings on Hollybush Green that adjoin the site to the north. Therefore, it is considered that the proposal will have an unacceptable impact upon the living conditions of neighbours, contrary to Policy GP5 of the Council's Unitary Development Plan (Review 2006) and with the guidance contained within SPG 13: Neighbourhoods for Living and the advice contained within the NPPF

2 The Local Planning Authority considers that in the absence of a satisfactory landscaping scheme the proposal to remove the vegetation within the visibility splay at the access point would be harmful to the rural character of the area which is defined by high levels of trees and vegetation. Therefore, it is considered that the proposal will be contrary to Policies GP5 and LD1 of the Council's Unitary Development Plan (Review 2006) and with

the guidance contained within SPG13: Neighbourhoods for Living and the advice contained within the NPPF

3 The Local Planning Authority considers that the proposal would represent an unsustainable form of development owing to the lack of proximity to the public transport network and lack of dedicated pedestrian facilities, contrary to Policies GP5, H4, T2 and T5 of the Council's Unitary Development Plan (Review 2006) and with the advice contained within the NPPF

131 Application 14/01017/FU - New roof to existing garage to side/rear and enlarged canopy to front; retrospective application for outbuildings to rear, enlarged dormer to front and new window to side - Woodthorpe St John's Avenue Thorner LS14

Plans, drawings and photographs were displayed at the meeting

Officers presented a report which sought approval of an application for extensions and alterations to a property known as Woodthorpe, at St John's Avenue Thorner LS14. It was noted that aspects of scheme required retrospective planning permission

Members were provided with a detailed breakdown of the scheme and the key elements to be considered by Panel. An error in the submitted report was highlighted as the Thorner Village Design Statement had not been referenced

Officers were of the view that the proposals would not cause harm to the design and character of the adjoining Conservation Area and that there would be no significant impact on neighbourhood amenity

The Panel heard representations from an objector who provided information which included:

- the proximity of the site to the Conservation Area
- the retrospective elements of the proposals
- design of the proposals and its impact on character and amenity
- that a precedent would be set by granting planning permission

The Panel also heard representations from the applicant's agent who provided information which included:

- the design of the proposals
- the existing cobbles and their re-use, if possible

Members discussed the application with the main considerations relating to:

- the boundary of the Conservation Area
- the boundary treatment and the hope that the cobbles and stone kerbing could be reinstated in St John's Avenue
- that the proposals could be considered to be overdevelopment

The Panel considered how to proceed

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

132 Application 13/04515/FU - Erection of detached bungalow with attached garage and off-street parking - Land rear of 4A Ascot Road Kippax LS25

Draft minutes to be approved at the meeting
to be held on Thursday, 15th May, 2014

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

Officers presented a report which sought permission for a detached bungalow, with garage and parking on a green field site at the rear of 4A Ascot Road Kippax LS25

The planning history of the site was outlined, with Members being informed that the applicant had made several attempts at devising a form of development which could be supported. The application being considered was now a single unit which had generous separation distances from surrounding dwellings and was being recommended to Panel for approval

Members were informed that the applicant's agent had queried the necessity of the condition requiring the removal of Permitted Development Rights but that Officers considered this should form one of the conditions to be attached to an approval

Concerns from neighbours about the impact of the proposals were highlighted

Members considered the application, with the main issues raised relating to:

- vehicular access arrangements
- the design of the dwelling
- residential amenity issues for the resident at 4a Ascot Road and the residents of the proposed dwelling
- Permitted Development Rights
- construction traffic

If minded to approve the application, the Head of Planning Services recommended that the property be pegged out prior to construction to ensure sufficient space was provided for parking

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring the retention of the front garden area of the bungalow and that prior to construction, the new property be pegged out. Members were also advised that Building Control would be informed so that in the event they were the authority which processed the Building Control application, they could monitor the works to ensure there was compliance with the permission

133 Application 14/00944/FU - Retrospective application for outbuildings and pigeon lofts to side/rear of dwelling house - Iris House Scott Wood Lane Miles Hill LS7

The Chair advised that a request for site visit had been received from Councillor Dowson on the grounds of the impact of the proposals on the amenity of local residents and the impact of traffic on the narrow access road

RESOLVED - That consideration of the application be deferred for one cycle to enable a site visit to take place

134 Applications 14/00706/FU and 14/00707/LI - Bar THR3 - Single storey extension including raised decking area with glass balustrading and

Draft minutes to be approved at the meeting
to be held on Thursday, 15th May, 2014

new bin store to rear of a Listed Building - Bar THR3 - 9 Market Place Wetherby LS22

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

Officers presented the report which sought planning permission and Listed Building consent for an extension and alterations of premises known as Bar THR3, at 9 Market Place Wetherby LS22

The proposals were outlined to Members. As the site was located in a Conservation Area, the Conservation Officer had considered the scheme and was satisfied with the proposals. The possibility of noise disturbance for nearby residents had been highlighted as a local concern. Members were informed that the currently the area was for sitting out in and whilst there could potentially be an increase in the number of people using this area, on balance, Officers considered the proposal was acceptable. An amendment to the condition regarding amplified music was suggested, to further protect against noise nuisance. Regarding hours of use of the area, Members were informed that the agent was willing to discuss these, if noise nuisance became a problem

The Panel heard representations from an objector who provided information, which included:

- the proximity of the site to residential dwellings
- the nature of the extension; that it would have a retractable roof which could lead to noise nuisance
- possible further conditions to prevent noise breakout

Members discussed the application and commented on the following matters:

- the storage of empty barrels to the rear of the premises
- that elements of the existing premises did not have planning permission
- the suitability of bi-folding doors on a stone, Grade 2 Listed Building and that the use of such doors could increase the amount of noise breakout at the premises
- that the area was a sensitive location and that the proposals had to be considered carefully
- that smokers currently used the area proposed for the extension, which could result in smokers spilling out into the car park area, which was closer to residences
- that determination of the application should be deferred for further consideration of the issues raised

The Panel considered how to proceed

RESOLVED - To defer and delegate determination of the application to the Chief Planning Officer to enable further discussions on the issues relating to noise nuisance, how smokers would be accommodated; the location of the bin store and barrel storage; consideration of possible breaches of planning permission and subject to the conditions set out in the submitted report, with an amendment to condition no 4, to state no amplified music or sound (including television) within the extension and deck area and a further condition regarding the hours of use and in consultation with Ward

Members. In the event agreement cannot be reached, that the application be brought back to Panel for determination

135 Application 13/02572/FU - Layout of access road and erection of 44 dwelling houses on land formerly by Whitebridge School - Cartmell Drive Halton LS15

The Chair informed the Panel that a request had been received to defer consideration of this application to enable a meeting to be arranged with Ward Members

RESOLVED - That determination of the application be deferred for one cycle to enable a meeting to be arranged with Ward Members

136 Date and Time of Next Meeting

Thursday 15th May 2014 at 1.30pm in the Civic Hall, Leeds



Leeds
CITY COUNCIL

Originator: Chris Marlow

Tel: 0113 222 44 09

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15th May 2014

Subject: APPLICATION: 13/05235/FU – Full application for 189 new homes including affordable houses and elderly persons apartments, commercial facilities including retail and industrial/employment units and outline application for additional commercial uses at the Millennium Village, Park Lane, Allerton Bywater.

APPLICANT

Keepmoat/HCA

DATE VALID

5th December, 2013

TARGET DATE

6th March, 2014

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted

(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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

- **Affordable Housing (28 units)**
- **Education: Primary (£118,893)**
Secondary (£338,592)
- **Off-site Greenspace (£17,649)**
- **Bus Stop Real Time Information (at £10,000)**
- **Employment and training initiatives**

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

1. Time limit on permission (full and outline)
2. Plans schedule (reserved matters for outline)
3. Submission of external materials
4. Submission of boundary treatments
5. Submission of surfacing materials
6. Drainage conditions
7. Detailed landscaping scheme including implementation
8. Landscape management scheme
9. Use of Atelier Garages to be ancillary to dwellings and units not to be sold or let.
10. Garages not to be converted and to remain available for use
11. Detailed breakdown of parking provision for residents, visitors, customers and disabled person across the site required
12. Access road to neighbouring site to be provided to extent of legal boundary
13. Remediation report including details of gas protection for dwellings and gardens.
14. Restrictions to insert additional windows in side elevations (various plots)
15. Validation report for remediation works
16. Windows to be obscure glazed (various plots)
17. Construction management plan required - to include working hours
18. Noise insulation measures for commercial units
19. Lighting restrictions to commercial units and parking/servicing areas
20. Opening and delivery hour restrictions for commercial units
21. Submission of bin storage details
22. Submission of cycle parking details
23. Details of homezone signs to be submitted
24. Detailed finished floor levels condition
25. Final speed control measures within homezones/ approach roads to be agreed
26. Floorspace restrictions to commercial units
27. Travel plan
28. Commercial uses restricted to Classes A1, and B1(b, c) and B2 (full) and A1, A3, A4, B1(b,c) B2 and B8 (outline)

Full conditions (including any amendments/additions) to be deferred and delegated to the Chief Planning Officer

1.0 INTRODUCTION:

- 1.1 This planning application is presented to Plans Panel following a pre-application presentation held on 31st October 2013 and in accordance with the submitted Planning Performance Agreement (PPA)
- 1.2 Members visited the site on the morning of the October Panel meeting and then received a presentation from the developer's team in the afternoon. Ward Councillor James Lewis also addressed Panel Members to provide the local perspective. Detailed feedback to the pre-application presentation is provided in the negotiations section of this report but overall the response from Members was positive.
- 1.3 The formal planning application followed shortly after the pre-application presentation but officers have worked with the developer to address both the initial feedback provided and also the detailed responses received as part of the formal application

process. Ward Members have been briefed about the application and in particular the content of the S106 offer has been discussed.

2.0 PROPOSAL:

- 2.1 This is a hybrid application and proposes both full and outline proposals relating to the completion of the Millennium Village (MV) through the construction of the remaining residential phases and the northern commercial zone as envisaged by the original outline permission granted in 2002. The original outline permission has nevertheless expired which necessitates this new application.
- 2.2 With respect to the residential element of the proposals, these are submitted in detail and a total of 189 units are now shown across three distinct components which is a reduction from the 191 units proposed when the application was submitted and at the pre-application stage. Two of the residential components relate to the linear plots found adjacent to Flockton Road and Haigh Moor Way respectively and are opposite the existing residential phases by Miller Homes and Barrett. The third component relates to the area of land to the north of Silkstone Square which is the main central greenspace and formal play area for the MV. A range of house types are proposed to provide 2, 3 and 4 bedroom properties within a mixture of terraced, semi-detached and detached units. A number of atelier units (providing ancillary space above detached garages at the end of gardens) and Flats Over Garages (FOGs) are also proposed. In addition to the 2 and 3 storey houses, 20 flats are also proposed within a single part 4/part 5 storey block overlooking Silkstone Square. These flats are identified for elderly persons and along with a further 8 units are identified to make up the affordable housing offer for the development.
- 2.3 The layout and appearance for the residential components continues with the home zone principles found elsewhere within the MV whereby relatively tight streets are formed by the positioning of the houses themselves with only a single shared surface for pedestrians and vehicle users provided in between. A series of blocks are therefore formed with houses fronting the homezone areas and main approach roads with gardens mostly backing onto other gardens. A relatively contemporary but simple design is proposed for the residential properties which utilises large format windows. The dominant material would be red brick but with key buildings picked out in render. Parking is for the most part provided in-curtilage within the main homezone areas but further spaces are also provided directly off Flockton Road and Haigh Moor Way (including a number of visitor bays). Access to the neighbouring timber merchant site is also retained as part of submitted layout and a series of small greenspace areas are also proposed throughout.
- 2.4 In terms of the commercial zone, this area has been reduced in scale and redesigned due primarily to highway and access issues and now proposes a total floorspace of circa 1,934sqm (510sqm retail and 1,424sqm industrial). Light industrial type uses (similar to Network Space) are envisaged within the 8 units identified. Although end users are also not identified for the 3 retail units shown, provision for a single unit measuring circa 378sqm is specified as a fixed requirement and is prominently positioned facing Park Lane. The layout alterations to this area have sought to separate the retail and industrial activities through the provision of their own access points and parking areas. The commercial buildings are designed to have a relatively low profile in terms of overall scale and massing and would be almost agricultural in terms of appearance due to the use of timber cladding, blockwork and metal roofs.
- 2.5 A second commercial phase is also proposed to be accessed off Bramwell Road but is submitted in outline only and would have a floorspace of circa 500sqm. No use is

specified to provide maximum flexibility but a single building format divided into 2 units is shown indicatively with parking to the rear. Options include further retailing, food and drink, drinking type uses or potentially more employment uses.

- 2.6 Accompanying the application is the offer to enter into a S106, the detailed content of which is outlined in the appraisal section of this report.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site boundary covers the vacant areas of the MV site which have yet to be redeveloped. The wider MV site covers the former colliery site and is bounded by Park Lane to the north, Barnsdale Road to the east, Station Road to the south and Vicars Terrace to the west.
- 3.2 The site readily splits into three main areas. Two areas form long, relatively narrow strips of land between the former railway line and the recently constructed Flockton Road and Haigh Moor Way. The third area lies to the north of the existing central play space and square (Silkstone Square) and to the west of the allotment gardens.
- 3.3 Land to the south has been developed for new housing as part of the MV and older housing can also be found to the northeast of the site, namely the Park Avenue estate. A section of land between Park Avenue and the application site exists and has been the subject of a separate pre-application enquiry. This land was previously occupied by a timber merchant and the pre-application proposes its redevelopment for affordable housing. An indicative layout is ghosted onto the submitted proposals plan to show how this area could be redeveloped and accessed in the future.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The original outline application for the MV was submitted in 2000 (under 33/311/00/OT) and set out proposals for the entire redevelopment of the former colliery site. The outline permission was granted in August 2002 and permitted up to 520 residential properties, various commercial and community developments with associated infrastructure and green spaces. The outline permission was also extended in October 2005 (33/240/05/OT).
- 4.2 Subsequent reserved matters applications for various components of the site have been submitted and built out and comprise of the following:
- 33/14/04/RM - Network Space for 17 small scale industrial units (B1/B2/B8) – Granted July 2004 (Complete)
 - 33/522/04/RM - Miller Homes for 176 houses / 21 apartments - Granted February 2005 (Complete)
 - 33/63/05/RM - Wheatley Construction for 3 two storey office units – Granted May 2005 (Only 1 office building constructed to date and never occupied)
 - 33/375/05/FU - Primary School converted to a Children’s Nursery - Granted April 2004 (Complete)
 - 33/378/05/RM - Fleming 23 houses – Granted November 2005 (Complete)
 - 33/555/05/RM - Barratt for 151 houses - Granted March 2006 (Nearing completion)

5.0 HISTORY OF NEGOTIATIONS:

5.1 As mentioned within the introduction, the developer has engaged with the Council in advance of this formal submission which included a formal pre-application presentation to the Panel in October of last year. Public consultation was also carried out by the developer prior to the formal submission.

5.2 As part of the pre-application presentation, Members were asked a series of questions which are summarised below.

1. Should the scheme's design be in accordance with the original Allerton Bywater Design Code as well as Neighbourhoods for Living?
2. General thoughts on the basic layout proposed?
3. Feedback on the general design advanced for the house types and commercial units?
4. Acceptability of the relationship with the neighbouring site (the former Timber merchants)?
5. Comments relating to the use of homezones and the provision of additional parking off Flockton Road and Haigh More Way?
6. Any concerns regarding the mix, scale and positioning of the retail/industrial units?

5.3 Members responses to the above questions are summarised as follows:

- The design code from still relevant but the importance of not cramming in houses which would be detrimental to the existing, well planned estate was stressed.
- Design approach to the residential and commercial building was generally good and there was a desire to match the red brick used on other phases.
- The need for proper integrated bin storage was made by several Members.
- The need for the convenience store to be sited where there would be passing trade was accepted.
- That the older persons accommodation should be sited close to other facilities and bus stops.
- Slight concern about pedestrian safety in the homezone.
- Glad parking was being looked at more closely in view of existing issues and that additional parking off the main estate roads was welcomed.
- Questioned the cycle route and whether this could be extended.

5.4 In addition to the above, specific comments from Councillor James Lewis included the following:

- Access and parking are big issues but seem to be looked at positively.
- The need for the Council to quickly adopt roads on the estate.
- The housing mix and affordable housing to be tied to local need and local connections.
- Whilst the proposed convenience store was welcomed further information was required regarding other retail uses.
- Cycleway links needed.

Councillor Lewis also responded when questioned that some new residents in the existing MV phases had moved from the surrounding area and he wasn't aware of any 'them' and 'us' conflicts.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was initially advertised by site notices posted adjacent to the site dated 20th December, 2013. In addition the application was advertised in an edition of the Yorkshire Evening Post published on 20th December, 2013.

6.2 23 letters of representations/objections have been received from local residents in response to the original public notification process. Comments include the following main points:

- Highway safety issues for pedestrians/children as a result of increased traffic
- On street parking, residents not using allocated spaces, potential to block access for emergency vehicles, contrary to home zone principle.
- Siting of commercial uses at a busy road junction.
- Inadequate parking for existing properties
- Loss of green areas given over to parking in unacceptable as told this would remain open. Houses purchased on this basis and maintenance fee paid.
- Inappropriate siting of elderly persons accommodation – noise from traffic/play area
- Design of elderly persons apartments poor
- Short notice of applicant's public consultation meeting given
- Industrial development not in accord with original eco-friendly ethos for the MV
- Continuing process of living on a building site, noise and dust.

6.3 Following the recent receipt of revised plans, the application was re-advertised (09/04/14) giving an expiry date of 30th April 2014.

6.4 Alec Shelbrooke MP expresses concerns that none of the issues raised by him and his constituents appear to have been taken in the account in the revised scheme, particularly the loss of existing green spaces in favour of off-street parking. In addition, he has grave concerns relating to the access to the development and that Flockton Road is unsuitable for use by construction traffic or the additional traffic that will be generated when the development is completed.

6.5 In addition to the above, the re-notification process generated a further 26 letters of representation. The issues raised largely re-iterate the original concerns expressed over the landscape strip situated between the site and the houses on Flockton Road and Haigh Moor Way being given over to off-street parking. The overall impression being that the development places undue priority in favour of vehicles in terms of the visual impact and the impact on highway safety from too many vehicles travelling too quickly, in an area where children particularly will be vulnerable.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Environment Agency – no objection subject to the implementation of mitigation measures to avoid flooding including: diversion of drainage through the site; infiltration trenches to prevent overland flow; consideration of levels and flow paths; and proposed floor levels set a minimum of 150mm above external ground levels.

- 7.2 Sport England – did not wish to comment on the proposals.
- 7.3 The Coal Authority – no objection subject to a condition relating further investigative works to the northern part of the site.
- Non-statutory:**
- 7.4 Yorkshire Water – no objection subject to conditions relating to separate systems of foul and surface water drainage; no piped discharges; any off-site balancing works; surface water for vehicle areas via an interceptor but not roof drainage.
- 7.5 Children’s Services - the proposals trigger the need to support primary and secondary school provision in the area via a S.106 agreement.
- 7.6 Public Rights of Way – no claimed or definitive rights of way cross or abut the site.
- 7.7 Parks and Countryside – open and play areas already developed within Millennium Village are currently part of an on-going incremental adoption process.
- 7.8 Flood Risk Management – no objection subject to conditions.
- 7.9 Neighbourhoods and Housing – the proposed commercial elements have the potential to impact on residential areas consequently conditions are recommended to control installation of plant and equipment; odour and fumes from industrial processes; hours of use; HGV movements and deliveries; lighting scheme; construction hours; external storage; and waste disposal.
- 7.10 Architectural Liaison Officer – advises best practice guidelines in accordance secured by design and similar benchmarks to designing out crime.
- 7.11 Highway Development Services – Previous concerns about the detailed residential layout now largely resolved and conditions can secure the minor issues which remain. Pedestrian conflict issues relating to the commercial phase also now resolved but detailed access arrangements remain a concern due to the lack of available space and the multiple end units.
- 7.12 Contaminated Land – as a former colliery site, the land was subject to extensive and high levels of land contamination. Remediation works were originally undertaken in 1998/99. Further remediation has recently been carried out under planning permission no. 33/383/03/MIN. A validation report is still required for these works and further measures will be required in relation to gas protection measures to be included in the proposed dwellings and the proposed garden areas – e.g. depth of soil, structure of capping system, testing of imported soils – and methods of validating these.
- 7.13 Metro – Bus services operate in the area and RTI should be secured at a cost of £10,000. Metro travelcards should also be provided to each household. Electric charging should also be considered.

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 The site is formally allocated on the UDPR proposal map for housing under policy H3-1A.42. It also falls within the wider policy area for regeneration initiatives under policy R2.

Leeds UDPR Relevant Policies:

- 8.3 GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt or other open land.
N29: Archaeology.
N38 (a-b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
BD5: Design considerations for new build.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T18: Strategic highway network.
T24: Parking guidelines.
H2: Monitoring of annual completions for dwellings.
H11/H12/H13: Affordable housing.
LD1: Landscape schemes.

Supplementary Planning Guidance / Documents:

- 8.4 SPG4 Greenspace relating to new housing development (adopted).
SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications received after July 2008)
SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).

Emerging Local Development Framework Core Strategy

- 8.5 The Core Strategy was submitted to the Secretary of State for Communities and Local Government on 23rd April 2013. The Secretary of State appointed a Planning Inspector to conduct the examination of the plan, which commenced on 7th October and ended on 23rd October. The Inspector's report is awaited. At this stage the only issues which the Inspector has raised concerning the soundness of the plan relate to the affordable housing policy and the Council's evidence on Gypsies and Travellers. As the Core Strategy has been the subject of independent examination (October 2013) and its policies attract significant weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014). The delivery of housing on brownfield sites and regeneration initiatives are key issues and are supported by the Core Strategy.

National Planning Policy Framework

- 8.6 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development, the delivery of new housing and the promotion of good design. Advice is also provided in terms of the siting of new retail facilities.

9.0 MAIN ISSUES

- 1. Principle**
- 2. Design and Character**
- 3. Access and Highway Issues**
- 4. Residential Amenity**
- 5. Section 106 contributions**
- 6. Others**

10.0 APPRAISAL

1. Principle

- 10.1 The site is a brownfield site (a former colliery) and therefore appropriate under the relevant national planning guidelines for it to come forward for residential development. Indeed, this is endorsed through the UDPR housing allocation for the site and the historical grants of outline and reserved matters applications more generally.
- 10.2 With respect to the commercial elements proposed under this application both in detail and outline form, the light industrial/employment type uses do not raise any policy implications and adequate justification has been provided to demonstrate the retail floorspace would not adversely impact on existing centres. Primarily because there are none nearby as there is a general lack of such services locally. For these reasons and noting the original outline application also permitted a similar range of uses no objection is raised to the mix of uses proposed as part of this new application.

2. Design and Character

- 10.3 The basic design structure of the residential components is the provision of a series of perimeter blocks whereby the houses face out and garden areas are provided to the rear. Along the main edges where the existing spine roads form the site boundary the blocks are relatively formal due to the straight nature of the roads themselves. These outward facing blocks also have more presence due to the use of short terraces which is reflective of the housing found on the opposite site of the road. The provision of a higher flat block overlooking Silkstone Square is also repeated through this current application and is again reflective of what the design code envisages and how the MV has been built out to date.
- 10.4 The notable difference to the above is the introduction of parking areas taken directly off Flockton Road and Haigh Moor Way and Members will recall this issue being specifically raised as part of the pre-application.
- 10.5 Officers are aware this element of the scheme has attracted objections from a number of existing residents and the local MP and it is true this approach was not originally

planned when the MV design code was developed. However, the change has been introduced as a direct response to the existing on-street parking problems taking place along the main spine roads which occur primarily because only rear parking is currently provided and some existing occupiers prefer to park to the front of their properties and choose not to make full use of the spaces they have been provided with at the rear. Visitors to the perimeter houses also tend to park on these roads so ultimately this situation is not going to disappear and has been planned for as part of the current application rather than potentially adding further to the issue.

- 10.6 In this respect whilst the simplicity, openness and formality currently provided by the tree lined grass verge would clearly be reduced, the parking bays in the case of Flockton Road have been grouped together and spread out so as to retain most trees to ensure a sense of greenery to the street would be retained. For Haigh Moor Way, the approach is slightly different as the parking bays would be side onto the road so a more continuous strip of landscaping would remain behind. These measures are therefore considered to strike an appropriate balance in terms of ensuring an attractive streetscene is provided but at the same time ensuring the existing parking problems experienced on the current phases are not repeated. Additional tree planting will also be secured by condition.
- 10.7 Moving to behind the main perimeter blocks, the more meandering nature of the internal homezones is such that the blocks become more organic in form which in conjunction with the varying house types achieves an interesting and often intimate streetscene. Street junctions and corners are generally marked with specific buildings, often ateliers or FOGs to enclose the space which in turn creates a series of courtyard type areas. The overall positioning of the houses relative to each other therefore achieves an attractive and unique character which in conjunction with further in-curtilage landscaping relative to other phases will create additional interest and vibrancy.
- 10.8 With particular reference to the actual house types proposed, a simple pallet of external materials is advanced with individual buildings comprising of a single dominant material rather than a mix. This, in conjunction with the simple design that incorporates the use of larger than average windows and projecting picture windows in key locations creates a modern appearance that is reflective of the other housing constructed on the MV.
- 10.9 In terms of the commercial buildings, again a modern appearance is proposed although a greater mix of external materials (including timber cladding, fairfaced blockwork and aluminium) is shown to help breakup the additional scale and massing associated with these larger format buildings. The massing would also be further broken up by the use of shallow pitched standing seam roofs to each unit. These simple designs in conjunction with the use of additional glazing for the more prominent units is considered to offer a good balance between design and function and overall is considered to provide an attractive working and shopping environment. The phase two commercial zone will obviously need to respond to these new buildings at the appropriate time.

3. Access and Highway Issues

- 10.10 The main points of access into the site are already fixed and would be taken from the existing spine roads. Internally, the residential components would be served via homezones which are effectively shared spaces for use by pedestrians, cyclists and vehicle users. Homezones are however designed to keep vehicle speeds down to

10mph so as to avoid potential conflict with the idea these spaces can also be used for other activities.

- 10.11 Homezones are already found within the existing residential phases and are generally considered to be positive. Difficulties do however exist in terms of parking provision and with some access arrangements as reported by Councillor Lewis at the pre-application presentation and more recently by a number of residents through the objections received. With this in mind, both officers and the developer have sought to improve on the homezone experience and to learn from the existing phases.
- 10.12 The response has therefore been the introduction of additional, frontage parking along the main spine roads as already discussed to ensure the existing on-street parking can continue but is properly catered for within the new development. An increase in parking provision generally is also proposed. As such, a total of 386 spaces are shown, the majority of which are now in curtilage rather than unallocated and via open spaces rather than garages which are not always available. When combined, these amendments are considered to strike the right balance between not diluting the homezone concept, addressing existing problems and importantly not turning the layout into a more traditional estate which would run counter to the MV design code.
- 10.13 With respect to the commercial zone, the revised plans now provide separate access arrangements and parking provision for the industrial/employment units and the retail units. As such, the retail units now have a separate car park served by its own access from Middleton Road. A second access from Middleton Road is also proposed to serve the industrial/employment units only. This access is designed to accommodate larger vehicles and leads to the servicing areas for all units but only the parking areas for the non-retail uses. A large central turning area is also shown for any HGV's that might require access.
- 10.14 In its revised form, pedestrians would no longer need to travel through the industrial /employment area to gain access to the retail units beyond which is clearly desirable from a safety perspective. These amendments are therefore welcomed and address the previous concerns on the matter. The phase two commercial can also be adequately accessed from Bramwell Road so is not considered to be problematic subject to an acceptable detailed design being achieved through a reserved matters submission. Accordingly no highway objection is raised in principle to the commercial uses.
- 10.15 On the more general issue of accessibility, the proposals achieve a relatively permeable and connected layout with multiple options usually available to pedestrians and cyclists in particular. Even vehicle drivers often have more than one route to choose from albeit some are more direct than others. Connections are made into the existing cycle route which runs east to west and further linkages are secured through the site. The layout also caters for a more direct east to west cycle route should the neighbouring timber merchant site come forward for re-development. Importantly, vehicle access into this adjacent site is also protected (as is the landlocked Network Rail).
- 10.16 With respect to the comments made by Alec Shelbrooke MP concerning highway safety issues which some residents have also expressed, the redevelopment of the remaining phases to provide a completed scheme was always envisaged and accordingly the highway infrastructure has been built with this in mind. The additional 40 units proposed through this new application relative to those originally consented under the outline application are not considered to result in any adverse impacts on the local highway network or alter the safety implications of the scheme. In terms of

construction traffic, this will be managed through condition No. 17 of the recommendation - the full details of which have yet to be determined. Obviously local residents concerns about safety will be fully considered when these details are submitted should the officer recommendation be accepted.

4. Residential Amenity

- 10.17 The relatively tight nature of a homezone results in a layout and therefore houses being closer to each other than might ordinarily be expected. As such, the potential for loss of privacy through overlooking is higher and requires careful consideration. Members may recall this was the largest outstanding issue for officers when the scheme was presented at a pre-application stage.
- 10.18 In seeking to resolve these detailed concerns as well as others relating to small garden sizes, overshadowing and loss of light type issues, the detailed positioning of plots relative to each other has been revisited a number of times. Whilst the overall layout has not fundamentally altered during these negotiations, solutions have been found primarily by shifting units slightly or by changing the actual house types rather than through a reduction in numbers. This is the reason why only 2 units have been lost relative to the scheme which Members considered at the pre-application presentation. Officers are now of the opinion the layout provides an appropriate living environment for the new occupiers in accordance with the principles set out in Neighbourhoods for Living but whilst still retaining the homezone concept which is a key component of the MV.
- 10.19 With respect to the residential scheme's impact on existing residents, the separation provided by the spine roads between the existing houses and those now proposed is considered adequate to avoid any undue overlooking and results in relationships that are not uncommon both within the MV itself and also the wider area. From the objections received, residents main concerns relate to the provision of parking direct off Flockton Road and Heigh Moor Way and the loss of a green outlook that would result. Officers have already outlined the reasons for this approach to parking and will secure a high quality landscaping scheme to ensure its appearance is acceptable.
- 10.20 Moving onto the commercial units, the type of uses proposed and their relationship with the proposed housing is such that care needs to be exercised in terms of determining what hours of opening are appropriate and when deliveries can take place. Although the retail units are less likely to be an issue due to the nature of the internal uses and also because physically they are further away from the houses, the delivery area is to the rear so restrictions will be necessary. In addition, the industrial units are both closer to the houses and also have the greater potential to cause noise issues due to their actual use. Whilst relatively low key occupiers are anticipated similar to those found within the Network Space development located at the eastern side of the MV (which is also in close proximity to new housing), this cannot be guaranteed as the end users are again unknown. Conditions are therefore recommended to limit the hours of use and deliveries to more generally accepted hours at this stage. Should future occupiers have different requirements then ultimately they can formally apply to vary the appropriate conditions and submit the necessary supporting documentation as part of this.

5. Section 106 Package

- 10.21 This application is a joint submission by Keepmoat as developer and the HCA as landowner. The involvement of the HCA is key in terms of the S106 contributions being offered as it is uniquely placed to take a different approach to viability than might otherwise be the case if a private landowner was involved. Agreement has therefore been reached with the HCA that it will effectively subsidise the S106 ask by reducing the amount it requires from Keepmoat for the land. The developer return for Keepmoat therefore remains fixed at 12.5% (of total income) and the land value alters to absorb the S106 package. For information, the developer is willing to accept a return of circa 12.5% as the risks associated with development are lower than most brownfield site since the main services, remediation and infrastructure costs have already been expended (by the HCA) and the market for housing is well known due to the other phases which have been delivered as the site.
- 10.22 As background information, to date the HCA has invested circa £24m in the site in terms of remediation costs, infrastructure provision and also contributions associated with the original outline permission. As already mentioned, most contributions from the outline permission have already been met in full and have been calculated in respect of a higher quantum of development than has actually been delivered. The main exception to this is affordable housing which has been provided on a pro rata basis by each separate housebuilder.
- 10.23 In recognition of the above and as mentioned in the covering report which accompanied the pre-application presentation, officers have sought to apply a pro-rata contribution where payments have already been made for the additional units now proposed over and above the original 520 units approved under the outline application. A full contribution has nevertheless been sought where no such payment was made originally. For information, the pro-rata contribution relates to 40 units as eventually 560 units would be constructed on the site should this latest application be approved (as 371 units have been approved to date).

Affordable Housing:

- 10.24 Starting with affordable housing, the target is 15% which for a development of 189 units equates to 28 units. The full requirement is offered and is identified as being provided within 20 flats suitable for elderly persons and also via a further 8 houses. Meeting this requirement is understood to cost in the region of £1.7m. As similar provision has been made on both the Miller and Barrett sites this approach is considered acceptable. With respect to Councillor Lewis's general comment about ensuring people with local connections receive priority, although this relates to the eventual housing association's own selection criteria which is currently not identified and falls beyond the remit of the current planning application, officers have made the developer aware of this point and the need for early engagement with Ward Members on this matter.

Education:

- 10.25 When the outline application was originally assessed only a contribution towards primary school places was required. A full request was made in accordance with the method of calculation used at the time and resulted in a figure of £265,000. The S106 identified the money would be directed towards Allerton Bywater Primary School and 5 new classrooms were identified. Full payment was made many years ago and 2 classrooms were added to the school in 2004 (under 33/354/04/FU). More recently,

the school received permission to extend from a single form entry to a two form entry which results in a further 6 classrooms (under 13/05633/LA).

- 10.26 In the light of the above, a pro-rata contribution relative to the 40 additional units is therefore considered reasonable and has been agreed. The agreed figure is £118,893.
- 10.27 With respect to secondary school places, no original contribution was made so the full requirement is required in view of local capacity issues. The full secondary contribution equates to £338,592 and is also agreed.

Greenspace:

- 20.28 Greenspace infrastructure for the entire MV has already been laid out and further provision was not anticipated within any of the remaining residential phases. Notwithstanding this, additional greenspace areas are shown within the submitted layout which are of value in terms of softening the appearance of the homezones. A management company is proposed to maintain these 'pocket' parks and accordingly their introduction is considered to be positive. In addition to the provision of these new areas, a contribution of £17,649 has also been agreed as the pro-rata payment towards off-site improvements and was secured following a specific request by Ward Members.

Public Transport, Infrastructure and Travel Planning Contributions:

- 20.29 The current application triggers the requirement to make a contribution in accordance with the Developer Public Transport Contributions SPD. This requirement did not apply when the original outline application was considered in 2000 so no such payment was ever made. A figure of £195,162 is produced for a scheme of 189 units.
- 20.30 In addition, Metro have requested Real Time Information for one of the local bus stops (at a cost of £10,000) and Travelcards for each households. More generally, travel planning should also be provided as part of the residential phase due to its scale.
- 20.31 In response to the above, the cost of the Real Time Information display is agreed and the requirement for travel planning can be added to the measures already in place at the site and which has attracted significant investment from the HCA already. In terms of the Metrocards and public transport contributions, these are the only S106 requirements which are not pursued with the HCA pointing to the significant contributions and infrastructure that has already been delivered at the site and the considerable reduction it has already made in the land value so as to deliver the S106 offer currently on the table.
- 20.32 Officers are receptive to the above position but have sought further guidance from Ward Members on this point and the wider S106 package in general. Members recognised the positive influence the HCA made to the S06 package relative to other schemes they had been consulted on (e.g. Queen Street) and in the circumstances considered the offer to be reasonable. They did however have a number of projects in mind that would benefit from the off-site greenspace contribution and requested this be pursued. As reported above, this contribution has now been secured through a further reduction in the land value.

Employment and Training Initiatives:

20.33 To date the MV has a good track record of delivering employment and training initiatives and this is proposed to be continued. Opportunities have for the most part been concentrated on constructions jobs as mostly housing has been delivered to date. The inclusion of the commercial phase with this application potentially opens up further opportunities and accordingly the scope of the initiatives will be widened to reflect the wider range of uses proposed.

6. Others:

20.34 In terms of other matters, the application site has already been remediated to a certain standard in anticipation of future development and accordingly any further works necessary focus mostly on introducing measures at the construction stage (e.g gas protection) and when the garden/amenity areas are laid out – such as ensuring only clean soil is brought to the site. Conditions can therefore adequately deal with these matters.

20.35 With respect to drainage and potential flooding issues, again the basic drainage infrastructure for the entire MV site has been largely laid out with many of the existing greenspace areas doubling up as drainage detention basins during times of heavy rainfall. Grounds levels for the various developable areas have also been set to ensure flooding does not become an issue. Both the Environment Agency and the Council's Flood Risk Management teams are satisfied these measures are adequate and accordingly subject to the imposition of relevant conditions to ensure the final details are acceptable no objection is raised on this topic.

11.0 CONCLUSION

11.1 It is considered that the proposed development has addressed the main issues which came out of the earlier presentation to the Plans Panel in October 2013, is sound in principle in that its design upholds and endorses the established design code for the MV both in terms of positive contribution to the visual amenity of the site and wider character and community of the MV, whilst creating a standard of living accommodation cognisant with the Councils own residential design standards without prejudicing the interests of highway safety for pedestrians and other road users alike. As such, Members are requested to accept the officer recommendation to grant planning permission and defer and delegate the decision to officers subject to the listed conditions and delivery of the S.106 contributions package.

12.0 Background Papers:

File: 13/05235/FU

Certificate of Ownership B: signed on behalf of the applicant.



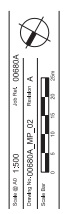
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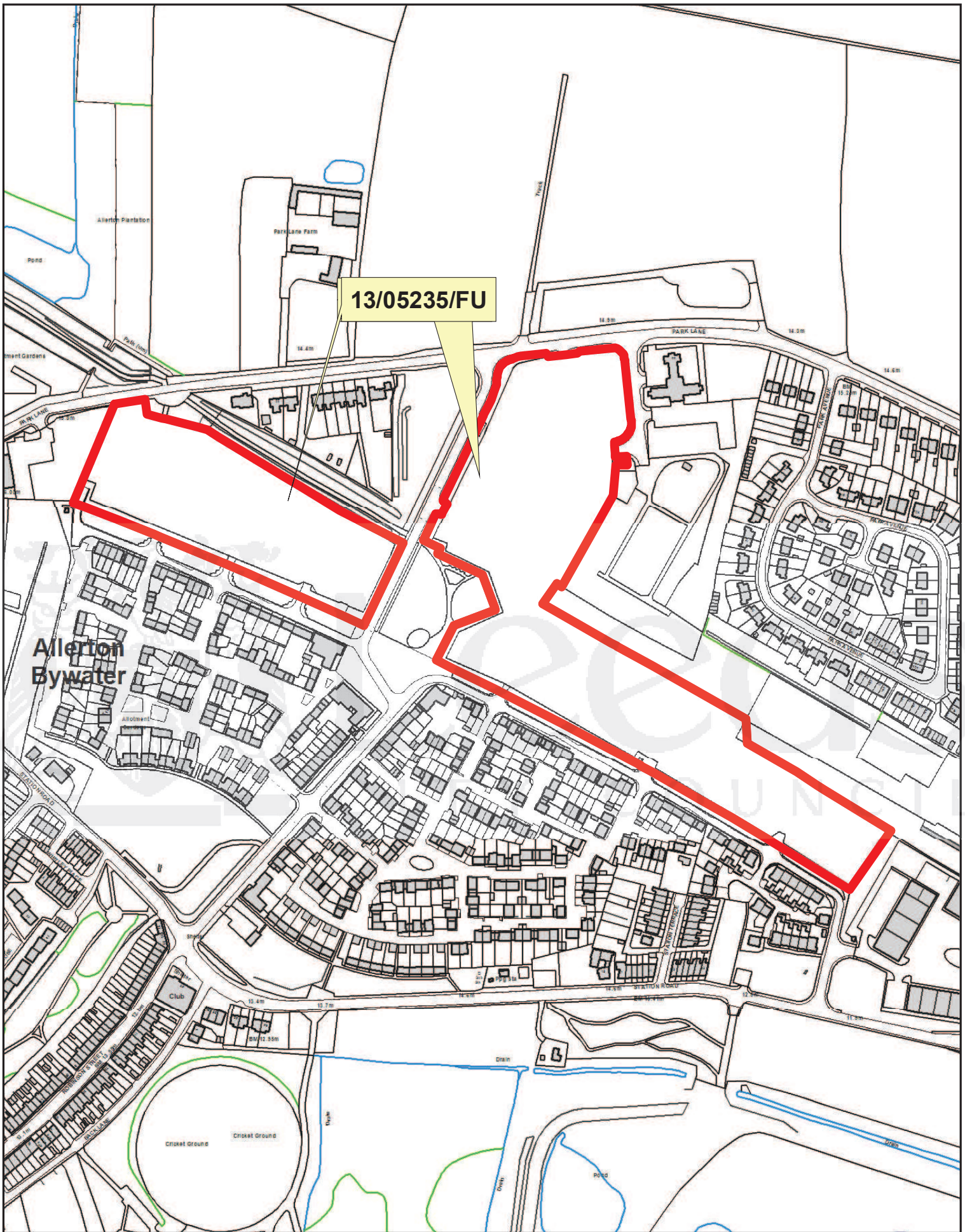
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JOHN THOMPSON & PARTNERS
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**Allerton Bywater
Millennium Village**
Masterplan
Illustrative Masterplan





13/05235/FU

Allerton Bywater

NORTH AND EAST PLANS PANEL



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Originator: Marianne Banksy

Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 15th May 2014

Subject: APPLICATION14/00944/FU retrospective application for outbuildings and pigeon lofts to side/ rear of dwelling house at Iris House, Scott Wood Lane Leeds 7.

APPLICANT

Mr A Harding

DATE VALID

25th February 2014

TARGET DATE

22nd April 2014

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 condition:

1. The outbuilding and pigeon lofts to be retained shall be for the sole enjoyment of the occupiers and shall be used incidentally to the occupation of Iris House, Scott Wood Lane and for no other purpose.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel following a request by the Ward Member, Councillor Dowson, who wishes to ensure that neighbours within the locality are given the opportunity to speak to Members of the Plans Panel about their concerns regarding the application site, its redevelopment and non-compliances with planning conditions.
- 1.2 Retrospective approval is recommended as the new outbuilding and lofts are considered to be acceptable in planning terms. The local concerns relate mainly to the use of the long and narrow private access road and some planning conditions imposed on the approval for a dwelling which has not been complied with fully. A condition ensuring the domestic ancillary use of these structures to be retained is

thought to be prudent given the history of intensive pigeon keeping on this site for some years prior to its redevelopment as a domestic property. Councillor Dowson has also requested that the Panel Members visit the site to fully understand all the issues including the access problems.

- 1.3 One of the concerns that exist is that the turning head approved as part of the 2011 planning permission for the house at the site has not be laid out in accordance with the approved details. At the time of drafting this report this matter was subject to investigation and Members will be updated with the findings at Plans Panel.

2.0 PROPOSAL:

- 2.1 This application involves the retention of a newly constructed low (2.5m high) flat roof outbuilding adjoining the rear of the recently built detached slate pitched roof and red brick double garage (and of similar size in terms of footprint). In addition, to be retained are 2 long and narrow pigeon lofts which have been recently constructed and small outbuilding located on the north west corner of the site. All structures are located to the rear of the large west side garden (and in close proximity to the party boundaries) of the relatively modest sized red brick and slate roofed dormer bungalow which has been recently built on this very large site (measuring in total approx. 35m X 37m).The applicant has provided the following information in relation to his pigeon keeping hobby:

“The pigeons at Iris House are let out once in the morning for 1 hour and once in the evening for one hour this occurs daily.

We currently have reduced the amount of huts from 13 huts shared between four fanciers down to just 3 huts which are used solely by occupier of Iris house Mr Harding.

The pigeons have been on the property over 30 years and have never been seen as a problem prior to the house being built.

There is also another pigeon fancier currently living on Scott Wood Lane at Whyngate House who has 3 times as many birds and releases them daily this could be why they appears to be more than just ours in the area.

The amount of birds we keep is currently 40 pairs this amount fluctuates over the racing season as some birds are lost while racing.

We currently have three lofts on site at the moment in time and that is adequate for us.”

- 2.2 The outbuilding is to be used as a games room and the pigeon lofts will be for non-commercial use in connection with the hobby of the residents of the dwelling known as Iris House who are pigeon enthusiasts. The wedge shaped outbuilding is built from white painted brickwork and felt roofing. The 2 rectangular pigeon lofts are long (9.2m), 3.2m wide at the widest point across the eaves and 3.1m tall at the ridge including plinth and built from white painted timber boarding with green coloured asymmetrical felt roofs. The other building to be retained is a garden shed.
- 2.3 The whole large front half of the site , the relatively narrow east strip to the side of the house and the approx. 13m X 13m area to the rear of the house (i.e. to the north east) of the site remain landscaped garden and driveway. There is also a lawned area in front of the lofts and to the west side of the garage. In addition, there is an original relatively small and low timber outbuilding (approx.. 4 X 5 m footprint) sited in the north west corner of the site and it is intended that this should remain contrary to the planning condition imposed on the 2011 planning permission for the new dwelling and garage, which requires all original outbuildings/ structures on the site to

be removed. The whole site is fully enclosed with high brick walling, timber fencing, tall timber gates and mature hedge to the eastern field boundary. The site is served by a private access road which is approx. 175m long, narrow and angled towards the end before Iris House. There is a field gate onto Scott Wood Lane track for emergency vehicular use at the end of the road nearby. The condition of the road is poor at the moment following the construction work which has been undertaken at the site. The vehicular access gates are set approx. 5m back from the edge of the private access road to enable vehicles to turn around and proceed in a forward gear, also using the 14m turning head at the end of the private access road in front of the emergency field gates.

3.0 SITE AND SURROUNDINGS:

- 3.1 A new dwelling house and a detached garage has been erected on this large fully enclosed site (formerly part of a large garden/ paddock area) and all but one of the original outbuildings have been removed. In addition, there are 3 newly built outbuildings including a games room and 2 pigeon lofts and the remainder is garden and driveway.
- 3.2 To the rear at Astura Court is a sheltered elderly persons' home with communal gardens. To the east is a large open space area and playing field which has a gated track (called Scott Wood lane) running alongside the boundary hedge with Iris House. There are further detached dwellings of individual designs sited in good sized plots to the front / south and west sides. The private access track is long and serves 8 dwellings and a commercial property conversion i.e. the listed Round House. There is a field gate at the end next to Iris House which can be used as an access for emergency vehicles serving the occupants of this private road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/03639/FU approval of a single dwelling house with detached double garage was granted by Plans Panel East in 2011, subject to conditions including the removal of the existing outbuildings and pigeon lofts on the site. This permission has now been implemented and the enforcement officer has been involved in various non-compliances of some of the planning conditions which were imposed. The current application has been submitted in order to regularize the planning situation, avoid the service of a breach of condition notice, and effectively complies with the particular planning condition which removed householder permitted development rights in respect of the erection of new outbuildings to the rear and sides of the dwelling house.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions were not undertaken by the applicant prior to construction of the outbuildings. The enforcement officer had requested that the applicant submit this retrospective full planning application to regularise the planning situation on this site.
- 5.2 The agent has recently also provided confirmation of the filling in of some pot holes on the private access road. The applicant was in dispute with his house builder and this led to delay in the repair of the access road which was scheduled for the end of the building project when heavy plant and vehicles would no longer be in use and the potential for associated significant wear and tear to the road was no longer a

possibility. The provision of the 14m vehicular turning head (i.e. at the end of the private access road in front of Iris House - the application site) which is to be unobstructed for general use and was also a condition of the 2011 planning approval remains a further outstanding issue.

6.0 CONSULTATION RESPONSES:

Statutory Consultations:

6.1 None.

Non Statutory Consultations:

6.2 None.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 A site notice was posted on 7th March 2014 at the entrance of the private access road onto the public highway i.e. Potternewton Mount. Neighbour notification letters were also posted on 28/2/14.

7.2 Two letters of objection (including supporting photos and documents), one letter of support and one letter of comment have been received. The objections are on the following grounds:

- If Panel is minded to approve this retrospective application, enforcement action should be taken and suitable penalties imposed to ensure that within one month, proper resurfacing of the private access road including the leveling of holes and the rut in front of the emergency access field gate is undertaken. Also there should be no parking which would block the emergency field gate and the turning head area. In addition, there should be no dumping of building materials on site which then leads to excessive burning of rubbish on the site even though the local area is within a smoke free zone. The rodents which are attracted to the rubbish and the smoke/fumes from the fires are detrimental to living conditions and a nuisance.
- The new buildings, plus the original building which has been retained, relate directly or indirectly to the keeping and racing of pigeons. The new games room can be accessed from the 3 lofts which suggest that it may be used for meetings of the visiting pigeon fanciers whilst they await their birds return from flying competitions. These activities are intrusive and detrimental to the residential amenity of the area. The area is no longer peaceful, secure and semi-rural.
- The applicant has a track record of non-compliance with planning requirements and also does not keep promises made to neighbours when they have to complain and does not comply with civil law (i.e. relating to the right of occupiers to unrestricted access at all times).For example: he has constructed new outbuildings without the necessary consent ; he has not repaired the damaged road as required ;he does not restrict the number and speed of vehicles which visit his property or how and where they park especially within the turning head and field gate area; wheeled bins are also left out too long on the access road and also become obstructions to vehicles.
- One of the new lofts is constructed close onto the boundary with Rose Cottage and sited only approximately 11m away from the house itself. When this is combined with the existing multiple pigeon lofts which are located close by (across the access road) at another property i.e. Wyngate there is considerable detrimental effect on the occupants of Rose Cottage in particular.

- Panel approved the house and garage in order to improve the site and its surroundings but the opposite has happened to the detriment of neighbouring residents e.g. most of the original buildings on the site have been removed but 3 more have been built and the traffic situation is worse as is the condition of the private access road.
- The private access road has been obstructed and damaged by the vehicles of the many daily visitors especially during the racing season; the utility companies which have laid services to the site and also the heavy construction traffic to Iris House. It is difficult to use the road in bad weather especially for any emergency vehicles or usual delivery vehicle to the other properties which are served by the private access road.
- The fence of Rose Cottage has been damaged 3 times by the vehicles of the visitors to Iris House who collide with the fence when they reverse up the road because they are unable to turn using the turning head as they are supposed to. There have also been 2 apparently near accidents involving other resident's vehicles and pedestrians. When confronted the drivers have become somewhat threatening and to date the damaged fence has not been repaired as promised. At night and where there are children walking the risks of accident /collision are even greater.

7.3 The letter of support from the only non-residential property at the Round House Works, which is located at the beginning of the long access road, states that there is no problem with the buildings which have been erected on the site.

7.4 The letter of comment states that there seem to be a lot of birds already circling in the vicinity of a neighbours' property at all times of the day. This does cause problems when trying to dry washing outdoors. Another lot of pigeons in the area as proposed by this current application will be too much.

7.5 The Ward Councillor, Jane Dowson, has requested that the application be determined by Members in order to give neighbours in the locality, who have been affected by the redevelopment of this site, the opportunity to speak to Members about their concerns. A member site visit has also been requested to fully understand all the issues, including the access problems.

8.0 PLANNING POLICIES:

National

8.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance and 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 NPPF is a presumption in favour of Sustainable Development.

Local

8.2 The Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.3 The Development Plan for the area consists of the adopted Unitary Development Plan (Review) 2006 (UDPR) and the Natural Resources and Waste DPD. Appropriate weight should be attached to relevant supplementary planning guidance and documents. The following UDPR policies are relevant:

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

- Policy BD6: All extensions and alterations should respect the scale, form and detailing of the original building.
- Policy T2: Development proposals should not create new or exacerbate existing highway problems.

8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. This examination took place at the end of October / beginning of November and the Inspector's report is awaited. 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 pending the Inspector's report.

Supplementary Guidance

8.5 The Leeds City Council Householder Design Guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city. The document is adopted as a Supplementary Planning Document within the Leeds Local Development Framework by the City Council.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments and
- v) Materials;

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

9.0 MAIN ISSUES:

- Impact of the retrospective development on the character of the surrounding area and living conditions of neighbouring properties.
- Private access road.
- Other considerations raised by representees.

10.0 APPRAISAL:

Impact on the Character and Amenity of the Area

10.1 The 3 new outbuildings including the 2 new pigeon lofts which have already been constructed on this site are considered to be acceptable in terms of their impact on the living conditions of neighbouring properties and the general character of the area.

- 10.2 The fully enclosed plot is very large and contains a single modest dormer bungalow and a double garage over towards the east side of the site. The applicant has stated that the pigeon keeping is a hobby and not for commercial purposes and as such this is an incidental use. Due to the size of the plot, there is capacity for relatively large outbuildings. These are well constructed and designed and only the top roof sections can be seen above the boundary fencing when viewed from the adjoining sites to the north and west. The games room addition to the rear of the garage is flat roofed and appears low and unobtrusive when viewed from Astura Court's rear gardens. The buildings are 2.6m high to the eaves which again is relatively low. There is a 1.5m gap to the northern boundary and a 0.6m gap to the western boundary respectively. The asymmetrical green felt roofs of the 2 long pigeon lofts are not obtrusive and seem appropriate in this area that is semi-rural in character. Overall it is considered that the haphazard arrangement of the outbuildings (including the original smaller outbuilding in the north west corner to be retained i.e. sited approx. 1.5m away from the rear and side boundaries) seem to fit the informal nature of the area.
- 10.3 A small section of Rose Cottage's rear elevation is located 11m away to the west and it is considered that this is adequate separation to prevent dominance problems arising. A long section of the garden of Rose Cottage will not be affected by the just visible section of the pigeon loft above the tall fence. In terms of the impact of the outbuildings on the host property, their concentration to the north west of the site keeps the large frontage part of the plot clear and the dwelling still has the benefit of an adequate sized open garden to the rear and east side.
- 10.4 The impact of the keeping of pigeons and the associated activity can be a material planning consideration. The main consideration will be through the activity and noise /disturbance associated with the keeping and flying of pigeons. The applicant has provided extra information in relation to his pigeon keeping hobby. Members should also have regard to the historic situation when many more pigeons were kept on the unoccupied site in numerous old lofts which were not of the high quality of the present arrangement.
- 10.5 Members will be aware that the applicant has set out that 40 pigeons are kept at the premises, although this number may fluctuate due to losses during racing. The applicant has also stated that the birds are released from the lofts for one hour in the morning and in the evening. It has also been confirmed that it is only the applicant's pigeons that are kept at the site and that this is his hobby. In light of this it is considered that a use of this level of intensity, whilst it will be apparent to neighbouring residents, will not be so harmful to justify the refusal of planning permission. It is suggested that a condition be imposed on any permission granted that restricts and links the use to the occupation of the dwelling.
- 10.6 The erection of any further outbuildings within the garden of the new dwelling are subject to control exercised by planning condition attached to the 2011 planning permission and the impact of any further pigeons on the site can therefore be controlled through this mechanism.

Private Access Road

- 10.7 It is alleged that the pigeon fancying hobby related to the newly constructed pigeon lofts attracts a number of visitors and their vehicles to this large site which is located at the end of a long private access road. However, in the past for many years, this was also the case and possibly more so as the site was occupied with a number of pigeon lofts which were in a more ramshackle condition and an old portable building and enthusiasts would congregate to share their interest. The combination of a single modest sized dwelling and 2 modern pigeon lofts with full enclosure to boundaries,

some of which has been upgraded, is considered to be overall an improvement and a lower intensity of use for the site and the associated access track. It is understood from the agent that an unfortunate dispute with the house builder which has just been resolved has prevented the applicant from undertaking the necessary repairs to the access track before now. Enforcement colleagues are currently involved in monitoring the conditions appertaining to the new dwelling permission including the satisfactory repair of the road surface and provision of a 14m turning head which is unobstructed. The pigeon lofts and games room are not considered to be unacceptable in terms of their associated impact on the usage of the private access road.

Other matters

- 10.4 Other matters raised by representees such as reference to the civil deeds (i.e. which are applicable to the properties which gain access from the private access road) which are not discussed in the above points is not considered to be material to the consideration of the planning application.

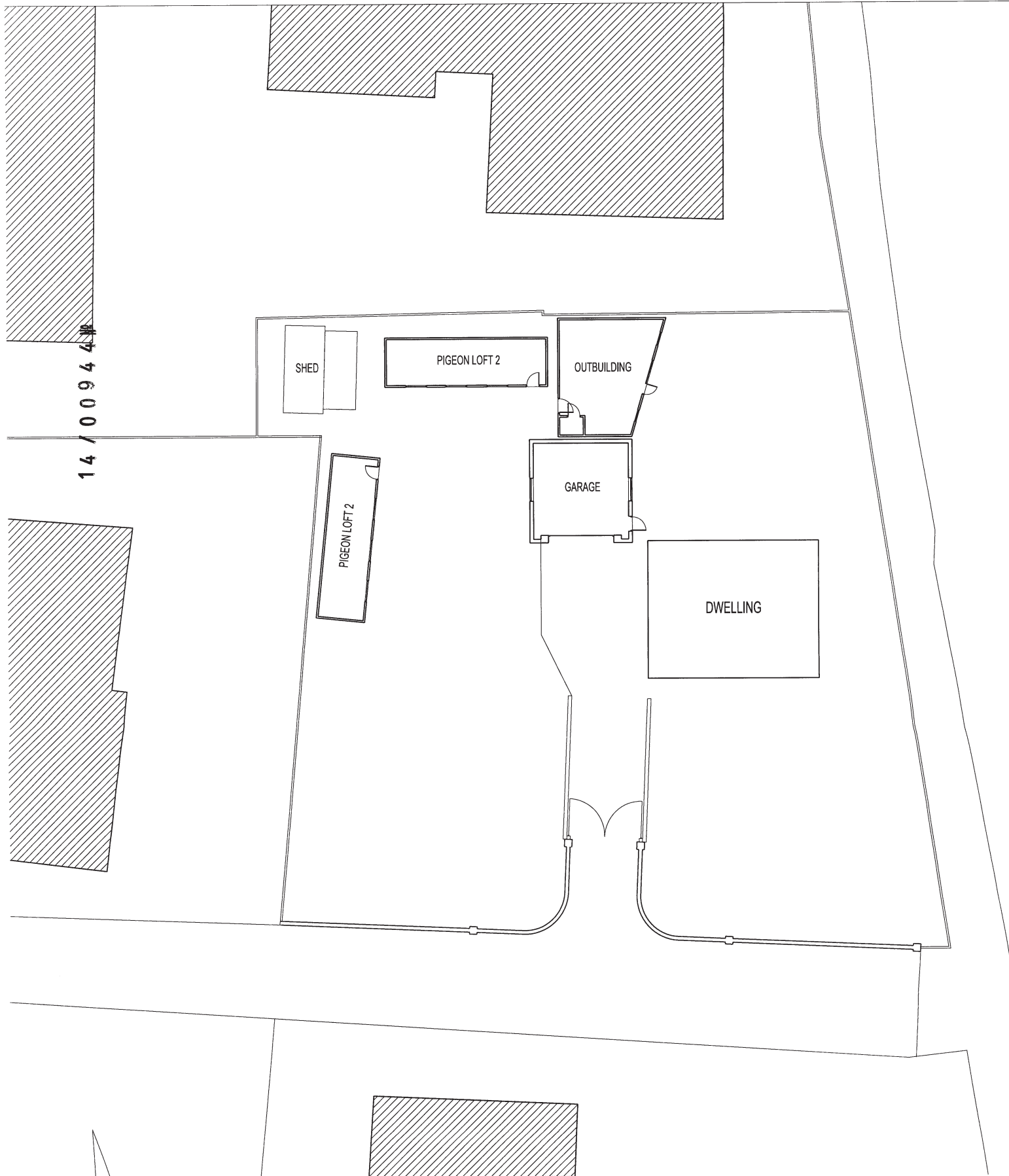
11.0 CONCLUSION:

- 11.1 On balance, it is considered that, subject to the condition as discussed above, the proposal is acceptable. It is therefore recommended that the application be approved as it is considered that the application complies with all relevant policies.

Background Papers:

Application File 14/00944/FU

Certificate of ownership: As applicant.



14 / 00944

SHED

PIGEON LOFT 2

OUTBUILDING

GARAGE

DWELLING

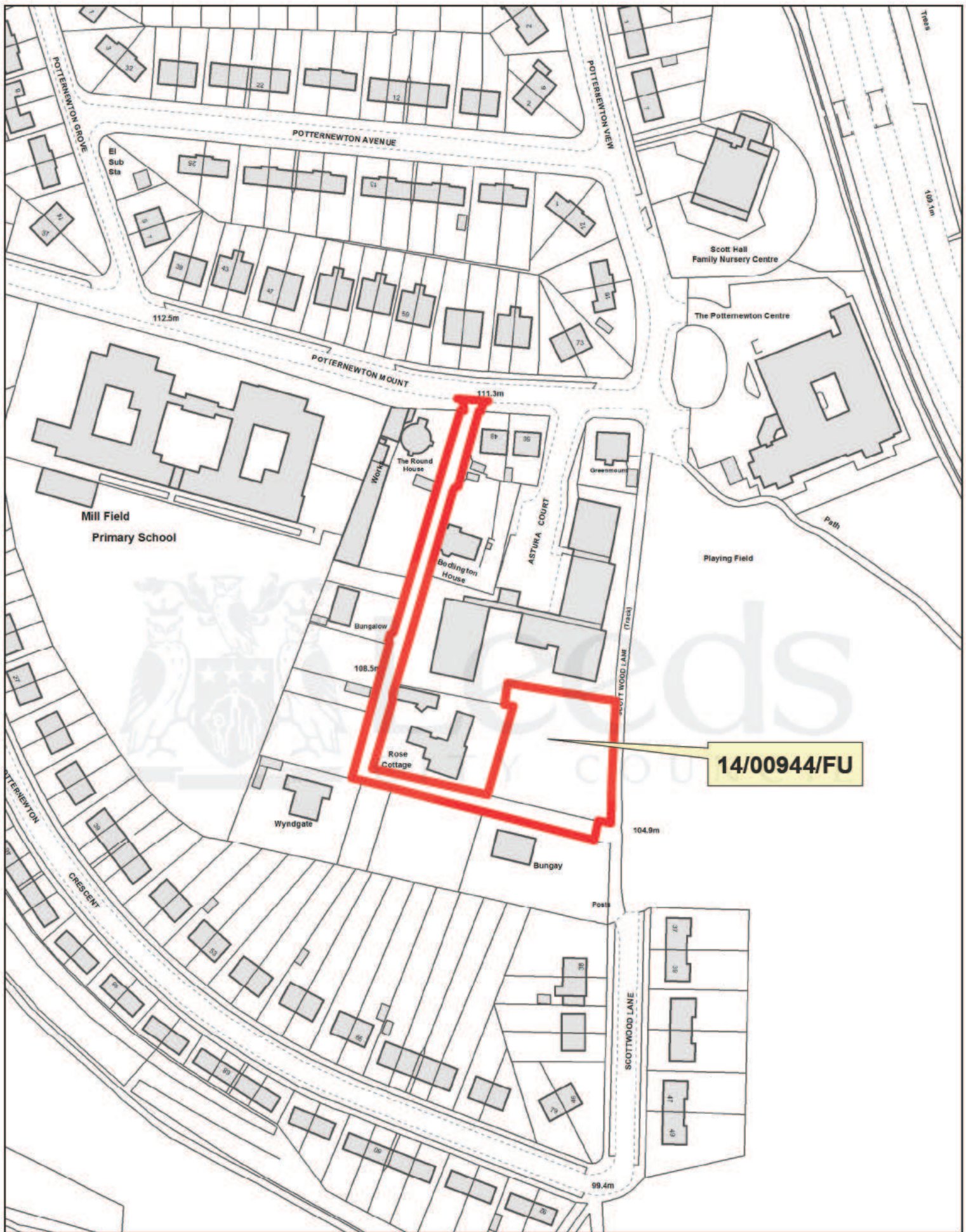
PIGEON LOFT 2

25 FEB 2011

SITE LAYOUT AS BUILT

SCALE 1:100 @ A1

OR 1:200 @ A3



NORTH AND EAST PLANS PANEL





Originator: J Thomas

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15th May 2014

Subject: 13/05941/COND – Consent, agreement or approval required by condition 3 of planning application 13/00955/FU at

Oak Tree Cottage, 26 Church Lane, Bardsey, LS17 9DN

APPLICANT

Mr Steven Verity

DATE VALID

29th December 2013

DATE DETERMINED

N/A

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Agree the stonework constructed on site, subject to:

- the introduction of vertical mortar joints;
- the use of yellower stone for the remaining courses; and
- the raking out of all mortar and its replacement with lime mortar.

If the works are not completed as outlined above within 3 months of the resolution to discharge the condition, the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 INTRODUCTION

1.1 This report relates to an application for a single storey side and single storey rear extension at first floor level with steps to side, alterations to existing out buildings to form office/studio which was approved under delegated powers in April 2013, in consultation with the Ward Member(s). The property is listed and an application for listed building consent was approved at the same time. Condition 3 of each application stated that:

Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the details of the type, bonding and coursing of stone and colour and type of jointing material. The stonework shall be constructed in strict accordance with the sample panel(s), which shall not be demolished prior to the completion of the development.

In the interests of visual amenity and to ensure that the stonework harmonises with the character of the area.

- 1.2 These conditions have not been discharged, however construction of stonework has commenced and is well underway on site. Concerns have been raised regarding the colour (grey), the size of the stone and the use of concrete mortar. At the request of officers construction of the external stonework has ceased until this matter can be resolved. Other works are continuing on site and most recently roof trusses have been installed, however it is understood that these are supported by the internal block work walls and are independent of the external skin of the extensions. As will be outlined below it is considered the changes outlined at the head of the report will overcome the concerns regarding the current situation on site.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a modestly proportioned, two storey historic cottage within the historic core of Bardsey and within the village's Conservation Area. The property is listed and its special interest derives from the fact it is one of the oldest buildings within the village and has a late medieval enclosed timber frame. The 16th century building has a two cell form with a central passageway and its windows are a mix of Yorkshire sliders and sash. This main body of the building has a gabled roof and is rendered with half-timber elements to the upper floor. There is a later, 19th century addition to the rear which forms a secondary, transverse gable. This is constructed from stone and painted white.
- 2.2 The property is attached to a later, stone built cottage and the Bingley Arms lies over the road. Both these buildings are also listed and are constructed of locally quarried sandstone which is yellow in tone, as are 'Bingley Cottage' and 'Tree Tops' which lie to the side of the Bingley Arms. This stone has weathered over the years and thus darkened by age and weathering. Some modern development is evident within this historic core, most notably The Holt which lies back from Church Lane along a small private drive. This is a recently constructed property and is also built from a reclaimed, sandstone which is yellow in tone. Within the wider village a Millstone grit is also in evidence and this has a more grey tone. Grey and yellow stone is therefore evident within the wider village, however within this section of the historic core the softer, more muted tones of the yellow sandstone predominate.
- 2.3 The pair of cottages are set back from the highway edge behind a low stone wall with hedging and vegetation providing additional height. There is a significant gradient within the area with the land rising north through the application site and also south toward the Bingley Arms. Other residential neighbours lie to the north-west and 24 Church Lane is situated in close proximity to the outbuildings. The garden of the property is set to the east side and to the rear. The lower portion of the garden is roughly at road level and a series of steps lead up to a the higher level which then continues to slope upward. Walling and vegetation form the boundaries.

3.0 RELEVANT PLANNING HISTORY:

- 12/03656/FU Single storey side/rear extension with terrace to front and balustrading above; single storey rear extension at first floor level with glazed link including garden store; alterations and extension to existing outbuilding to form annexe accommodation
Withdrawn
- 12/03657/LI Listed Building application for alterations and single storey side/rear extension with terrace to front and balustrading above; single storey rear extension at first floor level with glazed link including garden store; alterations and extension to existing outbuilding to form annexe accommodation
Withdrawn
- 13/00955/FU Single storey side and single storey rear extension at first floor level with steps to side, alterations to existing out buildings to form office/studio
Approved
- 13/00956/LI Listed Building application for single storey side and single storey rear extension at first floor level with steps to side, alterations to existing out buildings to form office/studio
Approved
- 13/04563/COND Consent, agreement or approval required by condition 5 of Planning Application 13/00955/FU
Approved

4.0 HISTORY OF NEGOTIATIONS:

- 4.1 The application to discharge the condition was received in December of 2013. It is understood that the conservation officer visited the site in late January/early February, assessed the sample panel (which remains on site) and offered verbal advice that the sample panel was acceptable. Planning officers visited the site in March following the concerns which had been raised regarding the colour and size of stones being used.
- 4.2 Following this site visit the agent has produced a detailed justification of the stone selection. This notes that the stone used to construct Bardsey's buildings is a sandstone, and that the tones range from yellow to grey. A photographic survey further demonstrates the range of tones within the village. The document concludes that natural, reclaimed stone should be used and that a predominately grey tone would be in keeping with the village.
- 4.3 Following receipt of this document meetings have been held in the office and on site with both planning and conservation officers in attendance where concern regarding the size and colour of the stone were reiterated. Attempts have been made to address concerns regarding stone size through the introduction of additional vertical mortar joints. To address concerns regarding the colour of the stone a jet wash was used to remove the face of some stones in the hope this would lessen the predominance of grey and reveal yellower tones. It is also suggested that when construction of stonework is recommenced the remaining

upper courses of stone and the gable should be constructed from the most yellow pieces of the stone.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 Not applicable

6.0 CONSULTATIONS RESPONSES:

6.1 Conservation officers consider that the cleaned stone appears to be an appropriate tone in direct sunlight, and this, coupled with the false mortar joints and repointing with lime mortar mean the stonework is acceptable. The text of the conservation officer's comments, agreed in consultation with the senior conservation officer are as follows.

Based on my description of the work and based on the photographs we believe the stone sample is acceptable and suitable for the consent that has been given. The cleaned stone looks significantly more yellow when in direct sunlight and is a similar tone to the neighbouring properties. The false joints also break up the massing of the stones and enable a subservient appearance. One issue though is the mortar joints. These should be raked out and repointed with a lime mortar and brushed-in finish to establish a character more sympathetic to the historic walling in the area.

If the above can be achieved we feel that special interest will be preserved as far as is possible and the wider character of the conservation area will be preserved.

7.0 PLANNING POLICIES:

7.1 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 Development Plan Document (2013).

Local Planning Policy

7.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

GP5: Development proposals should resolve detailed planning considerations.

N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:

i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;

ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;

iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;

iv. Careful attention is given to the design and quality of boundary and landscape treatment.

BC7: Development within conservation areas will normally be required to be in traditional local materials.

N14: There will be a presumption in favour of the preservation of listed buildings. Consent for the demolition of substantial demolition of a listed building will be permitted only in exceptional circumstances and with the strongest justification.

N16: Extensions to listed buildings will be accepted only where they relate sensitively to the original buildings. In all aspects of their design, location, mass and materials, they should be subservient to the original building.

7.3 **Supplementary Planning Guidance/Documents**

Bardsey Conservation Area Appraisal and Management Plan

7.4 **Emerging Local Development Framework Core Strategy**

The Core Strategy was submitted to the Secretary of State for Communities and Local Government on 23rd April 2013. The Secretary of State appointed a Planning Inspector to conduct the examination of the plan, which commenced on 7th October and ended on 23rd October. The Inspector's report is awaited. At this stage the only issues which the Inspector has raised concerning the soundness of the plan relate to the affordable housing policy and the Council's evidence on Gypsies and Travellers. As the Core Strategy has been the subject of independent examination (October 2013) its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014).

National Planning Policy

7.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

7.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

7.7 Paragraphs 126-141 relate to the protection of the historic environment with paragraphs 132 and 133 highlighting listed buildings. Paragraph 133 notes that where development will lead to substantial harm to the significance of a heritage asset consent should be refused.

8.0 MAIN ISSUE

1) Appearance and Character of Listed Building/Conservation Area

9.0 APPRAISAL

Design and Character/Conservation Area

9.1 When assessing this application it must first be established whether the stone which is being used to constructed the extensions is appropriate. In order to do this it is necessary to consider whether the reflects the special character of the listed building and also whether the stone is appropriate within the wider context of Barsdey's historic core. If it is concluded that the stone is not appropriate then measures to mitigate the harm should be considered. Only if mitigation is not possible should the discharge of condition be refused.

9.2 In reaching a view on the stone to be used it should be recognised that the side extension is well set back in the site and has been designed as a subsidiary element to the listed building. Both extensions are single storey with pitched roofs which are proposed to be covered with timber shingles to match the main roof. As noted within the justification statement the architect has selected a neutral stone colour which he believes is right for the site and which reflects the boundary wall of the site.

9.3 When assessing if stonework reflects the character of a building and the wider area it is usual to consider four separate elements:

- the stone colour;
- the stone size;
- the method of construction (rubble, random/regular coursing); and
- the mortar joints (type of mortar, style and thickness of pointing).

9.4 The method of construction is considered to be appropriate. The use of regular courses and the course height is acceptable and reflects the character of surrounding buildings. The mortar joints are not acceptable as concrete rather than a lime mortar has been used. However, verbal assurances have been given that this will be raked out and the extensions repointed using an appropriate mortar and style of pointing. As such the outstanding issues are therefore the size of stones which are being used as well as their colour. These will be addressed in turn.

9.5 As constructed the stonework does include larger pieces of stone which are not reflective of the smaller stone sizes of surrounding buildings which are nearer square. In order to address this concern the agent has suggested inserting false vertical mortar joints. These will be used to bisect the longer stones and introduce the impression of smaller, more square pieces. This has been trialled on a small section of the extension and is considered to be successful. As such it is considered that whilst many of the stones are at present too long, this harm can be mitigated.

9.6 The colour of the stone remains of some concern. As it outlined within the justification which has been recently submitted by the agents, the historic

stonework within Bardsey includes yellow and grey tones. The agrarian historic core stretches from the Grade I listed church, down Church Lane toward the application property and encompasses 28 Church Lane next door, 30 Church Lane beyond and the Bingley Arms and its attached houses opposite the site. All Hallows Church tends toward the grey end of the spectrum, however the other properties within the historic core are largely constructed of a yellow sandstone. Grey tones are present on the buildings, some of which are the result surface discolouration through pollution, however it is clear that the underlying stone is predominantly yellow and this muted, mellow tone is characteristic of this section of the conservation area. Within recent years building work within the historic core has used sandstone with a yellow tone. This has been used to construct an extension to Bingley Cottage (next to the Bingley Arms) and also the new build property, The Holt.

9.7 The stone which is being used to construct the extensions is predominantly grey. There are flecks of a more muted yellow colour within some of the blocks, however some are wholly grey. Whilst the presence of some grey stones within the extensions would not be harmful, the near ubiquitous presence of a grey tone to the extensions does raise concern. The application dwelling is rendered white, and thus the contrast with the application building is not so critical, however when the immediate streetscene is taken into consideration the absence of the yellower hues is noticeable, and members will be able to reach a view on the streetscene impact during the site visit. It is noted that the conservation officer considers that if the stone is cleaned and is in direct sunlight the stone has a sufficient quantum of yellow tones. Although this view is noted, officers remain concerned about the overall predominance of grey.

9.8 At present the bulk of the stonework is not easily visible from public points of view as this is partially screened by a front boundary hedge. However, this hedge is deciduous and thus does not provide screening all year round, and particularly will not provide screening during the darker, winter months when the sun is less likely to be shining. It is also not usual practice to condition boundary treatments greater than 1.0m adjacent to a highway as this can have implications for highway safety with visibility from driveways being severely restricted.

9.9 The extension will also project above the hedge and elements of the stonework will be visible from public points of view, particularly at eaves level and in the side gable. These have not yet been constructed and thus it is possible to introduce more yellower tones within the stonework that is yet to be built. If this can be achieved in a subtle manner, so that there is no obvious and stark distinction between the grey and the yellow tones this may resolve the harm which a wholly grey extension would cause. This matter would then be deferred back to officers to resolve in consultation with the agent. Members therefore need to first reach a view on whether the stone colour is acceptable. If the stone colour is not acceptable then consideration must be given to whether the mitigation measures are acceptable.

10.0 CONCLUSION

10.1 It is therefore considered that subject to the introduction of false mortar joints, the use of appropriate mortar and more yellow stonework to the upper portion of the extensions officer concerns regarding the size and colour of the stonework can be resolved.

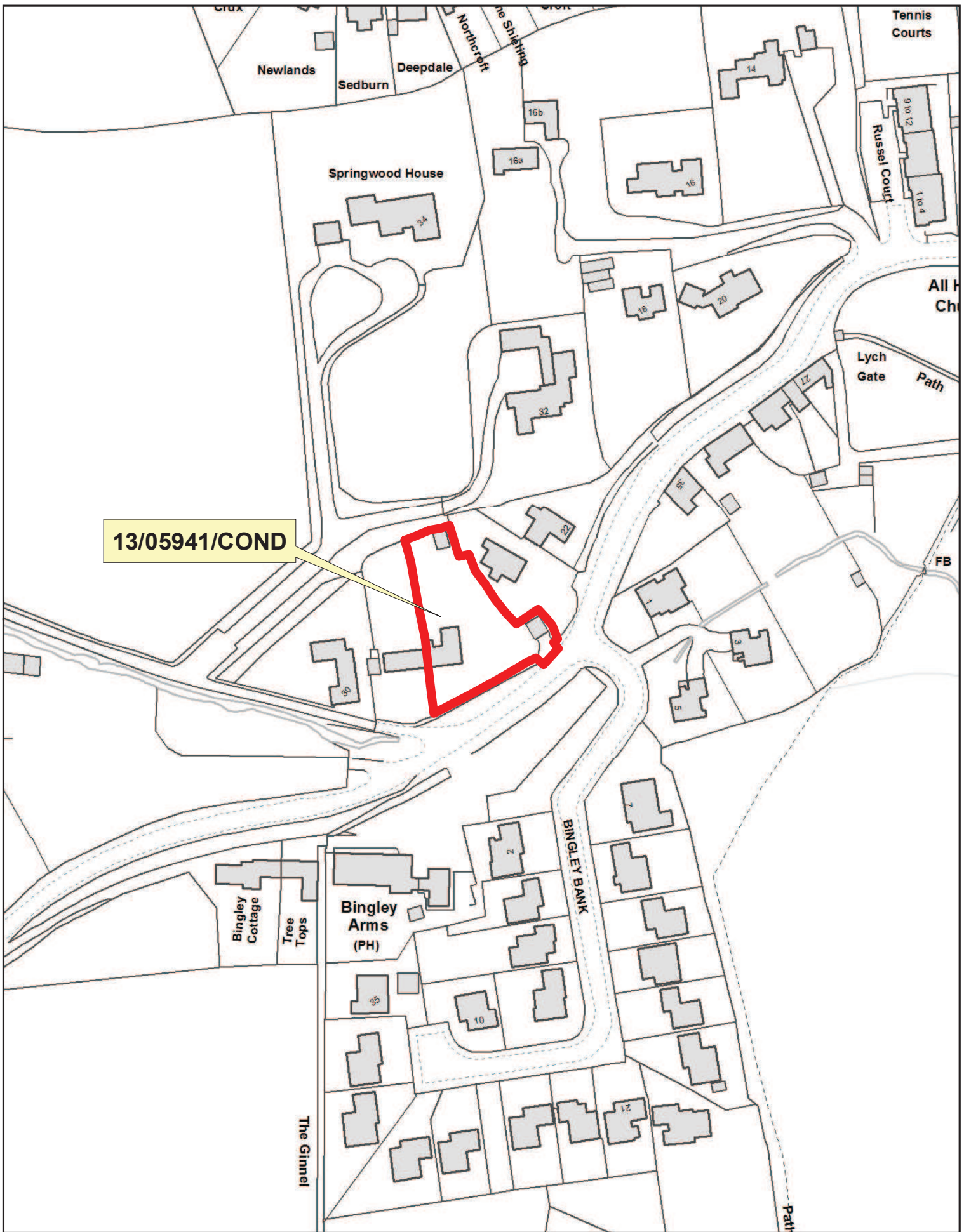
NOTES:
 1. The client must verify all dimensions on site before commencing any work or stop drawings.
 2. Please refer to the site plan for all dimensions and levels. If the drawing does not show the
 dimensions in any way, the architect is to be blamed for the work to be done.
 3. Only if agreed dimensions to be taken from the drawing. Do not make up the drawing.
 4. Drawings based on Ordnance Survey maps and/or aerial photographs - design and drawing
 are based on the current information available. The architect is not responsible for any
 errors or omissions in the drawing.
 5. Work with the Contractor (Client & Management) Regulations 2007 in order to meet all
 Health & Safety requirements and must not be reproduced without consent of 2B Architecture Ltd.
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 Rev. Description Drawn Date Checked Date
 A Design updated for new proposal 18/10/2012

— Site Boundary



2B

Project: Mr S Verity and Mrs K Abney
 Proposed Extension to Oak Tree College
 Boundary
 Drawing Title: Proposed Site Plan
 Scale: 1:500 @ A3
 Date: Aug 2012
 Drawn By: YA
 Drawing Number: 2012-005-010
 Revision: A
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13/05941/COND

NORTH AND EAST PLANS PANEL

