



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 18th July, 2013
at 1.30 pm**

MEMBERSHIP

Councillors

J Akhtar
M Coulson
C Gruen
J McKenna
(Chair)
C Towler
P Truswell
J Walker

J Bentley

A Castle
R Wood

R Finnigan

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

AGENDA

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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> <p>No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES - 20 JUNE 2013 To confirm as a correct record, the minutes of the meeting held on 20 June 2013	3 - 14
7			PANEL MEMBER NOMINATIONS FOR WORKSHOP ON DELIVERING QUALITY HOUSING To receive and consider the attached report of the Chief Planning Officer which seeks Panel Member nominations for a workshop on delivering quality housing	15 - 16
8	Ardsley and Robin Hood		APPLICATION 13/00874/FU - HAIGH HALL FARM, BATLEY ROAD, TINGLEY, WAKEFIELD, WF3 1HA To receive and consider the attached report of the Chief Planning Officer regarding an application for the development of a solar farm.	17 - 38
9	Kirkstall		APPLICATION 13/00626/FU - CARDIGAN FIELDS, BURLEY, LEEDS, LS5 To receive and consider the attached report of the Chief Planning Officer regarding an application for a detached drive through restaurant	39 - 46
10	Kirkstall		APPLICATION 13/01654/FU - 56 EDEN CRESCENT, KIRKSTALL, LS4 2TW To receive and consider the attached report of the Chief Planning Officer regarding an application for a single storey, two storey and first floor side extension to dwelling	47 - 54
11	Kirkstall		APPLICATION 13/02417/FU - 24 VESPER RISE, LEEDS, LS5 3NJ To receive and consider the attached report of the Chief Planning Officer regarding an application for a two storey and single storey side/rear extension	55 - 62

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12	Weetwood		<p>APPLICATION 13/00992/FU - LAND TO THE REAR OF 54 WEETWOOD LANE, LEEDS, LS16 5NH</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for two detached dwellings with associated landscaping</p>	63 - 76
13	Hyde Park and Woodhouse		<p>APPLICATION 13/02702/FU - HOUSING MANAGEMENT OFFICE, OATLAND DRIVE, LEEDS, LS7 1SH</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing housing office and construction of a block of three retail units (A1) use with associated works</p>	77 - 84
14	Guiseley and Rawdon		<p>POSITION STATEMENT - APPLICATIONS 13/2408/CA & 13/2409/FU - GREEN LANE, YEADON</p> <p>To receive and consider the attached report of the Chief Planning Officer which gives a position statement on the applications for the demolition of dyeworks buildings, erection of 109 houses and retention of mill façade and development to form 14 flats (13/02409/FU) and conservation area consent application for demolition of dyeworks buildings and one chimney (13/02408/CA)</p>	85 - 96
15	Morley South		<p>POSITION STATEMENT - APPLICATION 13/01941/RM - LAND AT BRUNTCLIFFE ROAD, MORLEY, LEEDS, LS27 0QG</p> <p>To receive and consider the attached report of the Chief Planning Officer which gives a position statement on an application for 173 houses with landscaping</p>	97 - 114
16			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 15 August 2013 at 1.30 p.m.</p>	

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To:

Members of Plans Panel (South and West)
Plus appropriate Ward Members and Parish/Town Councils

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
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Your reference:
Our reference: ppw/sitevisit/
2013

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 18 JULY 2013

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.20 **Application 12/04775/FU Erection** of 2 detached dwellings on land to the rear of 54 Weetwood Lane, LS16 - **Leave 10.35** (if travelling independently meet on Weetwood Lane outside No. 54).
- 2 10.50 **Application 13/02409/FU** – (position statement) – Residential development – former dyeworks - Green Lane, Yeadon. **Leave 11.10** (if travelling independently meet in the car park on Green Lane opposite the main entrance to the Mill).
- 3 11.25 **Application 13/02417/FU** – 2 storey and single storey side and rear extension at 24 Vesper Rise, Kirkstall. **Leave 11.30** (if travelling independently meet outside the property on Vesper Rise).
- 4 11.35 **Application 13/01654/FU** – 2 storey and single storey extension to 56 Eden Crescent, Kirkstall. **Leave 11.40** (if travelling independently meet outside the property on Eden Crescent).
- 5 11.45 **Application 13/00626/FU** – Detached drive-through restaurant - Cardigan Fields. Leave 11.20 **Leave 11.50** (if travelling independently meet in the car park off to the left of the entrance route to the side of the main cinema building).

Minibus to return to Civic Hall at approximately 12.00

A minibus will leave the Civic Hall at 10.00 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.55 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 20TH JUNE, 2013

PRESENT: Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,
D Congreve, R Finnigan, C Gruen,
C Towler, P Truswell, J Walker and
R Wood

8 Late Items

Although there were no formal late items, the Panel was in receipt of the minutes of the South and West Plans Panel meeting held on 23rd May 2013, which were omitted from the agenda in error (minute 11 refers)

9 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however in respect of the applications for an Asda and Tesco at Beeston, Councillor Truswell and Councillor McKenna drew Panel's attention to their membership of the Co-operative Society as they felt it was in the public interest to do so, as the proposals could have an impact on the Co-op store situated in Beeston Local Centre (minutes 14 – 16 refer)

10 Apologies for Absence

Apologies for absence were received from Councillor Coulson who was substituted for by Councillor Congreve

11 Minutes

RESOLVED - To approve the minutes of the South and West Plans Panel meeting held on 23rd May 2013

12 Preapp/12/00279 - Proposed redevelopment of former ice packing factory to provide religious community centre, sports hall and catering business - 49 Barkly Road, Cross Flatts, Leeds, LS11 7EW

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

Officers presented the report which related to pre-application proposals for a religious community centre, sports hall and catering business at 49 Barkly Road LS11

Members were informed that the character of the surrounding area was predominantly residential, although other uses including industrial use, workshops and a primary school surrounded the site

In terms of car parking, 74 car parking spaces at the front of the site were proposed together with 3 coach parking bays

The proposed catering unit would be a self-contained unit and have a separate access

In respect of the design of the proposals, discussions had taken place on this and some revisions had been made. A particular feature of the main building would be the erection of a 16m high minaret, although this would be for decorative purposes only. For information, Members were informed that the highest point of the existing buildings measured 13.5m

Highways issues remained a concern, particularly in view of the proposed mix of uses on the site and the implications this could have for on-street parking. Further information was being sought from the applicants to enable a full assessment to be undertaken of the highways issues involved

The impact of the proposals on residential amenity would also need to be considered. The previous factory use on the site had generated complaints about operating hours and delivery vehicles waiting to off load, causing noise and disturbance to local residents. The proposals would need to be assessed to establish whether the intended uses would generate similar or different problems. In respect of the catering unit there was the potential for noise and odour from extraction equipment

Officers reported the receipt of 33 additional letters of representation which had been received following publication of the report, with issues relating to impact on existing businesses; an intensification of uses on the site; possible longer operating hours and that a residential scheme which would provide affordable housing was more suitable in this location

The Panel received a presentation on the proposals from the applicant who provided the following information:

- that the charity Aspiring Communities, was behind the application. This organisation was run by volunteers and its aim was to improve communities, tackle prejudices and stereotypes, with community cohesion being a priority. The charity catered for all aspects of society and had members in over 30 towns and cities
- that Beeston was a multi-cultural part of the city; that it lacked investment; that it benefitted from the presence of a large number of faiths and that it was a sustainable location, with good public transport links to the wider area
- that the proposed uses would be a community hall; sports and recreation hall; Islamic learning centre, incorporating a multi-faith centre and a catering unit. A charity drop-in centre would also be provided for use by other charities
- that the proposals represented a ground-breaking scheme and that both positive and negative feedback had been received to them

- that the scale of the development had been reduced from its original idea, to enable the massing of the building not to increase its impact on the nearby residential dwellings
- that extensive parking was being provided on the site but that one or two large scale events, for up to 1500, would take place annually, which would require considerable additional parking, with the possibility of using an area off site for parking and then providing a shuttle service to the venue. The timing of these largescale events would be arranged so as not to coincide with a Leeds United home game at Elland Road
- that a phased approach would be taken to the development and occupation, with the offices being retained as a temporary centre
- that a traffic assessment for all of the proposed uses had been carried out by a reputable, independent company which had been submitted to Officers
- regarding numbers using the venue, that this would be managed through a booking system; that a range of uses could be accommodated for, although the capacity of the function room would be for 400 and that the cost of using the facilities would be subsidised for low income families. With the exception of the large annual events, in general, large numbers would not be catered for
- that greater function hire was likely to take place at weekends, with a function possibly taking place once a week
- that a Board had been formed two years ago for this community stakeholder project
- that 8 paid posts would be created through the scheme, with one of these being a sustainability manager, to manage the centre on a day to day basis and that the jobs created would be for local people
- that a significant investment of £4-5m was being made for this innovative scheme

Members then heard from a representative of Beeston Forum who provided the following information:

- that Beeston Forum opposed the proposals due to concerns about highways and disturbance to residential amenity as from the plans it was clear that a large number of people would be visiting the site
- that lengthy opening hours were being proposed
- the proximity of the school to the site, with concerns that this was closer than shown on the submitted plans
- the likelihood of on-street parking occurring from people visiting the premises and the increased traffic generation the development would create
- concerns about the proposed catering unit and the potential for nuisance to the residential dwellings sited near by

- that a previously approved residential scheme was more appropriate for the site and that the scale of the proposals were too large for this area

The Panel then had the opportunity to ask questions of the two speakers and then comment on the proposals

Members commented on the following matters:

- that further information on the membership of the Board and the sustainability of the organisation was requested
- concerns about possible numbers using the site for functions. On this matter the Panel noted Mr Rahman's comments that there was not an intention to let the premises as a commercial venture and that he was willing to accept a condition preventing wedding functions from taking place on the premises
- the use of the premises for funerals and the possibility of a large number of car borne visitors attending these, with concerns about highways and parking issues. The Panel again noted Mr Rahman's statement that the organisation would accept conditions relating to these issues, if it was felt appropriate
- the facilities available for young Muslims in the area, particularly primary school children. Members were informed that all age groups were catered for and along with sports facilities there would be evening classes, health and career advice and support for a range of issues, including language
- the prayer facilities; the peak time for their use and the likely method of travel, with mixed views about this

At this point Councillor Akhtar drew Panel's attention to the fact that he was a practising Muslim, as he felt it was in the public interest to do so

- the possibility of pressure being put on the organisation to hold larger events more frequently than was intended. The non-profit nature of the scheme was reiterated, with the possibility of conditioning event use being suggested by Mr Rahman
- the Governance arrangements, with Members being informed that operational sub-committees would be established which would be made up of local people
- the need for further consultation to be undertaken within the local area, particularly with the local faith communities, Beeston Forum and other groups which were not part of the Aspiring Communities organisation
- the particular problems of on-street parking in this area due to the proximity of Elland Road and the potential for this to worsen if the parking issues associated with the scheme were not properly addressed from the outset
- whether there was a demand in the area for affordable housing and the need for details to be provided of the number of sites in the Beeston and Holbeck Ward designated for future housing development

- the scale of the development, which for context, was slightly larger than the proposals for a new supermarket being considered later on the agenda, and also for context, the level of car parking being proposed in the two supermarket developments before Panel, i.e. 164 and 195 spaces respectively, and whilst accepting the use was different, that only 74 car parking spaces were being proposed for this scheme for uses where people could be expected to park for several hours
- that the proposals represented a extremely large, community facility
- the need for any traffic management plan to be robust and sound, be submitted to Panel and include details about how it would be controlled and enforced
- concerns about the design of the building; how the different areas would be used and whether, from the drawings provided, sufficient light would be available for the various intended uses
- that the decorative minaret should not exceed the height of the highest point of the building; that the diversity of brickwork on the frontage was welcomed but that further design improvements were needed to the front elevation
- that further conditions should be considered regarding no music outside the building; no marquees to be erected or outdoor events held and possible noise restrictions at the boundary, in the interests of protecting residential amenity
- that local Ward Members and residents felt strongly there should be no access to the catering facility from the rear entry to the site, as the use of this access had led to issues of noise and nuisance from the former occupier of the site. A condition in respect of the size of vehicles to the catering unit should be included and that this should specify no HGVs
- the need for the catering unit to be properly conditioned to prevent noise and odour nuisance
- the hours of operation of the sports hall which should be reduced from 10.00pm to 9.00pm and that some sound insulation to this area should be required
- that the principle of this development could be beneficial, particularly the principle of community cohesion but that much more information on how this could be achieved was required
- the scale and design of the existing development, with concerns that the current material of the large, modern unit on the site was unacceptable and that better cladding of this should be required as part of the proposed scheme

In respect of the specific issues in the report where Members' comments were sought, the Panel's Lead Officer summarised these from the comments made and noted that whilst there was support in principle for the scheme, concerns remained in respect of:

- scale and design
- highways and parking

- impact of the proposals on residential amenity

and that further information was required on these matters and the other issues raised by Members, including details about the community cohesion the scheme could bring to the area

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

13 Applications 11/02390/LI and 11/02389/FU - Listed Building application to demolish former corn mill building and planning application for part two and part three storey office block - Corn Mill Fold, Cornmill View, Horsforth Leeds, LS18

Further to minute 40 of the South and West Plans Panel meeting held on 6th December 2012, where Panel considered a position statement for planning permission and Listed Building consent for the demolition of a former corn mill building and the erection of an office development at Corn Mill Fold, Corn Mill View Horsforth LS18, Members considered a further report of the Chief Planning Officer setting out the formal application

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and provided further information to Panel on the following matters:

- the contamination which existed on the site and which would need to be removed had now been found to be more serious than had at first been thought
- the need for higher finished floor levels of any development to protect against flooding
- that only 14 car parking spaces were being proposed and the view of Officers that 28 spaces were needed for the development being put forward
- that the possibility of using some of the nearby residential car parking for this development was not acceptable
- that whilst the Conservation Officer was prepared to accept the design of the scheme, the issue about the level of car parking proposed remained
- that demolition of the former corn mill could not be agreed to as the alternative, proposed scheme was not acceptable

As the Officer's recommendation was to refuse the application, the Panel heard representations from the applicant's agent in support of the development and from an objector to the proposals

The Panel considered how to proceed

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

Application 11/02390/LI

The applicant has not put forward an acceptable scheme for the redevelopment of the site. The proposed demolition of this listed building cannot therefore be justified in the terms set down in paragraphs 131 to 133 of the National Planning Policy Framework, and the development is contrary to Policy N14 of the Leeds Unitary Development Plan (Review 2006) which

states that demolition of a listed building will be permitted only in exceptional circumstances and with the strongest possible justification

Application 11/02389/FU

1 The development would result in a demand for car parking which cannot be satisfactorily accommodated within the site. This would lead to an increase in on-street parking which would be detrimental to the safe and free flow of traffic and pedestrian convenience and safety and would be contrary to policies GP5 and T24 of the Leeds Unitary Development Plan (Review 2006)

2 The proposed development, as a result of its design and size, fails to reflect the scale and massing of the listed building. In particular the south elevation of the mill (whether rebuilt or retained in situ) will appear as though it has been transplanted onto the face of a larger and unrelated scheme and will lack integrity. The proposal is therefore contrary to policies N13, N14 and N16 of the Leeds Unitary Development Plan Review and the requirements of the NPPF to secure high quality design

14 Introductory Report - Application 11/04306/OT, Site of Asda Store, Old Lane Beeston and Application 10/04404/FU, Site of proposed Tesco Store Junction of Moorhouse Avenue and Old Lane, Beeston

Members considered an introductory report on the two applications submitted for supermarkets on Old Lane, Beeston LS11

The Chair outlined the way the applications would be dealt with which would see both schemes introduced, then speakers for each application, questions, discussion and then determination of each of the applications

RESOLVED - To note the report and Officer recommendations contained within it

15 Application 10/04404/FU - site of Tesco store - Junction of Moorhouse Avenue and Old Lane Beeston LS11 and Application 11/04306/OT - Site of Asda Store Old Lane LS11

Further to minute 24 of the South and West Plans Panel meeting held on 8th November 2012, where Panel resolved not to accept the Officer's recommendation to refuse an application for a supermarket at the junction of Moorhouse Avenue and Old Lane, Beeston LS11 and requested that the application be deferred for further information, Members considered a further report. Appended to the report was a copy of the Officer's report to 8th November 2012 Panel and the approved minutes from that item

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and a representative of the Council's retail consultants, was in attendance to respond to questions and comments from the Panel

Members were informed that following the meeting in November 2012, Officers requested further information from both applicants. The applicant for this site elected not to provide additional survey work in support of their application as it was Tesco's view that the survey work they had previously submitted still stood and it was their view that both of the schemes were viable, together with the proposed Asda store at Middleton

The view of Officers was that the impact of introducing a new offer into the area for top-up shopping would have a considerable impact on the viability of the Beeston Local Centre and it was for this reason that the recommendation to Panel was to refuse the application

Officers then introduced the application for a supermarket on Old Lane

Further to minute 25 of the South and West Plans Panel meeting held on 8th November 2012, where Panel resolved not to accept the Officer's recommendation to refuse an application for a supermarket at Old Lane, Beeston LS11 and requested that the application be deferred for further information, Members considered a further report. Appended to the report was a copy of the Officer's report to 8th November 2012 Panel and the approved minutes from that item

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and a representative of the Council's retail consultants, was in attendance to respond to questions and comments from the Panel

Members were informed that the applicant, Asda, had submitted further information in the form of customer surveys obtained from its existing store on the site and from survey carried out at Beeston Local Centre

The Council's retail consultant had considered the information and the level of linked trips from the existing store to the other facilities at the local centre, which was of particular importance

Being mindful that the Panel had not accepted the impact of the development on the Dewsbury Road Centre as a reason to refuse the application, it was now the view of Officers that the existing Asda store already provided top-up shopping and that there was likely to be less of an impact on the local centre if this development was built and therefore the recommendation to Panel was to approve the application

Members heard representations on behalf of the applicants and from a local resident who made general objections to both schemes

Members commented on the following matters:

- the likely impact of the applications on Beeston local centre. Mr Connell from Colliers, the Council's retail consultant stated that the local centre depended on the draw of Beeston Co-op for top-up shopping; that introducing a new offer into the area, i.e. Tesco, would have a greater impact and that two supermarkets in close proximity of the local centre would have a significant detrimental impact on it

- the timescales for the development of the Asda store, if granted permission, due to the delays experienced at the Middleton site and whether a reduced period for the submission of Reserved Matters and commencement of construction would be accepted. A representative of Asda who attended the meeting stated that the Old Lane store would be reasonably straightforward to develop unlike the Middleton site which had required several issues to be resolved before development could commence. Work on the Middleton Asda would commence in August 2013, with its opening planned for May 2014. For the Beeston site the suggested 6 months for Reserved Matters submission and 6 months for commencement of development was agreed to
- the need for local employment to be included in the S106 Agreement
- how Officers had approached the applications in view of Panel's previous decision and a view that both applications should be allowed and the matter left for market forces to decide. The Head of Planning Services stated that a cumulative impact assessment was recommended to be undertaken and that both applicants had approached this differently. The view of Officers was that together the two stores would have an impact but that the decision rested with Panel

Members considered how to proceed

RESOLVED – To note the reports, and the information provided and to move to determination of the applications

16 Application 11/04306/OT - Demolish existing buildings and erect retail foodstore (Class A1), with car parking, landscaping and access - Site of Asda store Old Lane, Beeston, Leeds, LS11

Having had regard to the contents of the introductory report, the Officer's report relating to this application; the presentations and discussions, the Panel

RESOLVED - To approve the application in principle and to defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any other conditions required necessary), the amendment of condition no 2 requiring submission of Reserved Matters to be within 6 months, with development commencing within 6 months of submission of last reserved matter and following completion of a Section 106 Agreement to cover the following matters:

- 1 £2500 Travel Plan Review fee
- 2 £1500 for provision of dropped kerbs at the junction of Jessamine Avenue with Grovehall Parade
- 3 £10,000 for provision of live bus information display at stop number 10074 (on Old Lane)
- 4 £175,680 as a public transport contribution
- 5 £50,000 as a traffic monitoring fee for monitoring of traffic during development and implementation of any required TROs

- 6 Provision of pedestrian refuse islands on Old Lane (s278 required)
- 7 Provision of alterations to the Beeston Road approach to the Old Lane/Town Street roundabout (s278 required)
- 8 Provision of an access from the southern boundary of the site to Back Lane (s278 required)
- 9 Job and training provision for local residents

In the circumstances where the S106 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

In accordance with Council Procedure Rule 16.5, Councillor Truswell required it to be recorded that he abstained from voting on this matter

17 Application 10/04404/FU - Application for the erection of retail store with car parking and landscaping - Junction of Moorhouse Avenue and Old Lane LS11

Having had regard to the contents of the introductory report, the Officer's report relating to this application; the presentations and discussions, the Panel

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

The Local Planning Authority considers that the proposed retail store, when considered with other commitments, would be likely to have a significant adverse impact on the vitality and viability of Beeston Local Centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan Review (2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy

In accordance Council Procedure Rule 16.5, Councillor Truswell required it to be recorded that he abstained from voting on this matter

18 Application 13/00521/FU - New Cricket Pavilion at Rodley Cricket Club, Town Street, Rodley, Leeds, LS13

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

The Panel's Lead Officer presented the report which sought permission for a new cricket pavilion at Rodley Cricket Club, Town Street Rodley, which was located in the Green Belt

Members were informed that the proposal was an acceptable use in the Green Belt and that Sport England had not objected to the application

Whilst some concerns had been raised locally about the visual impact of the pavilion on nearby properties, it was considered that the pavilion would not obstruct views and would not appear unduly dominant

In terms of possible noise and disturbance from the social space within the pavilion, Members were informed that this was a small space; that the social facilities would be used only after matches and that this could be secured through a planning condition with a further condition being imposed to prevent opening hours beyond 9.30pm. If minded to approve the application, a further condition was proposed to restrict the amount of floorspace for the bar area to that shown on the submitted plans. It was noted that paragraph 8.1 of the submitted report relating to the RSS was incorrect, as the RSS had now been revoked

The Panel heard representations from an objector who attended the meeting, with particular concerns being raised about the impact on the ability of the other sports club which currently shared the existing club house with the cricket club to secure a larger facility in the future

Members considered how to proceed. The possibility of deferring determination of the application to enable Ward Members to discuss the proposals with the relevant parties was suggested

The Panel then heard from a representative of the applicants who outlined the need Rodley Cricket Club had of a new pavilion to meet the requirements of the new league the club was in

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition relating to the amount of floor space which could be occupied by the bar, not to exceed that shown on the submitted plan

In accordance with Council Procedure Rule 16.5, Councillors Akhtar, C Gruen and Wood required it to be recorded that they abstained from voting on this matter

19 Application 13/01100/RM - Demolition of existing buildings, laying out of access roads and erection of 106 houses - University of Leeds, Bodington Hall, Otley Road Adel LS16

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which sought approval of Reserved Matters for the demolition of existing buildings, laying out of access roads and erection of 106 houses at Bodington Hall, Otley Road, Adel LS16

Members were informed that although the outline approval had been for 160 dwellings, revisions had been made to the scheme and that a smaller scheme was now being proposed

The 106 dwellings would be predominantly detached properties of 4 – 5 bedrooms, although some smaller, 2-3 bedroom properties would be included. Affordable housing comprising 16 units would be provided in two areas of the site

The design of the dwellings was fairly traditional as an overall concept, with materials being brick and slate with some artificial stone-faced properties being included. The majority of the dwellings would be two storey in height

The receipt of two further representations was reported, with Members being informed that these raised no new issues

Concerns raised by Councillor Anderson were conveyed to Members in respect of the highways impact of the development and the capacity of local schools to accommodate the children from the site. The need for appropriate conditions relating to highways and landscaping was also stressed as was the implementation of the traffic calming measures to take place before the first dwellings were occupied. The withdrawal of a local bus service was also highlighted

The Panel's Highways representative informed Members that the outline application had dealt with the off-site impact of the scheme and that measures had been taken to discourage drivers from using the site to by pass Otley Road and that local concerns about rat running were unlikely to be founded

Members discussed the application and commented on the following matters:

- the design of the dormers, with concerns about the flat roof dormers being proposed. Officers stated that flat roof dormers were not considered to be out of character and that a development close by had adopted the same design, to good effect
- the access to the site from Adel Lane. Members were informed that no physical changes had occurred to the existing site access and that it was felt it would work and was as discreet as possible
- the size of the proposed driveways and whether these would be able to accommodate two large vehicles. Members were informed that the length of the driveways had been designed to guidelines contained in the Street Design Guide
- the management of the woodland area adjacent to the development. Members were advised that the outline permission had dealt with the management of this area, through the S106 Agreement. Areas of woodland would be given over to a woodland management company with residents paying a surcharge for this

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

In accordance with Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he abstained from voting on this matter

20 Date and time of next meeting

Thursday 18th July 2013 at 1.30pm



Originator: Martin Sellens

Tel: 0113 2478172

Report of the Chief Planning Officer

PLANS PANEL NORTH and EAST PLANS PANEL SOUTH and WEST

Date: 11th July, 2013 North & East
18th July, 2013 South & West

Subject: Panel Member nominations for workshop on delivering quality housing

Electoral Wards Affected:

All

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Each Plans Panel is asked to nominate 3 members to take part in the workshop

1. At the Joint Plans Panel on 27th June it was agreed that as part of an initiative to facilitate better quality housing applications, given the growth aspirations of the City, the Council should lead a workshop with major house builders. The workshop will set out our ambition for achieving quality housing throughout Leeds, providing clarity about our existing guidance documents and listening/ discussing/ progressing current issues and delivery with house builder representatives.
2. Members agreed that 3 representatives should be provided from each Plans Panel and that the Member representation should have a good political and gender mix. Members are now asked to nominate representatives from their Panels.
3. City Plans Panel at their meeting on 4th July nominated Councillors Neil Walshaw, Martin Hamilton and Rachael Procter. Councillor Peter Gruen is likely to attend as Executive Member.
4. The workshop is likely to be a half day in September.

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Originator:	Jade Corcoran
Tel:	0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 18th July 2013

Subject: **PLANNING APPLICATION 13/00874/FU for Development of solar farm on Site of Haigh Hall Farm, Batley Road, Tingley, Wakefield, WF3 1HA**

APPLICANT	DATE VALID	TARGET DATE
Oakapple Renewable Energy Ltd	15 th March 2013	14 th June 2013

<p>Electoral Wards Affected:</p> <p>Ardsley & Robin Hood</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Specific Implications For:</p> <p>Equality and Diversity</p> <p>Community Cohesion</p> <p>Narrowing the Gap</p>	

RECOMMENDATION: Grant Planning Permission subject to conditions listed below.

List of planning conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Operational and delivery hours restriction
4. Statement of construction management practice to be submitted to and approved by the Local Planning Authority.

5. Decommissioning and restoration of site within 25 years of the solar farm being connected to the national grid.
6. Full details of the solar panels, transformer and inverters, including details concerning sound installation, to be submitted to and approved by the Local Planning Authority.
7. No part of the solar panel or associated structure shall be higher than 3m above existing land level.
8. Full details of the substation to be submitted to and approved by the Local Planning Authority.
9. The swales shall be constructed in accordance with approved plans.
10. No building or other structure to be on or within 3m either side of the centre of the water main.
11. Full details of the security cameras and fencing to be submitted to and approved by the Local Planning Authority. The details of the fencing shall include details of how medium sized mammals will pass underneath.
12. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
13. Submission of a protected species survey shall be undertaken, include the woodland area between the site boundary and Haigh Hall Farm, and submitted to and approved in writing by the Local Planning Authority.
14. Biodiversity & Landscape Protection, Enhancement and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.
15. Prior to the development becoming operation, a detailed long-term Biodiversity & Landscape Management Plan based on the biodiversity and landscape features in the "Landscape Management Plan dated May 2013 by Ecus" shall be submitted to and approved by the Local Planning Authority. The Management Plan shall be reviewed every 5 years through written agreement with the LPA and continue for a 25-year period after completion of works.
16. Existing trees/hedges/bushes shown for retention shall be fully safeguarded.
17. No retained trees/hedges/bushes shall be cut down, uprooted or destroyed nor any tree pruned, topped or lopped other than in accordance with approved plans and particulars, without prior consent of the Local Planning Authority.
18. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August.
19. Prior to the commencement of development a method statement for the control of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Natural Resources and Waste Local Plan
General Policy 1; and, Water 7

Unitary Development Plan (Review 2006)
GP5; N10; N17; N32; N33; N37; N37A; N49; T2; and, LD1

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

1.0 INTRODUCTION:

- 1.1 A position statement was taken to Plans Panel South and West on the 25th May 2013. At this meeting Members supported the proposals and agreed that the application should be deferred and delegated to officers subject to further discussion with Ward Members and the Panel Chair should significant objections be made. Since this meeting the Ramblers Association have made an objection to the proposal based on the visual impact upon the Leeds Country Way and an additional 13 letters of objection have been received. In response to this, the officers have corresponded with Ward Members and the Chair of Plans Panel in accordance with Plans Panel's resolution. Both Councillor Mulherin and Councillor McKenna consider that the proposal should be determined by Plans Panel.

2.0 PROPOSAL:

- 2.1 The proposal comprises the installation of circa 7.5MWp of photovoltaic (PV) solar panels covering approximately 13.5 hectares of agricultural land, within the larger agricultural holding of Haigh Hall Farm. This would consist of approximately 32,000 solar panels over three fields laid out in rows of varying lengths designed to suit site conditions. Given the sensitivity and value of the equipment, the applicant is proposing to enclose the fields with 2.1m high post and mesh, dark green, perimeter fencing and supplement this with perimeter planting. In addition to this, pole mounted CCTV cameras would be installed inside the security fence at strategic locations around the site.
- 2.2 The applicant anticipates that the proposal would create enough energy to power around 2,180 homes and amount to a CO₂ saving of some 3,800 tonnes (equivalent to the output of approximately 1,400 cars) per annum.
- 2.3 The solar farm is proposed to have a lifetime of approximately 25 years. At the end of the proposal's operational lifetime, the solar arrays would be dismantled and all panels, frames and electrical infrastructure, such as the inverters and transformers, would be removed from site. At the time of decommissioning, a remediation process would commence that would include suitable landscaping to restore the agricultural land and to maintain any biodiversity features which have been developed over the life of the solar farm.

Detailed Design

- 2.4 The applicant is proposing to use a polycrystalline panel with self-coloured aluminium perimeter frame. The PV modules would be elevated 1 metre off the ground by galvanised steel module racks that would be fixed to steel piles set into the ground to a depth of between 1.5 – 2 metres. The total height of the panels (including module racks) from ground level would be approximately 3.5 metres. The configuration of panels would either be banks of two in portrait or four in landscape on fixed galvanised steel racks, inclined at 30 degrees to the horizontal. The PV arrays would be contained within the areas defined on the layout plan and would be laid out in rows running east-west to provide them with a southerly orientation. Generally, the existing

ground contours would be followed with little or no cut and fill envisaged by the applicant.

- 2.5 To convert the DC current generated by the solar arrays to AC current (as required by the national grid) inverters (approximately 2562 x 899 x 2279) and transformers (approximately 2980 x 2380 x 1580) are required. This would take the form of approximately six sets of one transformer and two inverters spread across the site with subterranean cables connecting the equipment. The AC current would be transmitted to a new substation that is proposed to be situated to the north-west of the site, which would transmit the energy to the Distribution Network Operator.
- 2.6 The application is accompanied by a detailed landscape plan. To the north and west of the site a new hedge is proposed to be introduced with additional planting to close a number of gaps within the existing hedgerow. A woodland copse is proposed to the north-west, south-west and north-east corners to screen the site from strategic viewpoints. The Landscape Strategy Plan also identifies areas of wildflower meadow mix and neutral grassland to be planted.
- 2.7 A wildlife corridor is proposed to enhance links between Haigh Hall Spring Wood, directly to the north of the site boundary, and the habitat that surrounds Hey Beck approximately 90m to the south west of the site boundary. A grassland buffer of 10m would be established between the perimeter fence and the existing hedgerow. As outlined above, this hedgerow would be improved. In addition to providing screening, this enhancement aims to strengthen connectivity for bats between areas of foraging habitat. The grassland strip would act as a wide field margin, being allowed to develop into a dense coarse grass habitat to provide cover for invertebrates, small mammals and potentially ground nesting birds.
- 2.8 Just beyond the southern boundary and to the west of the site a number of swales (small attenuation ditches) have been proposed beyond the perimeter fence on gently sloping land. Their main purpose is to collect water run off from the site. However, the excavated soil from the swales would be used to create a small mound which would be planted with suitable marginal vegetation to provide habitat that could be suitable for aquatic invertebrates and some amphibians such as common frog.

Construction Details

- 2.9 With agreement from the landowner, a temporary construction compound would be created on the field directly to the north of the development site (or to the west of Haigh Hall Farm). The construction phase is an estimated period of 10-12 weeks. Construction work would include delivery to site of materials via 120-150 vehicles over the period. All materials would be delivered to the construction compound by the appropriate vehicle then transferred to their appropriate location within the site by an agricultural vehicle.

Access

- 2.10 The site is accessed via the existing surfaced track known as Scott Lane leading from Batley Road. The applicant expects that significant deliveries (heavy loads) would arrive via the M1 and M62. Scott Lane can adequately cater for delivery vehicles, which would then be able to unload and manoeuvre within the temporary site compound. Therefore, full access to the site itself for large vehicles is unlikely to be necessary. During construction the number of HGV movements is estimated to be between 3 and 4, with 15-20 contractor vehicles anticipated on site, daily. Employees driving to the site would be required to park within the site compound. Where possible, workers would be transported to the site by minibus.

- 2.11 Once the site is fully operational, the applicant anticipates that the maintenance of the equipment will only require a quarterly clean and check of the panels. System performance and site security would be monitored remotely. An indicative layout identifying the proposed location of the security cameras has been submitted for consideration. The site would function unmanned for the majority of the time.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site covers an area of 13.5 hectares and is situated and accessed off Scott Lane. The proposal is located within the Green Belt and also lies within a Special Landscape Area (SLA). The site forms part of Haigh Hall Farm. The farmhouse is a grade II listed building and lies to the north of the site. The land rises from the west to the east and falls from the north to the south. Hedgerows and trees demarcate the north, east and south field boundaries. The wood (Haigh Hall Spring Wood) directly to the north-east of the proposal is designated as a Leeds Nature Area. The north-western boundary of the site makes up part of a public right of way known as The Leeds Country Way.
- 3.2 Currently the land is utilised for pastoral purposes with the eastern part of the site used for growing cereal crops and hay. The development area has been previously used for landfill and open cast coal mining, which ceased around 1995. The site is identified by the Agricultural Land Classification (ALC) as grade 3b and 4.
- 3.3 The site is located within a predominantly rural area with large amounts of the land to the south being open countryside. The village of West Ardsley is set approximately 250 metres to the north-west. Leeds City Centre lies approximately 10km to the north, Dewsbury to the south-west and Wakefield to the south-east. Haigh Hall Farm is approximately 80m to the north and Haigh Hall bungalow is 25m to the east. The nearest neighbouring property to the north-east facing boundary is known as 240 Batley Road; there is a property approximately 150m further north-east; and, another building 100m beyond this. The Springs is situated roughly 400m north. The closest property to the north facing boundary is approximately 200m to the north-west.
- 3.4 The area has a dense highway network. The M1 motorway is situated approximately 1.2 km to the south east of the site and passes in a north-south orientation. The A653, Leeds Road, is located 1.3 km to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/12/01105: Photovoltaic installation. Advice given 21.12.2012
- 4.2 23/94/93/FU: Change of use of agricultural site to landscaping contractor erection of tractor shed and alterations to farm buildings. Approved on 07.09.1993
- 4.3 H23/70/92: Extraction of coal to agricultural site. Approved on 20.07.1992
- 4.4 H23/227/91: Extraction of coal and clay and tipping of waste material to constructed void space to agricultural site. Refused on 14.01.1992
- 4.5 H23/14/89/1: Extension of permission for tipping to agricultural site. Approved on 03.09.1991
- 4.6 H23/14/89: Tipping to agricultural site. Approved on 20.03.1989.

- 4.7 H23/346/86: Laying out of access road and tipping to agricultural site. Approved on 19.01.1987

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant submitted a pre-application enquiry concerning this proposal on the 13th November 2012. The following are the key recommendations made by the Local Planning Authority (LPA):
- 5.1.1 Officers outlined that very special circumstances would have to be demonstrated due to the site's location within the Green Belt, details of site selection would have to be included and that consideration would need to be given to the setting of Haigh Hall Farm.
- 5.1.2 The applicant was advised that they were required to undertake community consultation.
- 5.1.3 The internal tracks that were proposed were considered unacceptable. They are an intrusive feature that urbanises the Green Belt and goes beyond what is strictly necessary to enable this development.
- 5.1.4 Information concerning glint and glare would be required.
- 5.1.5 Landscape and visual impact assessment would be required in relation to the proposal.
- 5.1.6 Planting should be used to minimise any potential impact and to provide long-term environmental benefits to the area.
- 5.1.7 A 10m wide wildlife corridor link between the Haigh Hall Spring Wood Leeds Nature Area (to the north-east of the site) and Hay Beck (to the south-west of the site) is recommended to mitigate against any potential visual harm around the eastern half of the site if located on the outside of security fencing.
- 5.1.8 A Phase 1 habitat survey and protected species survey should be carried out to reveal any potential ecological receptors.
- 5.1.9 Details of landscape management would be required.
- 5.1.10 The quality of the existing public right of way (PROW) should be protected by allowing sufficient space provided between PROW corridor and any development. Planting to the footpath corridor boundary would be necessary to avoid the proposal introducing harm to amenity.
- 5.1.11 Design and location of ancillary infrastructure – cable trenching, provision of a substation and internal junction box structures for example.
- 5.1.12 Details and location of proposed security measures – including how they are to be fixed to the ground. Discussion should also focus on why natural features cannot be used and how the technology and fencing would impact upon ecology.

5.2 On the 25th April 2013 a position statement concerning the proposal was received and considered by South and West Plans Panel. In response to Members' comments and questions, the following issues were discussed:

5.2.1 Renewable energy was encouraged to be viewed as positively as possible within the National Planning Policy Framework.

5.2.2 The scheme would provide enough energy to power up to 2,500 homes which was comparable to 5 wind turbines.

5.2.3 The Highways Agency had been contacted regarding the possibility of glint and glare for traffic travelling on the M1. No concerns had been raised.

5.2.4 It was requested that the fencing and CCTV be as unobtrusive as possible.

5.2.5 Members supported the proposals and agreed that the application should be deferred to officers subject to further discussion with Ward Members and the Panel Chair should significant objections be made.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised via site notices posted on 5th April 2013 and published in the local paper (Yorkshire Evening Post) on 3rd April 2013. Copies of all plans and supporting information have also been made available on public access and at Morley Library.

6.2 In addition to the above, site notices were also posted (on the 26th April 2013) in close proximity to site within the Wakefield Metropolitan District Council and Kirklees Metropolitan Council areas.

6.3 At the time of writing this report, 13 letters of representation had been received. The points raised can be summarised as the following:

- Impact upon residential amenity in terms of glare and obtrusiveness of the sheer mass.
- Harm to the openness of the Green Belt.
- A poor use of agricultural land and will introduce harm to visual amenity.
- The efficiency of the panels will be poor so the very special circumstances put forward (renewable energy) will not outweigh the harm to the green belt.
- The insinuation that low grade land can not be put to any use is not true. Grades 3a and 3b agricultural land can be used for extensive arable cropping, rotational grassland eg. cereals, oilseed rape & beans or grass leys for dairy cows, beef, sheep. Grade 4 agricultural land can be used for permanent grassland/rough grazing eg beef and sheep rearing with limited dairying and cereals.
- Proof should be provided that the proposal will benefit the community substantially more than the damage it is going to do to the local roads, traffic nuisance, noise pollution, loss of wildlife and general damage to the local environment.
- Lets stop the building and maintain the landscape for future generations to enjoy, not least the wildlife. The solar farm must have a detrimental impact upon birds and bats.
- The proposed security fence is not in keep with the area. At the very least the fence to the western boundary should be replaced with an evergreen hedge.

- Health risks.
- An advertisement in the Yorkshire Post is totally inadequate. The entire area of West Ardsley should have been notified of such a major development via a letter. A lack of local knowledge is the reason why there has been little objection, the date for public objection should be extended and the company in question should mail the proposals to all the residents of the Haigh Moor and West Ardsley area.
- A better option to use the real estate attached to households and business, namely their roofs.
- One reason we moved to Haigh Moor Road for the view of the green fields and trees, which are slowly deteriorating.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

- 7.1.1 Coal Authority: Requests a Coal Mining Risk Assessment Report.
- 7.1.2 Environment Agency: No objection subject to condition.
- 7.1.3 Highways Agency: The further information submitted by the applicant was considered sufficient to remove their objection.
- 7.1.4 Natural England: No objection subject to the Local Planning Authority considering that the proposal will not introduce harm to protected species.

7.2 Non-statutory:

- 7.2.1 Conservation Team: The topography of the site and proposed planting are such that the development will not introduce harm to the setting of the listed farm house.
- 7.2.2 Highways Authority: More details of the type and frequency of vehicles should be provided. The proposed site compound looks big enough to provide turning. However if more than one HGV turns up on site this might not be the case, additionally swept path turning movements must be indicated at the junction of Batley Road and Scott Lane and the available visibility achievable at 2.4m. Regardless of the above a comprehensive Construction Management Plan will be required.
- 7.2.3 Kirklees Metropolitan: Kirklees Council do not object in principle to the development. However, having reviewed the submitted plans and supporting documents they request that due consideration is given to the impact of the development on the Green Belt as well as its impact on that area of land within Kirklees close to the site when determining the application.
- 7.2.4 Land Contamination: No comments received to date.

- 7.2.5 Landscape Team: No objection subject to minor alterations to the Landscape Strategy Plan. Particular attention should be paid to the western boundary.
- 7.2.6 Leeds And Bradford Airport: No comments received to date.
- 7.2.7 Mains Drainage: No objection subject to the swales being constructed in accordance with the submitted drawing nr. 1073-D02-rev4.
- 7.2.8 National Planning Casework Unit: No comments received to date.
- 7.2.9 Nature Team: No objection subject to a number of minor amendments to the Landscape Strategy Plan and conditions.
- 7.2.10 Neighbourhoods And Housing: No comments received to date.
- 7.2.11 Open Spaces Society: No comments received to date.
- 7.2.12 Ramblers Association: Having considered the application at its committee meeting on 14th May 2013 and the further information in the form of photomontages provided by the applicant, the Ramblers Leeds Group now lodges a strong objection to this application. This objection is made in relation to its western boundary because of its severely adverse visual impact on walkers using Scott Lane, a public right of way (PROW) (Morley Footpath 141), and also the route of the Leeds Country Way (LCW), a key strategic and regionally important recreational route. Additionally, Morley FP141 provides a key link for the local residents of Haigh Moor and West Ardsley to the well-walked PROW network that exists in Kirklees and Wakefield to the south of the application site.

There are currently uninterrupted views of open country to south east enjoyed by walkers on this section of the LCW, as the attached photographs demonstrate. These uninterrupted views will be blocked by the racks and panels of the array. Whilst we acknowledge that the proposed copses at the north-west and south-west corners will go somewhat towards mitigating the visual impact of the array, the proposed 2m high hedge on the western boundary of the site will not adequately screen the development for walkers on Scott Lane.

We do acknowledge that the inappropriateness of this development in the Green Belt is likely to be offset by the very special circumstances of renewable energy generation. However, given that the proposed development is in an area of strategic Green Belt importance, we submit that very special

measures need to be adopted in order to ensure as much as possible of the uninterrupted views to the south east from the LCW on Scott Lane are retained, and that the array is as well-screened as possible. To this end we urge that the western boundary is withdrawn to the east.

7.2.13 Public Rights Of Way:

Public Footpath Nos.109 & 141 Morley run along side the western boundary of the site along the access track. After a site visit it was noted that the land rises up giving limited views. Therefore, the security fencing would not obstruct views from the footpath.

Care should be taken by vehicles accessing the site whilst the installation is under construction. The rights of way will not be affected by the development but the footpath should be open and available for use at all times.

The developer is requested to consider entering into a Permissive Path Agreement for the duration of the site operation for a footpath along the access track to the south of the site and over the bridge to the viewing point for the dam as shown on the attached map.

7.2.14 Wakefield Metropolitan:

Having reviewed the submitted plans and supporting documentation it is considered that the proposed development would not have any impacts upon Wakefield or land within their jurisdiction. Accordingly, Wakefield Metropolitan District Council do not object to the proposed development.

7.2.15 Yorkshire Water:

No objection subject to a condition concerning no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main, which crosses the site.

8.0 PLANNING POLICIES:

- 8.1 The introduction of the National Planning Policy Framework (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. All policies outlined below are considered to align fully with the NPPF.

The proposals will be considered in the context of both national planning policy and the Development Plan. At the time of writing the Development Plan includes the Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the

Natural Resources and Waste Development Plan Document and any material guidance contained in the emerging Local Development Framework (LDF).

8.2 Natural Resources and Waste Development Plan Document

- 8.2.1 General Policy 1: Presumption in favour of sustainable development;
- 8.2.2 Water 7: Surface water run off.

8.3 Local (UDP Review 2006)

- 8.3.1 Policy GP5: Refers to detailed planning considerations and any loss of amenity;
- 8.3.2 Policy N10: Development will not be permitted which adversely affects a public right of way;
- 8.3.3 Policy N17: The character of the listed building should be preserved;
- 8.3.4 Policy N32: Seeks to preserve the openness of the Green Belt in addition to visual amenity;
- 8.3.5 Policy N33: Outlines acceptable development in the Green Belt;
- 8.3.6 Policy N37: Seeks to avoid harm to the character and appearance of special landscape areas;
- 8.3.7 Policy N37A: All new development shall have regard to the characteristics of the landscape and contribute positively;
- 8.3.8 Policy N49: Development that introduces harm to the wildlife or habitat. Design of new development, including landscaping, should minimise its potential adverse impact;
- 8.3.9 Policy T2: Refers to maintenance of highway safety;
- 8.3.10 Policy LD1: Outlines the parameters for an acceptable landscaping schemes

8.4 Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

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

- 8.4.1 General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 8.4.2 Spatial Policy 1: Location of development - to deliver the spatial development strategy based on the Leeds settlement hierarchy.
- 8.4.3 Spatial Policy 8 (V): Supporting the rural economy, consistent with the Settlement Hierarchy and the protection and enhancement of a high quality rural environment.
- 8.4.4 Policy P10 (ii): New development for buildings and spaces ... should be ... good design that is appropriate to its location, scale and function.
(ii) The development protects the visual, residential and general amenity of the area ... and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces ... and views;

(iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings ... the visual, residential and general amenity of the area through positive design that protects and enhances surrounding routes...

- 8.4.5 Policy P11: Development proposals will be expected to demonstrate a full understanding of historic assets affected.
- 8.4.6 Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.
- 8.4.7 Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.4.8 Policy G1: Enhancing and extending green infrastructure.
- 8.4.9 Policy G8: Protection of important species and habitats.
- 8.4.10 Policy G9: Biodiversity improvements.
- 8.4.11 Policy EN3: Low carbon energy. The Council supports appropriate opportunities to improve energy efficiency and increase the large scale (above 0.5MW) commercial renewable energy capacity, as a basis to reduce greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas, and energy from waste.
- 8.4.12 Policy EN5: Managing flood risk.

8.5 National

- 8.5.1 National Planning Policy Framework: paragraphs 17, 87, 88, 91, 93, 97, 98 and 138.

9.0 **MAIN ISSUES:**

- Principle of Development
- Landscape & Visual Impact
- Nature Conservation
- Glint and Glare
- Highway Safety
- Historical Assets
- Residential Amenity
- Local Representations

10.0 **APPRAISAL:**

Principle of development

- 10.1 Local plan policy (the Natural Resources and Waste Local Plan (NRWLP)) supports the development of renewable energy. The Government outlines 12 core principles, within paragraph 17 of the National Planning Policy Framework (NPPF), that should underpin planning and decision making. The sixth principle outlines that the use of renewable resources should be encouraged. Paragraph 93 goes onto to reiterate how important renewable energy is and that it is essential to the three (environmental, economic and social) elements that form sustainable development. Local Planning Authorities are strongly encouraged to take positive steps towards renewable energy in plan making (paragraph 97) and should not require the applicant to demonstrate need (paragraph 98).

- 10.2 The site is located in Green Belt. According to Unitary Development Plan (UDP) policy N33 and guidance contained within the NPPF, the proposal is considered to be inappropriate development. By definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” (NPPF, paragraph 88).
- 10.3 The NPPF gives due consideration to the situation of renewable energy schemes being located within the Green Belt. The NPPF states:
- ‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. ... Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’*
- 10.4 The proposal is forecast to produce approximately 7,200MWh of renewable energy per annum (sufficient to power approx. 2,180 homes) from natural resources in a sustainable manner. This would in turn be an annual saving of around 3,800,000kg of CO₂ emissions. Considering this, the applicant has put forward the proposal’s renewable energy credentials as part of the very special circumstances to justify inappropriate development in the Green Belt.
- 10.5 After 25 years the panels are expected to operate at only 80% of their original efficiency; at which point the applicant anticipates their removal. It is the opinion of the applicants that given the development of the proposal and its long term maintenance would have a low impact upon this greenfield site, the proposal should be considered of a temporary nature. The temporary nature of the development is put forward as further very special circumstances to justify the proposal in this location.
- 10.6 During the application process, the applicant (who is not the landowner) was asked why a Green Belt site is preferable to a brownfield one. The orientation and topography of this particular site are ideal conditions for the proposal, which are not attributes shared by many sites regardless of their previous use (brownfield or greenfield). The western portion of the site was previously an opencast coal site and then used for disposal of waste, so hasn’t been used consistently for agricultural purposes. Furthermore, the applicant has suggested that given the site’s history it could be regarded as previously-developed (brown field) land.
- 10.7 The applicant was also asked if they had explored the option of forming a partnership with the owner of an industrial estate to utilise the roofscapes of large industrial buildings. The industrial market is yet to embrace solar proposals in Leeds/Yorkshire due to a number of prohibiting factors. There are few, if any, industrial estates comparable to size of the development site. Very few new industrial buildings are being constructed and retro-fitting existing buildings creates complications due to ownership and maintenance requirements.
- 10.8 Other sites in the Leeds Authority area have been investigated, but none of them identified to-date are as suitable as Haigh Hall Farm or offer the speed of delivery that could happen should planning permission be granted. This coupled with the land owner’s desire to diversify the uses of the existing farming practices and see the proposal up and running, the Haigh Hall Farm site was chosen.

- 10.9 The Government's objective for sustainable development in rural areas is outlined in section 3 of the NPPF. The principles set out by this document include improving economic performance, support sustainable use of land, and to diversify and promote growth in rural areas. The proposal will provide a sustainable, relatively temporary, approach to supporting a rural enterprise.
- 10.10 As previously outlined, the development site is defined by the ALC system as grade 3b and 4 land. Land classed as 3b is considered to be moderate quality agricultural land, which means land that is capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass. Poor quality agricultural land is identified as grade 4. This is land with severe limitations which significantly restrict the range of crops and/or level of yields.
- 10.11 Currently the eastern part of the site is used for growing cereal crops. The tenant farmers have confirmed that these crops tend to be low yielding. The growing of cereal crops would cease if consent for the proposal was received, but once the solar farm was decommissioned this activity could be re-instatement. In the meantime, the landowner has offered other land within their ownership at Haigh Hall Farm (ie on the north side of Batley Lane) to the existing tenant farmers.
- 10.12 The remainder of the site is used as rough pasture, which would not change with the introduction of the solar panels. The height of the panels is such that the landowner could keep sheep on the development site. Thereby, maintaining an active agricultural use in conjunction with the operation of solar farm.
- 10.13 The key question to resolve when determining whether the principle of the proposal is acceptable is, do the renewable energy credentials and relatively temporary nature of the proposal outweigh the potential harm to the greenbelt by reason of inappropriateness and any other harm? Given the mitigation proposed through the landscape strategy plan, which includes biodiversity enhancements; the renewable energy benefits; that a degree of agricultural use can continue; the proposal would not sterilise/limit the future use of the site; and, both local and national policy support for sustainable development, the very special circumstances submitted by the applicant are considered to outweigh the harm that the proposal would cause to the Green Belt, by reason of inappropriateness. The proposed development is not considered to cause any other harm to the Green Belt, and this is discussed further on in the report.

Landscape & Visual Impact

- 10.14 The Landscape Visual Impact Assessment (LVIA) submitted by the applicant outlines that the landscape effects of the proposals would be limited to within 2 km of the site proposal.
- 10.15 The landscape character of the local context consist of gently undulating mixed farmland, fields of arable and horticulture, smaller fields of sheep and horse pasture, wooded strips along becks, small planted copses, few hedgerow trees, high density of village settlements and an open reservoir. The development site is characterised by three undulating fields that descend approximately 22 metres from northern boundary. The site boundaries are delineated by fencing and hedging. The site has a south to south westerly aspect, falling towards the Hey Beck valley just beyond the southern site boundary. Where hedgerows are present, these tend to be overgrown or 'gappy' with few small hedgerow trees. The south boundary is defined by a post and rail fence, with a track and water main easement lying beyond.

- 10.16 The general landscape character sensitivity of The East Ardsley Fringe is classed as medium in the vicinity of the site, according to the LVIA. The development would maintain the field patterns of the local area and would not change the proportions of the existing fields. The proposals would introduce additional man-made features into a rural setting. In the wider context, given the broad open visual character, the effects would be limited, as the proposal would be read with dense settlement, major transport corridors, pylons and industrial development.
- 10.17 As previously outlined, the area does contain other non-arable land-uses. The applicant's assertion is that 'the darker appearance [and scale] of the solar panels... are likely to be associated with other existing non-farmland landscape characteristics of the area, such as woodland blocks or a body of water such as the Ardsley Reservoir.' Given this, the conclusion that the landscape character has capacity to assimilate the proposal is reasonable.
- 10.18 The LVIA states that the section of the Leeds Country Way immediately adjacent to the site would experience significant effects. The magnitude of change is greatest along the mid and lower portions of the footpath to the west. The panels would be more apparent where there is a greater degree of visual separation between the proposal and buildings/structures and would be viewed against the sky. To mitigate this harm the proposal has been set back approximately 15m from the western boundary, to ensure the new structures would not have a dominant or oppressive effect on views, and a landscape strategy plan has been submitted. In response to the comments from the landscape officer and the Ramblers Association, the landscape plan has undergone revision to mitigate the potential harm to the public rights of way by introducing a native shrub mix behind the proposed hedge to further screen the proposal and to enhance the biodiversity benefits of the scheme.
- 10.19 The section of the Leeds Country Way to the north of the site, according to the LVIA would experience a lesser degree of change due to the reduced proportion of panels that would be visible and views of the rear aspect of the panels. Walkers on the section of footpath west of the site would experience effects eastwards for a distance of approximately 0.8 km. Views would be towards the side elevation of the panels viewed against a backdrop of rising land, thus reducing effects. LVIA sets out that views northwards from the section of footpath on the south valley side would be affected and a large proportion of the proposal would be visible. However, the development would be seen against a wider context of woodland blocks and would be associated with other development. The sections of footpath along the Hey Beck Valley would not experience any significant effects.
- 10.20 The viewpoint appraisal, within the LVIA, concludes that it is unlikely residents would be subject to a high magnitude of change due to the intervening field and landform characteristics where visibility of the site would be very limited. Additional boundary planting would further soften and screen views. The users of the public rights of way to the north and north east of the village Gawthorpe village, beyond the ridgeline, would obtain views of the site. However, very occasional views would be glimpsed and views from Lower Park Farm farmhouse are limited by the intervening barn. From these areas the site is viewed against the backdrop of the north ridge. The dark colour of the panels would be apparent, however, when viewed in the wider context it would appear similar to woodland blocks. In addition, once the planting had established it would break up the extent of the panels.
- 10.21 Properties on Chidswell Lane and the east side of the A653 Leeds Road are expected to experience changes in view. Walkers using the public right of way near Chidswell will gain views of the proposals. However, these would be oblique to the direction of

travel or partly obscured by intervening vegetation. The panels would be partially screened by woodland and viewed against a partially developed ridge against the backdrop of rising land of the north valley side so the proposal would not be unduly prominent.

- 10.22 Due to the distance and angle of views from Kirkhamgate towards the site and high frequency of vegetation cover near the Batley Rd/ M1 embankment and localised vegetation around properties are unlikely to see significant change in their views. Those travelling northbound on the M1 would have oblique views westward between vegetation on the road embankment and for a short section of motorway between Park Mill Lane and Batley Road. Given the elevation of the site, a large proportion of the site area would be visible intermittently, for a short duration and road users are considered to be low sensitivity receptors.
- 10.23 The LVIA considers that the development would not adversely affect the dark night skies, would have limited affect on the tranquillity of the area and adjacent landscape character areas.
- 10.24 The landscape strategy plan has been developed in a manner that is in keeping with the existing character by introducing hedgerow planting, new woodland copse to the south west site corner and hedgerow tree planting would be introduced to partially screen and assimilate views. When this landscaping is established, it should screen, or at least soften, views of the site. As previously outlined, to further reduce the impact upon the Leeds Country Way and Morley Footpaths 109 and 141, the landscape strategy plan has been amended to include a thicker/taller screen buffer to the western boundary. Views of the site from the south in Kirklees and Wakefield would be possible, although such views would be at some distance.
- 10.25 Given the existing context of the site (outlined above) and the mitigation measures proposed, the development is unlikely to introduce serious harm to the landscape. The mitigation measures proposed are considered to be appropriate to the character of the area and would complement the appearance of the wider landscape. For these reasons the proposal is thought to comply with the aforementioned policy.

Nature Conservation

- 10.26 Enhancement of current hedgerows is largely proposed through their management. New hedgerows along the western boundary would be created and gaps in existing retained hedges would be stopped up. The improvements centre on the enhancement of the current hedgerow network. In addition, along the eastern boundary a grassland buffer of 10m would be established between the proposed perimeter fence and the existing hedgerow, composed of existing grassland where present, or seeded grassland along the current arable areas.
- 10.27 A wildlife corridor is proposed to enhance links between Haigh Hall Spring Wood, directly to the north of the site boundary and the habitat that surrounds Hey Beck (some 90m to the south west of the site boundary). Current grassland on site is proposed to be retained with arable areas seeded with a suitable grassland mix. The site would be divided into three separate fields with management options including sheep grazing or cutting.
- 10.28 A strip of land at the western boundary has been proposed to be set aside as a wildflower meadow. Given the likely high nutrient content of the soil, a seed mix has been selected, containing native vigorous species, which are likely to produce a reasonably diverse sward. Although this may not have the variety of the traditional

wildflower meadow, this type of grassland can nevertheless have benefit to wildlife providing food plants for invertebrates and cover for a range of species.

- 10.29 Along the southern and western boundaries a number of small attenuation ditches (swales) are proposed to be constructed on gently sloping land beyond the perimeter fence to collect run off from the site. These would have additional biodiversity benefits.
- 10.30 The proposal is not considered to introduce substantial harm to protected species or other ecological assets. With the above measures in place and the proposed conditions, the development is likely to enhance biodiversity and links. Given this the proposal is unlikely to introduce harm to the local ecology and accords with the aforementioned policies in this regard.

Highway Safety

- 10.31 As previously outlined the site is accessed via Scott Lane. The greatest number of trips generated by the proposal would be during the construction phase. The Highways Authority requested several pieces of additional information, including: the type and frequency of vehicles; additional swept path turning movements must be indicated at the junction of Batley Road and Scott Lane and the available visibility achievable at 2.4m; and, clarification of whether the junction with Scott Lane would be widened. This information was duly provided and resolved the outstanding concerns.
- 10.32 The Highways Agency was consulted regarding the proposal due to the site's proximity to the M1. The applicant has provided a Landscape & Visual Impact Assessment and also a Glint and Glare Study, which has identified that there would be some visibility of the development along the short section of the M1 between Gawthorpe Lane and Batley Road. The Highways Agency requested further information concerning whether the proposal would introduce harm through glint and glare to highway safety and whether the time of day or time of year would make a difference. The Agency also requested that the applicant examine whether the site would be visible when travelling between north between junctions 40 and 41 of the M1 and if so what impact this may have on the highway at different times of day and at different times of the year.
- 10.33 The applicant has submitted the additional information requested by the Highways Agency and an addendum to their original Glint and Glare Study. The study demonstrates that the angle of the solar panels would be such that the locations where the farm would be visible from the M1 would not suffer from glint. The Highways Agency is satisfied with this information.

Glint and Glare

- 10.34 Glint is defined as the "direct reflection of the sun on the surface of the PV solar panel and is often considered a potential source of viewer distraction." The definition of glare is "a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint." [LVIA, 2013]
- 10.35 The Glint and Glare Study (2013) states that 'glare and dazzle are only issues in the domestic setting if the facade (or panel in this case) is within 35 degrees of the vertical or 55 degrees of the horizontal. Beyond this angle, incident light will be reflected primarily skywards. This is because the angle of reflection of light from a point source will always be the same as the angle of incidence... In this development, the panels would be fixed at a raised angle, nominally 30 degrees, to the horizontal.'

- 10.36 Glint is most likely to affect ground based receptors when the sun is lowest in the sky near dawn and dusk. Therefore, any glint would be reflected towards the west at dawn and to the east at dusk. The panels will be fixed at a 30 degrees angle so there is only potential for glint to be perceived at one location at a specific time during the year and day. Any potential effect would only be present for a short time as the orientation of the sun changes.
- 10.37 The panels feature solar module glass which is designed to increase panel efficiency, which has a low reflectivity compared to conventional glass. Less than 9% of the total viable light is reflected. Conventional glass would reflect approximately 17%. Therefore, the glare and reflectance levels from a given solar site are much lower than the glare and reflectance generated by the standard glass and other common reflective surfaces.
- 10.38 The Glint and Glare Study is based on the theoretical zone of visual influence (ZVI) for the scheme. ZVI is estimated purely from landform data and excludes all obstructions such as vegetation and buildings, thus this ZVI and resultant glint effects can be viewed as a 'worse case'.

Residential Impact

- 10.39 The closest residential buildings are owned by the landowner and situated to the north of the site. The residential area of Tingley is also situated to the north, approximately 250m away. Due to these residential properties being located to the north of the site and the panels facing south, glint and glare would not impact upon the residential amenity of these dwellings.
- 10.40 The nearest residential properties to the south are approximately 1km away. The land beyond the southern boundary falls away and the properties in this area are located on the north facing side of the valley. Red Lodge farm is situated approximately 370m from the site, the residential farm house is shielded from direct view of much of the site by adjacent farm buildings and vegetation. New Grange Farm is the second closest residential property to the south. The glint and glare study determines that the angle and orientation of the panels in relation to New Park Grange, along with the path of the sun, would mean it is not possible for glint or glare to impact this property.
- 10.41 The majority of the houses to the south west of the site (Chidswell and A653) would have their views of the site obscured by a band of dense woodland that backs onto the residential properties. In addition, the Landscape Strategy Plan details a hedgerow and coppice along the west boundary of the site, which should further mitigate views of the site.

Impact Upon the Highway

- 10.42 The study outlines that Batley Road, situated to the north of site, faces away from the panels and the A653, to the west, is covered along its entire length by residential properties. Those driving along the M1 are shielded, in the main, from direct views of the site by the motorway embankment and the hedges which lie close to the site. there is a relatively small area along the M1 where views would be gained. The impact of this upon highway safety is discussed in paragraph 10.31. Along Gawthorpe Lane (for 1km to the south) and the A638 (for 1.8km to the south-west) views of the site are again shielded by trees for much of their length. Furthermore, the angle and orientation of the panels along with the path of the sun would mean it is not possible for glint or glare to impact these roads.

Impact Upon Aviation Safety

- 10.43 Most reflections from the site will be skyward. If an instance of glint was experienced during a flight the impact would be almost immediate while the flight coincided with the reflected band. However, within a few seconds the aircraft will have passed through the reflective path and would not experience any further impact.
- 10.44 The closest airfields are some distance from the site. 'The flight path into and out of Leeds & Bradford Airport to the south east is directly over the site, at a height not less than 3000ft. Any effects will only be instantaneous and of low intensity due to the altitude of the plane and the speed that the plane will be travelling at.' [Glint and Glare Study, 2013].
- 10.45 Water bodies (such as reservoirs, lakes and on a calm day the ocean) have very similar reflective properties to solar panels. Therefore, pilots encounter and have to deal with glint and glare from many natural features that can amount to much larger areas than the development site. Man made structures such as poly tunnels, glass houses or even glass fronted buildings are also frequently responded to without incident.

Conclusion (glint and glare)

- 10.46 Given the presence of natural and man made features around the site and the topography within the area, very few properties and roads have the potential to experience glint. The western boundary would be planted with tall landscape features to help mitigate any potential problems to the south/south-west.
- 10.47 The majority of the glare is expected to be reflected skywards. Given the expected height of any passing aircraft, the transitional period, and that pilots are familiar with such phenomena from other natural and man made features, the proposal is not expected to introduce significant harm.

Historical Assets

- 10.48 Haigh Hall Farm Cottage is the only listed building within the vicinity. The impact of the proposal on the listed building is limited due to the intervening fields and an existing woodland copse. Furthermore, due to the gradient within the site the land descends away from the property southwards and so only a very small proportion of the site and the Hall are visible concurrently from localised areas. The additional planting proposed to the northern boundary will further strengthen the buffer. Given these factors, the proposal is not going to introduce any harm to the character and appearance of the building and its setting. Therefore, the proposal accords with the aforementioned conditions.

Residential Amenity

- 10.49 There is an outbuilding/annex and associated dwelling situated approximately 9m from the north-western boundary of the development site. The southern facing elevation of the outbuilding is the closest point to the solar farm with one window positioned within it, which does not appear to serve a habitable room, and the garden of the property is situated to the south-east and north-east. At the north-western corner of the site, where the development is adjacent to the dwelling, the solar panels are chamfered off. Given these factors, the proposed panels are unlikely to dominate the dwelling.
- 10.50 The panels themselves would not introduce noise nuisance to local residents. However, given that the inverters contain electrical equipment they may produce electronic interference. The applicant has outlined that noise emissions will be limited by a combination of shielding, noise cancellation, filtering, and noise suppression. This would be supported through condition. Lastly, to ensure the construction phase

does not introduce harm to amenity conditions concerning a construction management plan and operational hours would be applied to any grant of planning permission.

Local Representation

- 10.51 The majority of the matters raised by local residents have been addressed within previous sections of the report. The efficiency of the solar panels is considered to be poor. As previously outlined, the applicant anticipates that the solar farm will produce circa 7.5MWp of energy per annum. This is a considerable amount of energy even if the panels are at a low efficiency. Furthermore, it is unlikely that the applicant would pursue a project that would provide a low return.
- 10.52 In terms of benefits for the community, the solar farm proposal is linked to the opening up of a new footpath linking the Leeds Country Way to the Fenton Dam Viewing Platform. The proposal also incorporated enhancements to landscape associated with the site and biodiversity improvements, as discussed above. Unfortunately, the proposed security fencing can not be removed from the scheme due to the value of equipment associated with the installation. However, the landscape strategy would help mitigate any harm from the fencing and a condition requesting further details could be attached to any grant of planning permission.
- 10.53 A comment was made in relation to future health risks from solar farms. No objective evidence was provided in support of this comment. The Local Planning Authority is not aware of any such risks associated with solar farm installations.
- 10.54 As previously outlined, the application was advertised via site notices posted on 5th April 2013 and published in the local paper (Yorkshire Evening Post) on 3rd April 2013. Copies of all plans and supporting information have also been made available on public access and at Morley Library. Site notices were also posted (on the 26th April 2013) in close proximity to site within the Wakefield Metropolitan District Council and Kirklees Metropolitan Council areas. In addition, c.400 letters were posted by the applicant to local people inviting them to a 4 hour public exhibition.

11.0 CONCLUSION:

- 11.1 The principal considerations in terms of the overall planning balance are considered to be as follows:

The matters which weigh in favour of the proposal:

- The strong national support for renewable energy in order to tackle the effects of climate change is a significant factor in favour of the proposal, and carries substantial weight;
- The locally emerging targets for renewable energy, are considerations of significant weight.
- The ecological enhancements that would be provided with the scheme are of considerable weight.

The matters which weigh against the proposal (the harm):

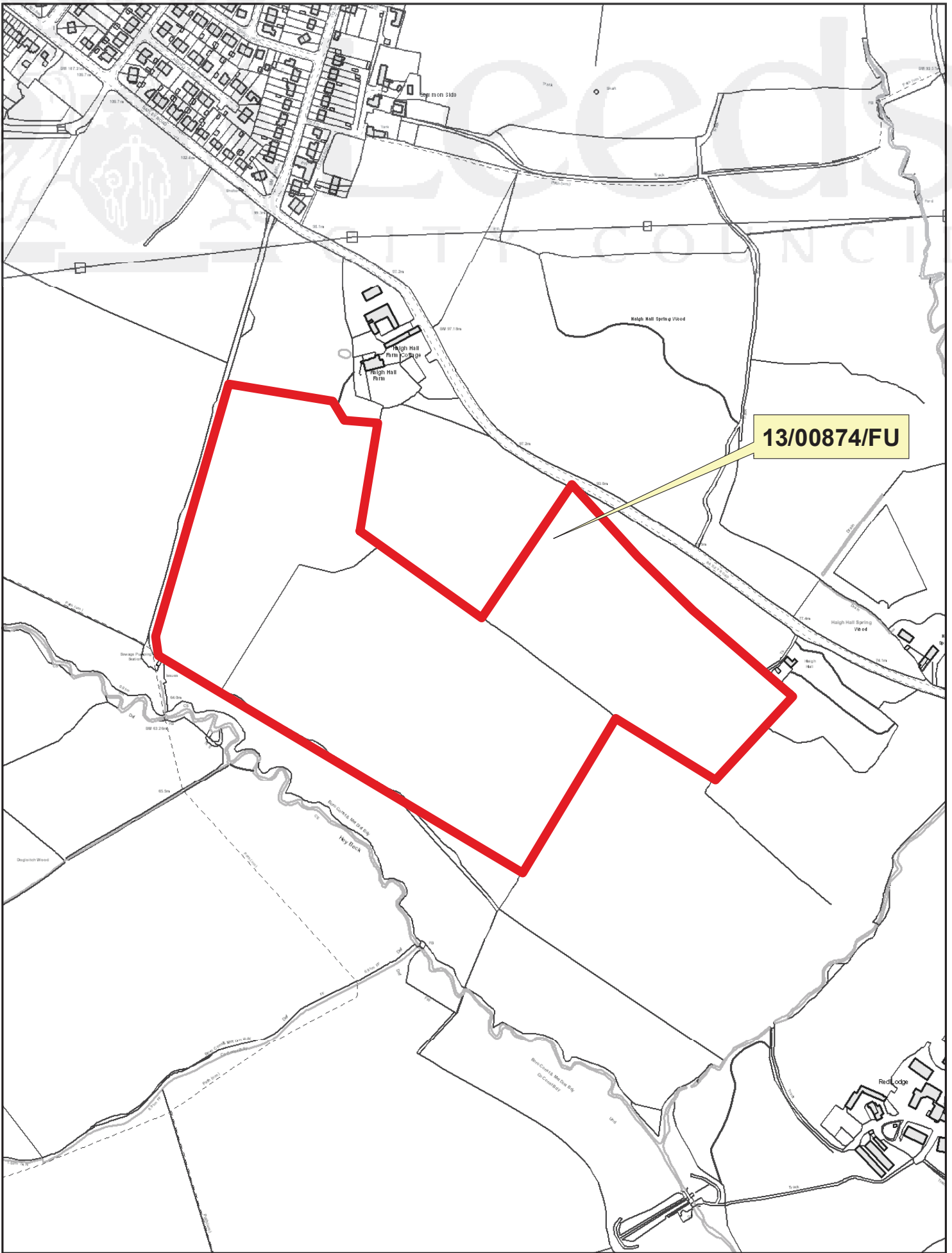
- The development constitutes inappropriate development in the Green Belt, which carries significant weight;
- The character and appearance of the landscape would undergo a significant change. This is of considerable weight.

11.2 The case for renewable energy at national, regional and local level has significant weight and is considered to provide the very special circumstance necessary to justify this development in the Green Belt. Furthermore, the proposal is not a permanent development within the landscape and would allow grazing of sheep, which maintains an element of the land's original purpose. The proposal would facilitate an additional footpath and provide enhancements to the local ecology such as a wildlife corridor. Therefore, on balance, the proposal is considered to accord with the Development Plan and a recommendation of approval is made.

12.0 BACKGROUND PAPERS:

12.1 Application and history files; 13/00874/FU
 PREAPP/12/01105

Notice served on Land Owner (Stephen Butterfield).



13/00874/FU

SOUTH AND WEST PLANS PANEL





Originator: Gareth Jones

Tel: 24 78017

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 18th July 2013

Subject: 13/00626/FU: Detached drive through restaurant at Cardigan Fields Leisure Park, Kirkstall Road, Burley LS5.

APPLICANT

X-Leisure (Leeds 1) Ltd &
X-Leisure (Leeds 2) Ltd

DATE VALID

13th February 2013

TARGET DATE

10th April 2013

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approval, subject to the below conditions:

1. Standard 3 year time limit.
2. Build in accordance with the approved plans.
3. Detail of materials to be submitted.
4. Off-site highways works to be completed prior to first occupation.
5. Vehicle space to be laid out and sealed.
6. Development not to be occupied until cycle/motorcycle facilities provided.
7. Details of existing drainage to be provided.
8. Surface water run-off management.
9. Evacuation Plan
10. Details of finished floor levels to be submitted
11. Opening Hours
12. Phase I desk top study to be provided re contamination
13. Precautionary requirement for amended remediation statement if required.
14. Verification report to be submitted following remediation.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillor John Illingworth whom has expressed concerns regarding the effect this proposal will have as regards Public Health due to an existing concentration of fast food outlets in this locality.

2.0 PROPOSAL:

- 2.1 The proposal seeks consent for a detached drive-through restaurant to be located on an area of overspill car parking serving the wider Leisure Park. The gross internal floor area will be approximately 237sqm with an external floor area of approximately 264sqm excluding the bin store/plan area. The footprint is staggered but the building will measure approximately 28m wide and 13m deep measured at its widest and longest points. The bin store measures approximately 5.7m x 2.8m. The plant area measures approximately 5.8m x 4.8m. The main element of the structure will have a flat roof measuring approximately 5m high. The plant and bin stores will be lower in height at approximately 3m. The structure is of a modern design with significant glazed elements to the customer area and modern cladding to the majority of the walls, with brick elements to the store and plant elements and a brick plinth around the base. The site is approximately 0.18m in area and the area not taken up by the building will be used for parking and to allow access to the drive through facility. There will be 26 spaces and 2 disability spaces plus 8 cycle spaces. The parking is broken up with some areas of low level landscaping to retain adequate visibility splays but hard surfacing will dominate.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently used as overspill parking for the wider Leisure Park. It is located close to the main Kirkstall Road frontage and adjacent to the main vehicular access point to the Leisure Park. The area has a commercial character containing a mixture of Leisure, Industrial, office and retail units. It occupies a frontage onto a major arterial route (A65) into the City Centre. The majority of the site is laid out for formal parking provision interspersed with areas of low-level landscaping. A tool hire shop is located on the opposite side of Kirkstall Road and to the rear there is a large multi-screen cinema and printing business. To the east is another parking area and to the west of the site is the main vehicle access to the Leisure Park and a pre-existing drive through restaurant.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/40/04/FU: Detached drive-through restaurant to car park (Withdrawn).
- 4.2 99-24/21/94/OT: Leisure development, car parking, landscaping and new access road (Approved).
- 4.3 99-24/6/95/RM: Leisure complex with cinema restaurants bingo hall health club and public house with car parking (Approved).
- 4.4 11/03248/FU: Unit 1 Kirkstall Industrial Park, Change of use of industrial unit to health and fitness club (Approved).

4.5 24/351/03/FU: 1 two storey office block and 1 three storey office block with car parking (Approved).

5.0 HISTORY OF NEGOTIATIONS:

5.1 This proposed scheme was submitted following guidance given by Officers prior to submission.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by three site notices posted around the edge of the site on 1st March 2013.

6.2 Five letters of objection have been received in relation to this application. Two of the objections have been received on behalf of two nearby businesses. Two other objections have been received from members of the public who may use the Leisure Park facility but who do not live in close proximity to the site. One of the letters of objection from a nearby commercial business has been supported by Cllr Illingworth.

7.0 CONSULTATIONS RESPONSES:

7.1 Environment Agency: No objection provided that the measures detailed in the Flood Risk Assessment are carried out and suitably controlled by conditions.

7.2 Drainage: No objection subject to the attachment of suitable conditions similar to those suggested by the Environment Agency.

7.3 Highways: No objection subject to a slightly amended layout and the attachment of suitable conditions.

7.4 Contaminated Land Team: The site is considered to have low vulnerability therefore no objection subject to suggested conditions.

7.5 Public Health: Insufficient policy basis to justify a reason for refusal.

8.0 PLANNING POLICIES:

8.1 Following revocation of the Regional Spatial Strategy the development plan is the adopted Leeds Unitary Development Plan (Review 2006).

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 Relevant UDP Policies:

GP5: Development proposals should resolve detailed planning considerations.

N12: Development proposal should respect the Council's priorities for Urban Design.

N13: The Design of new buildings should be of high quality and have regard to local character. Good contemporary design appropriate to its setting will be welcomed.

N38A: Advise on development in the functional flood plain.

N38B: Requires a flood risk assessment in areas of high flood risk.

S9: Provides criteria to satisfy where retail/town centre type uses are proposed outside a UDP designated Centre.

T2: Development proposals should not add to or create issues of highway safety.

T5: Safe and secure access for pedestrians and cyclists will be required within highways schemes/new development.

T6: Provision for disabled people will be required within highways schemes/new development.

T7A: Secure cycle parking.

T7B: Secure motorcycle parking.

8.5 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

9.0 MAIN ISSUES

- Principle
- Flood Risk
- Highways
- Design
- Public Health
- Representations

10.0 APPRAISAL

Principle

- 10.1 The development proposed is for an A3 restaurant use. In the interests of sustainable development it is generally considered and encouraged both by local and national planning policies and guidance that this type of use should be located within designated Town Centres. Cardigan Fields is not designated as such a Centre but never-the-less in functional terms and along with other commercial uses on Kirkstall Road it does operate as a de-facto centre. This site is within a significant Leisure destination serving the City and would complement the commercial activity within the existing Leisure Park. However on a strict interpretation of current development plan policy the proposal would fail to accord with the sequential preferences for this type of business. Further sequential testing of the proposal was required from the applicant during the application process and this was submitted, assessed and considered satisfactory by the Case Officer. The applicant refers to the Town/Local Centres Study commissioned by the Council to support the forthcoming Core Strategy. Given the advanced stage of the Core Strategy the proposals within it are a material consideration in the determination of this application. The site would be considered on

the edge of the Kirkstall Road Centre proposed by that document which is considered to better reflect the current realities of this area than the current development plan policies it aims to supersede and that were adopted 10 years prior to that report. Although still not in the most sequentially preferred location officers consider it fairer to consider the merits of this proposal in light of the most recent evidence as opposed to the historic development plan position. In addition and in further mitigation the specific nature of this proposal is considered to be of particular relevance. It is not a standard A3 use and Officers agree with the applicant's assertion, that given the Leisure destination function and the main arterial route frontage, there are differing operational and market requirements that would be served by the drive-through that will limit the direct competition with other similar uses, located in nearby Town Centres. The site is currently vacant and serves as overspill Car Parking for the Leisure Park. The application is considered to have successfully argued that the net loss of parking can be sustained without significant adverse impacts to highway safety and this is explored in further detail in a later section of this appraisal. This leaves the site as a vacant brownfield site within a commercial setting with a significant main road frontage leading to the City Centre. Development of the site should therefore be supported in principle give that an appropriate commercial use is proposed on this brownfield site. The proposal is therefore considered on-balance to satisfy the relevant criteria of policy S9 and the sequential requirements contained within the NPPF to justify this particular type of use in this location given that it is not within a formally designated Town Centre.

Flood Risk

- 10.2 The proposal is in an area of significantly elevated Flood Risk. A suitable Flood Risk Assessment has been provided by the applicant's which is considered to have demonstrated that there are no sequentially preferable sites and that the flood risk is capable of being mitigated. The FRA has gained the in principle support of both the Environment Agency and the Councils own drainage Officers subject to conditions. The conditions suggested have been attached. The proposal is therefore considered to accord with policies GP5, N38A and N38B of the Unitary Development Plan and the guidance on the assessment of flood risk contained within the NPPF.

Highways

- 10.3 The proposal will result in a net loss of car parking to the wider Leisure Park. It is the applicant's assertion, although this is disputed by some of the objectors that the car-park is infrequently required to serve the demands of the Leisure Park. Anecdotal evidence of a relatively frequent user of the Leisure facilities over the last 10 years would tend to agree with the applicant's statement rather than those made by the objectors. Over that period and in visiting the site numerous occasions by car It is suggested that it has never been known or required the use of the overspill car park and space has always been available within the main parking area; even on busy weekends and school holidays. The applicant's assertion is supported by the assessment of the Highways Officers. They consider that the net loss of parking can be sustained and that the additional traffic generated will not significantly impact upon the operation of the Quality Bus Corridor recently constructed along the A65. In respect of the bus route and even taking the worse-case scenario it was estimated that the proposal would affect the bus times by adding only 1 second to their journey. Whilst leading to a net loss of standard parking space the proposal will add two spaces designed for disabled users and incorporate new space for motorcycles and bicycle users improving provision for those types of users. The net loss of parking can therefore be sustained by the remaining level of parking within the site and the wider Leisure Park and the highways works facilitating access to and within the site will accommodate the additional traffic without significant detriment to the traffic flow and particularly the bus route along the A65. The proposal is therefore consider to accord

with the relevant Transport Policies i.e. T2, T5, T6, T7A & T7B of the Unitary Development Plan.

Design

- 10.4 The building is of a modern contemporary design which is considered appropriate in the local context of similar relatively recent commercial buildings. It stands favourable comparison with the other nearby drive-through in terms of design and overall visual appearance. Given the site is currently a car park, the layout of the scheme with the building surrounded by parking, is considered acceptable and reflects the relationship and setting of other similar units within the wider Leisure Park. The quality of the buildings design and the consequential reduction in hard surfacing is considered to represent an improvement to the views from Kirkstall Road and will help to identify and frame the main vehicular entrance to the wider Leisure Park. The proposal is therefore considered to accord with policies N12 and N13 of the UDP and the guidance on good design appropriate to the local context contained within the NPPF.

Public Health

- 10.5 At the request of the Chief Planning Officer, following concerns raised by the local ward member(Cllr Illingworth) regarding the health impacts of the proposed use in combination with a proliferation of similar types of uses in this locality, Officers from the Public Health Department were consulted in relation to this application. There are no specific policies either within the Unitary Development Plan or the forthcoming Core Strategy that would specifically restrict fast-food outlets on Public Health grounds. There are obviously aspirations in both planning documents that planning should do what it can to aid public health improvement objectives. However the evidence base whilst growing does not show any specific causal link between fast-food outlets and obesity. Officers consider that in the absence of any evidential harm and specific policy basis that the application could not be refused on these grounds. Were the LPA to try to adopt the approach suggested by the local ward member then similar Public Health concerns could be levelled at almost any other commercial business applying for uses involving the sale of any food or drink.

Representations

- 10.6 The main concerns expressed by the objectors relate to parking, highway safety and the proliferation of fast-food outlets in this area and their associated impacts. The majority of the highways matters raised have been dealt with above in section 10.3. The layout of the scheme is considered to be well designed to encourage appropriate vehicle and pedestrian movements. This proposal nor any other planning application could not be held responsible for pedestrian and vehicle users who may ignore these routes and appropriate restrictions. In respect of concerns relating to rats/litter the proposal contains an appropriately designed and secure bin storage area. Whilst not disputing the observation of rats by objectors, there is no specific evidential link to the proposed premises or the existing food outlets in this area and may be due to the proximity of the river/canal and nearby waste processing facility. This is also a matter that is better addressed by other legislation outside the planning system. There is a concentration of food outlets in this location due to its function as a leisure destination. The proposal will not lead to an over proliferation of such uses merely it will reflect the existing functionality of the area. One objector has questioned the demand for such a use, but this is clearly demonstrated by the submission of the application because if there were no demand there would be no commercial interest, and also by the success of other similar types of businesses nearby. Following publication of the NPPF it is no longer incumbent on the applicant to have to demonstrate a need for their proposal. The same objector also questions the quality of the design and objects to the loss of landscaping/trees. The existing landscaping of the site is of limited quality and does not make a significant contribution to the character of the area.

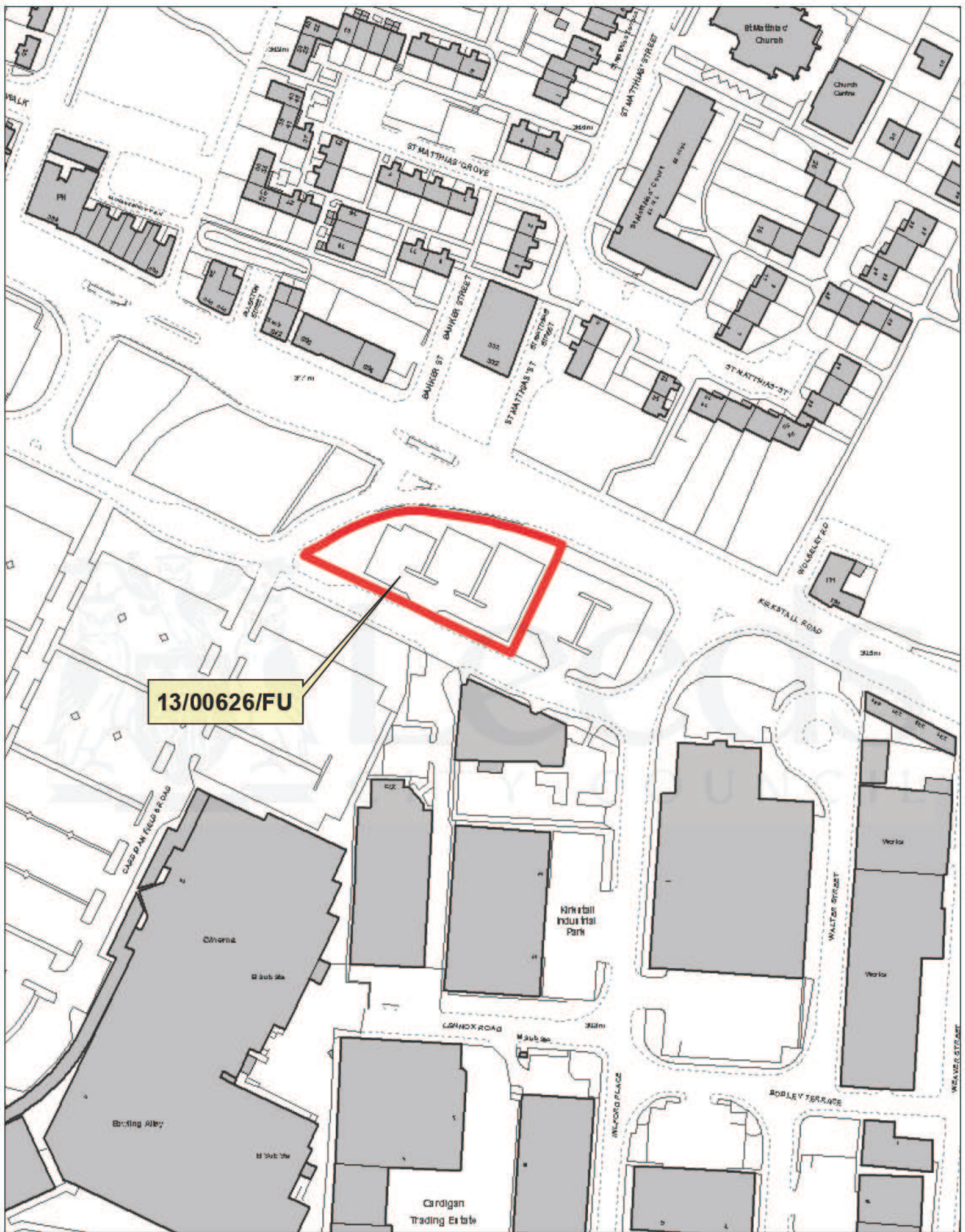
Some landscaping will remain and this is considered to result in an acceptable appearance for the site in the local context. Finally a comparison is made with an Office scheme with planning consent adjacent to the site. The objector intimates that this scheme is unlikely to come forward should consent be granted for this application and that the other scheme would provide much greater economic/employment benefits. Both schemes may or may not come forward as the planning system grants consent, but cannot insist that these are built. It would not be appropriate to withhold consent for one scheme purely on the basis of whether another scheme comes forward. Each application must be judged on its own merits and in accordance with the development plan. The proposal will not physically restrict development of the adjacent site. There is no evidential harm to support the objector's assertions. In the current economic climate any employment opportunities no-matter the perceptions of the type of work should be encouraged and are a significant material consideration weighing heavily in favour of commercial applications. The jobs on offer are likely to appeal to a young demographic which is section of the job market that has been particularly affected by the recent recession.

11.0 CONCLUSION

- 11.1 The proposed scheme provides economic development on a previously developed area of land no-longer required for its existing car parking use. The significant site constraints both in terms of Flood Risk and Highways have been addressed through the submission of appropriate details and these have satisfied both the relevant consultees and planning officers. Although not the ideal location in sequential terms for the use proposed, the site circumstances and evidence provided is considered sufficient to justify the proposed use. In coming to this view officers were mindful of the specific nature of the use proposed and the limited options regarding alternative uses given the site circumstances.
- 11.2 The proposal is considered to accord with the relevant local and national planning policies and guidance. It is further considered that are no other material considerations that would outweigh the above and therefore the Officer recommendation is that the application should be approved.

Background Papers:

File 13/00626/FU



SOUTH AND WEST PLANS PANEL





Originator: Gareth Jones

Tel: 24 78017

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 18th July 2013

Subject: 13/01654/FU: Single storey, two storey and first floor side extension to dwelling at 56 Eden Crescent, Kirkstall LS4 2TW

APPLICANT

Mr M Zaffer

DATE VALID

11th April 2013

TARGET DATE

6th June 2013

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approval, subject to the below conditions:

1. Standard 3 year time limit.
2. Build in accordance with the approved plans.
3. Materials to match existing.
4. Obscure glazing to rear bedroom window.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillors Bernard Atha and John Illingworth who concur with the concerns put forward by a local objector that this proposal would represent an over development of the site leading to an unacceptable impact on amenity and Highway Safety.

2.0 PROPOSAL:

- 2.1 The proposal seeks consent for a part first-floor part two-storey extension to the side of this semi-detached house. The extension will effectively subsume a pre-existing single storey side extension replacing it with a significantly larger two storey addition. The ground floor element to be added to the front of the existing side extension will measure approximately 3.15m wide x 3.1m in length and will retain a set-back of 1.4m from the front corner of the dwelling. The first floor element will measure the same width of approximately 3.15m but will measure approximately 5.7m in length and is set back 2m from the front corner of the dwelling. The difference in set-back produces a staggered appearance to the front elevation with a mono-pitched roof to the projecting ground floor. The first floor will have a matching eaves line and subordinate roof form set below the apex of the main roof.
- 2.2 Consent has been previously granted for a first floor extension to be added above the existing single storey extension and this permission is still extant. Consent for a previous larger two storey side extension was recently refused by Officers under delegated powers. This scheme is considered by Officers to have effectively addressed the previous reasons for refusal which related to design, amenity and highways.

3.0 SITE AND SURROUNDINGS:

- 3.1 The property is a semi-detached dwelling dating from the mid-20th century. It occupies a corner plot position which narrows to the rear. The dwelling is orientated at an approximate angle of 90 degrees to the unattached neighbouring dwelling. The property is elevated relative to the highway with conifers providing screening above the brick wall. The rear garden is quite small and fairly well screened by boundary treatments. The side garden is also relatively private although this is being reduced by on-going removal of conifers. There is an existing small flat roofed single storey extension to the side of the dwelling and to the front of this the driveway which may just be capable of accommodating two vehicles as presently laid out.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/00524/FU: Two storey and single storey and first floor side extension (Refused).
- 4.2 12/04972/FU: First floor side extension (Approved).
- 4.3 ENQ/12/00779: Side and rear dormer, single storey rear extension (Permitted Development)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This proposed scheme accurately reflects the guidance given by Officers to overcome the previous reasons for refusal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by notification letters posted to neighbouring residents on 18th April 2013.

6.2 Two letters of objection were received from local residents. One of the objectors copied in the local ward members to their response and subsequently both Cllr Atha and Cllr Illingworth expressed agreement with the concerns of that objector.

7.0 CONSULTATIONS RESPONSES:

7.1 No external or internal consultations were required due to the minor nature of the proposed development.

8.0 PLANNING POLICIES:

8.1 Following revocation of the Regional Spatial Strategy the development plan is the adopted Leeds Unitary Development Plan (Review 2006).

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 Relevant UDP Policies:

GP5: Development proposals should resolve detailed planning considerations.

BD6: Alterations and extensions should respect the scale, form, detailing and materials of the original dwelling

T2: Development proposals should not add to or create issues of highway safety.

8.5 Supplementary Planning Documents: Leeds Householder Design Guide (Adopted 2012).

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.

8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

9.0 MAIN ISSUES

- Design
- Amenity
- Highways
- Representations

10.0 APPRAISAL

Design

10.1 The extension is set down and subordinate to the main dwelling. This is achieved through its compliance with the standard guidance for this type of extension contained within the Householder Design Guide. It is set back the required 2m from the front corner of the dwelling and retains a 1m gap to the shared side boundary save for the very rear corner, but in mitigation for the most part the distance to the side boundary is well in excess of 1m due to the splayed nature of the boundary. The extension is also substantially less than 2/3rds the width of the host dwelling. It will therefore retain an adequate visual break to the adjacent dwelling and will not significantly impinge on the visual gaps between dwellings which form part of the character of the Crescent. It has a gabled roof form reflecting that of the host property where the roof has been altered through works that did not require the express consent of the Local Planning Authority. The significant setback has ensured a subordinate roof form with the apex of the extension roof being approximately 0.8m below that of the main roof. The materials have been proposed and conditioned to match the existing and the window detailing is considered appropriate and subordinate to the main windows of the original dwelling. The extension will effectively replace a single storey extension of limited quality but smaller dimensions with a larger extension of better design quality. As it occupies a wider than usual corner plot the extension will not set a significant precedent. The increased set back from the front elevation has addressed the specific issue which lead to the previous design based reason for refusal on the preceding application. The extension in design terms is therefore considered to accord with policies GP5 and BD6 of the UDP, policy HDG1 of the Householder Design Guide and the guidance on 'good' design appropriate to the local context contained within the NPPF.

Amenity

10.2 The extension is not considered to be intended for or currently occupation by students therefore policy H15 is not considered to apply. The layout of the scheme is consistent with family occupation. The extension is set well back from the properties on the other side of the highway and for the most part maintains good separation to the boundary and dwelling adjacent to it. The splayed boundary does create a pinch point towards the rear corner but the relative orientation of this dwelling and the adjacent neighbour and the general orientation of the site result in overshadowing being limited and falling on areas with limited amenity value for small proportion of the day. The effects in this regard are further mitigated by the subordinate nature of the design meaning that much of the extension will sit within the shadow cast by the existing dwelling. This subordinate design and generally good separation to the side boundary combined with the orientation of the dwelling opposite limits the effects of the proposal in terms of dominance and the extension is therefore not considered

overbearing in its relationship to neighbouring properties. The front windows overlook the public highway and are well separated from the dwellings opposite which have limited privacy as they face the public highway. No windows are proposed for the side elevation. The insertion of first floor windows to this elevation is adequately controlled to protect privacy by permitted development rights which would require them to be obscure glazed and non-opening unless more than 1.7m above the floor level. Future window insertion to the ground floor would be secondary in nature and would not lead to significant overlooking of private areas therefore a condition restricting window insertion is not considered necessary. The rear ground floor window serving the proposed kitchen is smaller than the window it replaces and will not significantly affect the neighbour's privacy. The rear first floor window was an issue which led to a reason for refusal on the preceding application. It previously would have been the only window serving a bedroom, but the reductions to the scheme now mean it will be a secondary window to the bedroom where the main aspect is to the front. A condition requiring obscure glazing has been attached to prevent harmful overlooking of the adjacent dwelling and its rear garden and a reasonable outlook for the bedroom will be retained to the front. The application is therefore considered to accord with policy GP5 of the UDP and policy HDG2 of the Householder Design Guide.

Highways

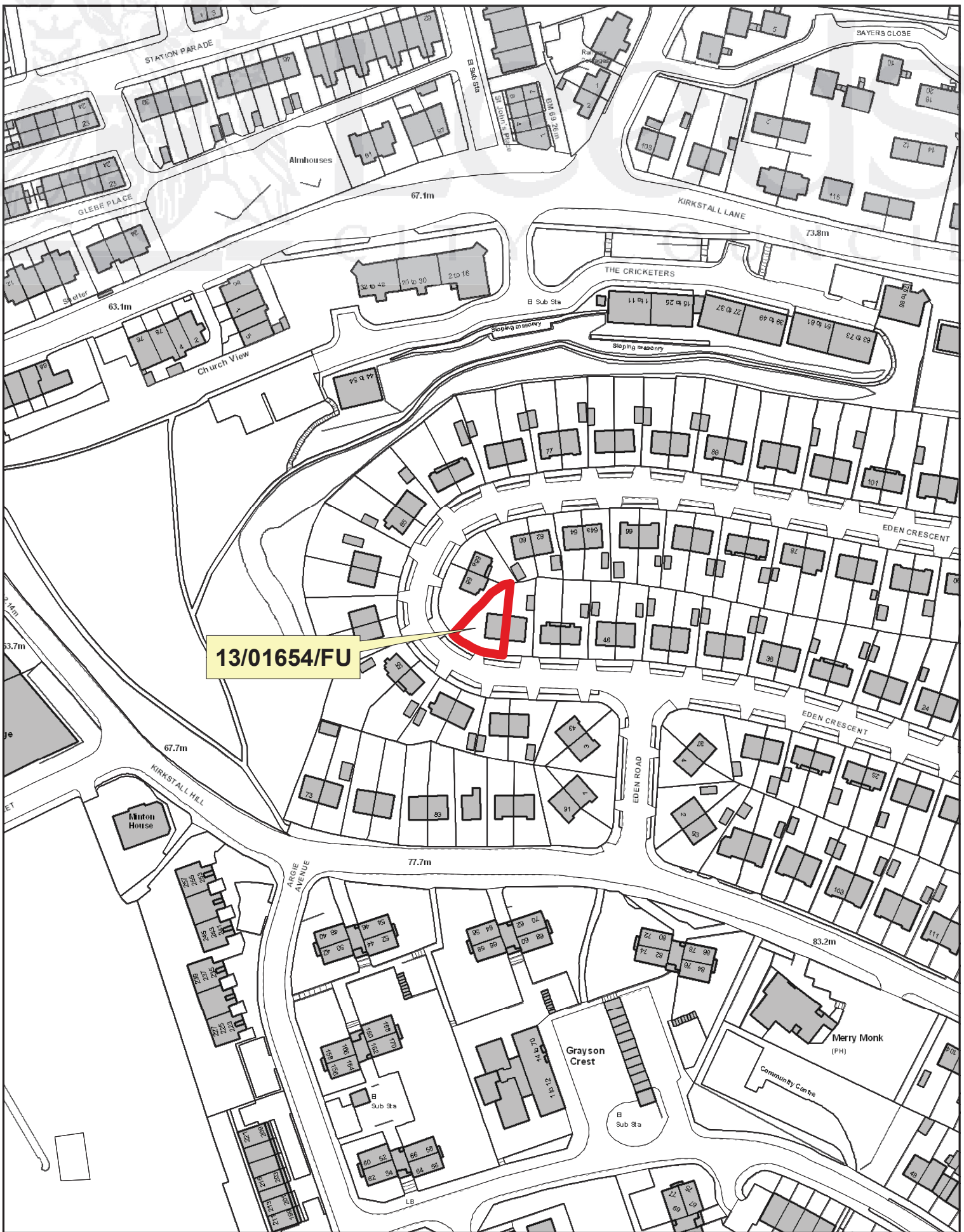
- 10.3 The parking area as laid out and shown on the block plan will provide capacity to park at least two standard sized domestic vehicles off the street. This is considered to represent adequate provision for the size of dwelling proposed given the suburban location which is well served by public transport. It also compares favourably with other off-street parking provision within the locality. No significant on-street parking issues were observed on this or previous site visits. This scheme has reduced the amount of bedrooms and includes a block plan showing space to park two standard sized vehicles off the street and this is considered to have addressed the previous highways related reason for refusal. The application is therefore considered to accord with policy T2 of the UDP.

Representations

- 10.4 Two letters of objection have been received from local residents. One of which has garnered the support of the two ward members referred to in preceding sections. The objection submitted without the express support of the local Councillors, simply lists a number of issues without explanation of how this proposal relates to them. It also points out that work has commenced. This neighbour (number 64) is not directly adjacent to the application site. The other objection (number 55) supported by two local ward members expresses concerns supported by reference to UDP policies that the proposal represents an overdevelopment of the site, would be overbearing and detrimental to local character and that there would be insufficient parking causing issues of highway safety. They also express concern regarding the precedent that would be set. These issues are addressed in the preceding sections.

11.0 CONCLUSION

- 11.1 The proposal is considered by Officers to have satisfactorily addressed the previous reasons for refusal and is considered to accord with the relevant local and national planning policies and guidance. It is further considered that there are no other material considerations that would outweigh the above and therefore the Officer recommendation is that the application should be approved.



13/01654/FU

SOUTH AND WEST PLANS PANEL

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Originator: Terry Moran

Tel: 39 52110

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 18th July 2013

Subject: APPLICATION 13/02417/FU – Part two storey, part single storey extension to semi-detached house at 24 Vesper Rise, Leeds. LS5 3NJ.

APPLICANT

Mr & Mrs Martin Bate

DATE VALID

5th June 2013

TARGET DATE

31st July 2013

Electoral Wards Affected:

Kirkstall

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE PERMISSION for the following reasons:

1. The Local Planning Authority considers that the proposed extension would, as a result of its overall scale, design, form and massing, result in an unacceptable impact on visual amenity and the appearance and setting of the host property within the wider streetscene. As such, the proposal fails to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), is contrary to Policy HDG:1 of the Adopted SPD 'Householder Design Guide' and also fails to comply with guidance set out in the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Panel at the request of Councillor John Illingworth and Councillor Bernard Atha.

2.0 PROPOSAL:

2.1 The proposal is to erect a part two-storey, part single-storey side and rear extension to a semi-detached house. The ground floor would be used as kitchen dining room and a garage. The first floor would be used as a bedroom with ensuite bathroom.

2.2 The extension has a splayed design incorporating a single garage. The ground floor element measures 10.3m at its widest point, with the first floor element measuring 10.2m at its widest point.

3.0 SITE AND SURROUNDINGS:

3.1 The site comprises a semi-detached house of post-war construction which has a hipped roof with a full-height bay window to the front elevation, with a single storey extension to the rear. The site is in a cul-de-sac position with a splayed side garden which increases in width towards the rear. There is a detached garage to the outer rear side. The rear garden is more spacious, extending to a depth of over 20 metres.

3.2 The site is in a wholly residential location, with adjacent properties being largely unaltered.

4.0 RELEVANT PLANNING HISTORY:

4.1 24/258/02/FU – Two storey side extension and detached garage to rear of 24 Vesper gate Drive. Refused, 16/09/2002.

4.2 11/04788/FU – Two storey side extension to 8 Vesper Gate Crescent. The applicant has requested that reference be made to this proposal, which was approved in 2011.

4.3 07/06690/FU – Two storey side and rear extension to 39 Vesper Walk. The applicant has requested that reference be made to this proposal, which was approved in 2007.

5.0 HISTORY OF NEGOTIATIONS:

5.1 There have been no pre-application discussions or negotiations prior to the submission of this proposal.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by means of Neighbour Notification letters to 7 adjacent properties.

6.2 Three letters of representation has been received. Two letters are from Ward Councillors Bernard Atha and John Illingworth, which are to request that this application be referred to the Plans Panel for determination by Members. The other letter is from the neighbouring property at Number 23, indicating that the proposal is considered acceptable subject to the use of obscured glazing facing that property.

7.0 CONSULTATION RESPONSES:

7.1 No consultations have been carried out for this application.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 UDP Policies:

GP5: Proposals should resolve detailed planning criteria (access, landscaping, design etc), should seek to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and should maximise highway safety.

BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Householder Design Guide SPD:

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

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

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

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

Relevant supplementary guidance:

8.4 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development

Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living SPG

DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

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

8.5 National Planning Policy Guidance:

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

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Design and character
- Impact on visual amenity and the streetscene
- Neighbouring residential amenity
- Evidence submitted by the applicant
- Representations

10.0 APPRAISAL:

10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”. This advice is elucidated and expanded within the Householder Design Guide.

- 10.2 The proposed extension raises significant concerns with regard to design and appearance in the street scene. The existing property is 6.7m wide whereas the proposal would result in a dwelling with an overall width of 16.2m including the integral garage, which would be almost two and half times greater than the existing width. The overall width is therefore considered excessive, being significantly greater than the recommended maximum two-thirds of the original dwelling as set out in Policy HDG1 of the approved Householder Design Guide SPD. As such, it is considered disproportionate to the original house. The rear element is also considered disproportionate, being 15.9m wide, which is almost two and three quarters times the existing 5.8m width, resulting in an overly elongated form which bears little resemblance to the existing simple design of the dwelling. The proposed roof form is also considered to be overly complex and out of keeping with the existing simple roof form of the host property and also those within the street. The overall design of the proposal is therefore considered out of scale and therefore indicative of overdevelopment.
- 10.3 The proposed extension is considered to be out of keeping with the existing unspoilt appearance of the host dwelling due to its extended length and splayed form. Although the extension has a set-down form, its overall length is such as to appear discordant and out of place within the relatively unspoilt streetscene. Policy HDG1 of the Householder Design Guide SPD states that “an extension which is well designed should be of a design and shape which is in keeping with the building” and that “particular care should be taken when designing two storey extensions to ensure that the proportions of the extension (including the roof) respect those of the main house”. . It is considered that the proposed extension fails significantly to meet these requirements. Furthermore, the overall length of the extension relative to the boundary is such as to effectively fill in the gap between the host property and the boundary. The Householder Design Guide refers to this issue, stating that “the main difficulty in relation to side extensions is in maintaining adequate spaces between buildings”. The proposal is thus considered significantly out of place within the streetscene, resulting in unacceptable harm to visual amenity and therefore fails to comply with Saved Policies GP5 and BD6 as well as being contrary to the requirements of the Householder Design SPD.
- 10.4 The proposed extension incorporates an upper level window to the outer side elevation. Although this raises concerns relating to potential loss of privacy to the neighbouring dwelling at Number 23, this is an issue which could readily be controlled by conditions requiring obscure glazing should approval be subsequently granted. The varied window designs in the proposed extension further exacerbate the concerns with the design and appearance of the extension. In all other respects including overbearing or overshadowing, the position and form of the extensions is considered to offer no undue harm to neighbouring residential amenity.
- 10.5 The applicants have submitted a supporting statement which states that the extension is so scaled and positioned as to be the minimum necessary for the needs of their growing family. The applicant refers to other development in the wider vicinity which he regards as being of similar scale and appearance, which is considered to add weight to the current proposal, including an extension at 8 Vesper Gate Crescent (approved 2011) and an extension at 39 Vesper Walk (approved 2007). In both cases, the aforementioned extensions were approved prior to the adoption of the Householder Design Guide SPD, a primary requirement of which is that extensions should not exceed two-thirds the original width of the original dwelling. Furthermore, although the design of the extension at

8 Vesper Gate Crescent was such as to exceed two-thirds the original width of the property, it was of a much simpler design with a far greater inset from the primary elevation and a smaller first floor element. The aforementioned extensions were also approved prior to the adoption of the National Planning Policy Framework, which places significant emphasis on design. Re-iterating the former Planning Policy Statements, the NPPF states that “good design is indivisible from good planning” and adds that Local Planning Authorities are encouraged to refuse “development of poor design”, and development which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. It is considered, therefore, that although the needs of the current occupant may be such as to require a significant increase in living accommodation, this should not be achieved by granting approval for a proposal which fails to comply with adopted Design standards.

10.6 Three letters of representation have been received. As discussed in paragraph 6.2 above, two of these are requests from Ward Councillors, requesting that this application be referred to the Plans Panel for determination by Members.

10.7 The other letter is from the neighbouring property at Number 23, which raises issues relating to the need for obscure glazing to the proposed upper side window. This matter is addressed in paragraph 10.4 above.

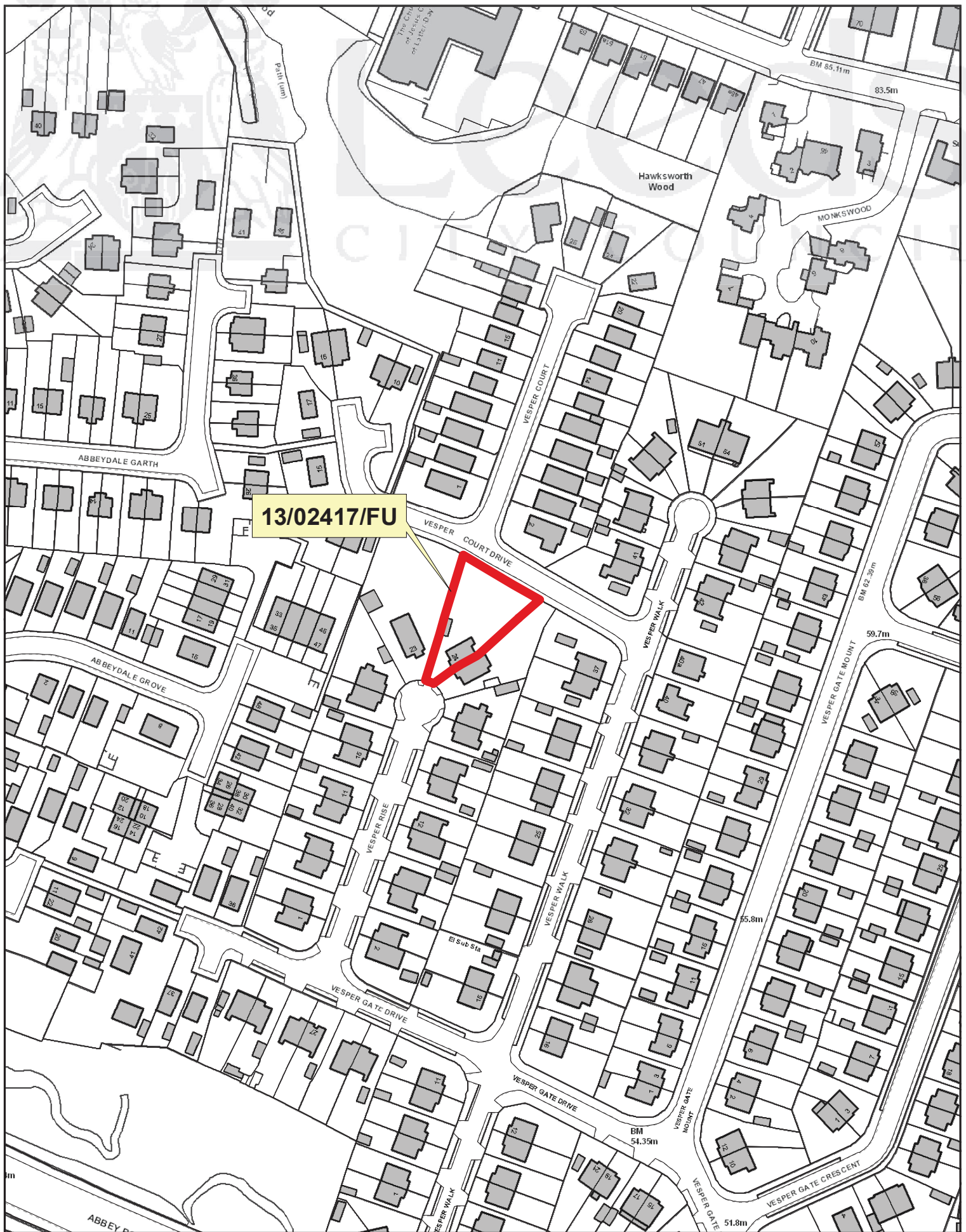
11.0 CONCLUSION:

11.1 After careful consideration of all relevant planning matters it is considered that the proposed development should be refused.

Background Papers:

Application file;

Certificate of Ownership.



13/02417/FU

SOUTH AND WEST PLANS PANEL

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Originator: Laurence Hill
Tel: 0113 3952108

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 18th July 2013

Subject: Application 13/00992/FU/NW – Two detached dwellings with associated landscaping – Land to the rear of 54 Weetwood Lane, Weetwood, Leeds, LS16 5NH

APPLICANT

Park Lane Homes

DATE VALID

11th March 2013

TARGET DATE

6th May 2013

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following condition

1. Three year time limit
2. Development to be carried out in accordance with the approved plans.
3. Walling and roofing, surfacing materials to be submitted and approved
4. Tree protection measures
5. Submission and implementation of a landscaping plan
6. Submission and approval of surface water drainage details
7. Areas to be used by vehicles to be laid out, hard surfaced and drained
8. Details of bat roosting and bird nesting opportunities to be provided
9. Method statement for the control of Rhododendron to be submitted.
10. No development shall commence until a 10m buffer from the banks of all watercourses on or adjacent to the site has been protected
11. Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and approved in writing by the LPA.

12. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
13. Prior to commencement, Coal Mining Risk Assessment and site investigation to be undertaken and agreed by LPA.
14. Construction details and methodology for the new access to be submitted and approved by the Local Planning Authority
15. Unexpected contamination shall be mitigated.
16. Any soil brought to site shall be screened for contamination

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

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

GP5, BD5, N12, N13, H4, LD1 , T2 and T24.
Neighbourhoods for Living

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

1.0 INTRODUCTION

- 1.1 This application is brought to South and West Plans Panel at the request of Councillor Bentley due to the local interest in the proposal.

2.0 PROPOSAL:

- 2.1 The application is for two detached properties within the large garden area to the rear of 54 Weetwood Lane.
- 2.2 The existing access and driveway off Weetwood Lane is retained in its current position and widened to meet highway requirements, and extended through the garden of the existing house to access the proposed two dwellings.
- 2.3 The design of the two properties comprises a large main element with a footprint of 14.3 metres by 8.7 metres and a height of 8.8 metres. This element contains the majority of the living and bedroom accommodation. A secondary garage element with accommodation over has a footprint of 10.2 metres by 6.8 metres and a height of 6.6 metres. The properties are to be constructed from stone and slate. Construction of the

properties involves a degree of excavation and some retaining walls to provide level platform areas.

- 2.3 A number of trees and landscaping are to be removed from the site with replacement planting proposed to strengthen and enhance areas of landscaping, particularly on the southern boundary of the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the large garden area of the 54 Weetwood Lane. The existing property is a large brick and render property located towards the west of the site.

- 3.2 The site has an undulating appearance with a gradient which rises from the properties on Hollins Lane to the south to Weetwood Avenue to the north. A Group Tree Preservation Order covers the entire site providing protection to all trees on the site. The majority of A and B category trees are located at the entrance to the site and along the southern boundary. A large mature Oak tree is located within the centre of the site.

- 3.3 The wider area is characterised by a mixture of semi-detached and detached properties all set within generous garden plots. To the immediate south west of the site are red brick apartments on Linden Court.

- 3.4 The site is not within a conservation area though the entrance to the site abuts Far Headingley Conservation Area. The site is not designated within the UDP proposals map.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no relevant planning history.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the planning application pre-application discussion took place regarding residential development of the site. The applicant was advised that any development should respond sensitively to the tree and topography constraints to ensure the retention of the protected trees and landscaping and to prevent any adverse impact on the residential amenity of surrounding properties, particular the properties on Hollins Lane.

- 5.2 During the application process the development has been amended in response to concerns regarding the impact on the protected trees on the site, potential overlooking and dominance of the properties on Hollins Lane and improvements to the access to the site to sure a safe vehicular access can be achieved whilst protecting the important protected trees located in close proximity to the access.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 32 letters of representation have been received to the publicity of this planning application to date. The following issues have been raised:

- The proposal will result in loss of privacy to the occupants of houses on Hollins Lane. The raised location of the properties will prevent any screening from being effective.
- The development will impact on nature conservation and biodiversity of the site.
- The development will erode an important area of greenspace locally.
- There will be a large loss of trees including those protected by TPOs.
- The proposed development will result in loss of outlook to the detriment of the amenity of neighbours.
- The development will result in the loss of a well-used local pedestrian route.
- The development will result in light and noise pollution.
- The access is in close proximity to Weetwood Primary School and would be detrimental to the safety of school children.
- The development is in close proximity to a beck which regularly overflows. The development will exacerbate this flooding.
- Run off from hardstanding will result in pollution to Meanwood Beck.
- Sewers locally will not be able to cope with the additional properties.
- The proposal does not provide 'essential' housing for Leeds.
- The site has never been cultivated as a formal garden.
- The land was previously sold with a covenant restricting housing builds on the site.
- Vehicular movements to and from the property will adversely impact on the residential amenity of properties on Hollins Lane.
- The size of the properties in addition to the extensive retaining walls will result in overly prominent development when viewed from Hollins Lane.

Councillor Bentley and Councillor Chapman have objected to the development raising the following concerns:

- The proposed properties are dominant and very large and they will both be built on ground much higher than the houses in Hollin Lane and consequently overlook the gardens and houses in that road.
- The topography of the site is difficult to appreciate unless seen from Hollin Lane and Weetwood Avenue as there is a large drop down from the latter into a valley between the two roads.
- A beck runs at the bottom of the valley and is subject to flooding and there are concerns about the impact this will have on Meanwood Beck which is prone to flooding in Meanwood.
- The present site is a green space and has had horses and cows grazing on it in the past and is not a garden in the conventional sense.
- The natural site is home to many species of birds, mammals, amphibians and bats as well as many mature trees and any development will have a major impact on all of these.
- Due to the topography the houses will need retaining walls to prevent land slippage
- Access to the properties will be via a road that will cause more water run off

- There are real concerns about the drainage as Yorkshire Water has told residents that the sewers are not fit for purpose
- The entrance to the site is proposed to be widened and each house will have two garages there will be extra vehicle movements in and out in addition to those of no. 54 adding to the traffic on Weetwood Lane
- The entrance is opposite the school's car park and just a few yards from the pedestrian crossing and Weetwood Lane is a busy distributor road at most times of day but more so at school time.
- Weetwood Primary School is renowned for its 'walking buses' to school as there is the possibility of several vehicles entering and leaving the site at school times.
- The proposed construction of this development will be huge and many trees will be felled in the process and no doubt other trees will be undermined by this.
- There are concerns about the trees to be removed on the high slope as it seems that they actually hold the earth in place.
- There is the possibility of former mine workings on the site.

7.0 CONSULTATIONS RESPONSES:

Contaminated Land: No objections subject to conditions

Mains Drainage: No objections subject to condition

Highway Development Control: No objections

Nature Conservation: No objections subject to conditions

Coal Authority: No objection subject to condition

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

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

Policy BD5: New buildings

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy H4: Windfall housing sites

Policy T2: Highways issues

Policy T24: Parking provision for new development

Policy LD1: Landscaping

Relevant supplementary guidance:

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

Street Design Guide SPD
Neighbourhoods for Living SPG

DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

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

POLICY P10: DESIGN

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

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

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

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,

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

SPATIAL POLICY 6: THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

70,000 (net) new dwellings net between 2012 and 2028 will be accommodated at a rate

Of:

- 3,660 per annum from 2012/13 to the end of 2016/17 (18,300)
- 4,700 per annum from 2017/18 (51,700)

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the

following considerations:

- i) Sustainable locations (which meet standards of public transport accessibility -see the Well Connected City chapter), supported by existing or access to new local facilities and services,
- ii) Preference for brownfield and regeneration sites,
- iii) The least impact on Green Belt purposes,
- iv) Opportunities to enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
- v) The need for realistic lead-in-times and build-out-rates for housing construction,
- vi) The least negative and most positive impacts on green infrastructure, green corridors, greenspace and nature conservation,
- vii) Generally avoiding or mitigating areas of flood risk.

NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible

local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

9.0 MAIN ISSUES:

- 1) Principle of development
- 2) Design and Character
- 3) Residential Amenity
- 4) Trees and Landscaping
- 5) Highway Safety and Parking
- 6) Other issues
- 7) Local Representations
- 8) Conclusions

10.0 APPRAISAL:

Principle of development

- 10.1 The application site consists of a large detached property and substantial garden within an existing residential area close to local amenities and public transport routes. It therefore is considered that additional residential properties are appropriate in this context, provided that the proposals would not detract from the character and appearance of the area, the amenities of nearby residents or highway safety.

Design and Character

- 10.2 Consideration has been given to the quality of the design and layout of the proposed development.
- 10.3 With regards to the proposed properties, taken in isolation, their design is considered to be of a good quality with appropriate architectural detailing and use of quality stone and slate materials. The site is screened from view from the wider street scene by both the surrounding properties and the mature trees and landscaping in and around the site such that any views of the new dwellings from public vantage points will be limited. Therefore, there will be no significant impact on the character and appearance of the wider area.
- 10.4 It is however noted that the new dwellings will be clearly visible from surrounding properties and therefore consideration has been given to the appearance of the proposed properties when viewed from these properties. Given the topography of the site, the properties will sit at an elevated position relative to the properties on Hollins Lane. As a result, it is inevitable that the dwellings will be visible from the rear facing windows and the rear garden of these properties and as such the open, landscaped character of the existing site will altered. However, all mature trees and much of the existing landscaping are to be retained and additional landscaping is proposed, as a result it is considered that, whilst the views from the properties on Hollins Lane will change, the change in character could not be considered unreasonable within this predominantly residential location.
- 10.5 With regards to the layout of the proposal, whilst large properties, they are of comparable size to the large properties to the north and west of the site. As a result, the scale of the properties is proportionate to the existing character of development locally. Moreover, the subdivision of the site into three properties, the existing and two proposed, results in curtilages commensurate to the generous curtilages of

surrounding properties. The site comprises the extended private garden area of 54 Weetwood Lane. The site has been referred to as 'greenspace' by local residents in their representations. For clarity the site is not Greenspace that is publicly accessible and is not readily viewed from the public highway. As such the proposal would not harm local character or distinctiveness. The size of the proposed plots would be in keeping with the size of dwellings and curtilages in the local area.

- 10.6 Consideration has been given to the impact the widened access, access driveway and associated hardstanding will have on the character and appearance of the site. With regards to the widened access, whilst this involves the part demolition of the existing wall, the wall is to be rebuilt and stone gate posts retained and relocated. This will ensure that the character and integrity of the boundary wall will be maintained, preserving the character and appearance of Weetwood Lane and the adjacent Far Headingley Conservation Area.
- 10.7 It is acknowledged that the development involves the introduction of a degree of hardstanding to the site to create the access road, driveway and terracing. This will alter the character of the existing landscaped appearance of the site. However, the extent of hardstanding required has been kept to a minimum and with the retained and proposed trees and landscaping providing screening and softening to the hardstanding areas, any impact from the access road and driveway will not alter the existing landscaped character of the site to an extent whereby the development can be considered unacceptable.

Residential Amenity

- 10.8 Consideration has been given to the potential impact the development will have on the residential amenity of occupants of nearby properties and to the amenity afford future occupants of the dwelling
- 10.9 Given the topography of the site, it is clear that the properties which will experience the greatest impact from the development are located on Hollins Lane to the immediate south of the site. As such, it is important to fully consider the impact the new dwellings and access drive will have on the residential amenity of the occupants of these properties.
- 10.10 With regards to overlooking and loss of privacy, the property on plot 1 is located approximately 17 metres from the shared boundary and approximately 61 metres to the nearest property on Hollins Lane and the property on plot 2 is located approximately 19 metres from the boundary and 70 metres from the nearest property. These distances exceed those recommended in the Neighbourhoods for Living SPG. However, it is important not to simply apply distances without regard to the site specifics. The elevated positions of the properties increases the potential for both actual and perceived overlooking and therefore this needs to be considered. The generous distances between the boundary and the properties on Hollins Lane together with the strengthened landscaping will mitigate much of the potential overlooking. However, there was concern regards the effect of perceived overlooking resulting from the first floor gable end windows which serve the master bedrooms. To overcome this concern, the windows have been reduced from double to single pane windows and a condition imposed requiring the windows to be obscure glazed. The separation between the dwellings and properties on Weetwood Avenue to the north and east and Weetwood Lane to the west is sufficient to prevent any issues of overlooking or loss of privacy.

- 10.11 With regards to issues of overshadowing and dominance, again, given the properties elevated position careful consideration has been given to the impact the development will have on the properties on Hollins Lane together with all other surrounding properties. As discussed previously, the proposed properties are set a generous location away from both the shared boundary and rear elevations of the properties on Hollins Lane to the south of the site. This separation and site orientation will prevent any issues of dominance or overshadowing impacting adversely on the residential amenity and living conditions of the occupants of the properties on Hollins Lane. Again, the separation between the dwellings and properties on Weetwood Avenue to the north and east and Weetwood Lane to the west is sufficient to prevent any issues of overshadowing and dominance.
- 10.12 The development will introduce vehicular movements into the site, it is therefore important to consider the impact this will have on the amenity of nearby occupants from noise and light intrusion. The access road is located to the south of the site in close proximity to the shared boundary with the properties on Hollins Lane. However, at the nearest point, the properties are located approximately 48 metres from the access road, a sufficient distance to prevent any significant intrusion from vehicular movements. Moreover, the existing and proposed landscaping on the southern boundary will provide screening to the road further reducing any potential impact from vehicular movements.
- 10.13 The development will result in increased vehicular movements using the existing access onto Weetwood Lane. Consideration has therefore been given to any potential impact on nearby properties to the access, particularly 52 Weetwood Lane. At its nearest point, the access road is located approximately 8 metres from 52 Weetwood Lane and is screened to a certain extent by the mature trees lining the site entrance. This separation and screening will ensure that any impact from the increased vehicular movements generated by the additional two properties will not be significant. All other properties on Weetwood Lane are located away from the entrance, therefore no significant impact is anticipated.
- 10.14 Consideration has also been given to the amenity the development will offer the future occupants of the two new properties and the existing 54 Weetwood Lane. The three properties all retain a sufficient amount of useable outdoor amenity space and are not overlooked by each other or by surrounding properties. It is therefore considered that the development affords future occupants a good level of amenity and living conditions.
- 10.14 Overall, it is considered the proposed development will afford future occupiers with a good level of amenity with no significant detrimental impact on the amenity of surrounding properties.

Trees and Landscaping

- 10.15 The site is covered by a Group Tree Preservation Order, therefore careful consideration has been given to the impact the development will have on retained trees and the appropriateness of removing a number of trees and landscaping from the site.
- 10.16 With regards to the proposed tree removal, the majority of the trees to be removed are fruit trees and immature scrub. These specimens are not considered to be of great individual quality and their removal, subject to an appropriate replacement landscape scheme for the site, will not result in a significant impact on the overall wooded and landscaped character of the site. As part of the application process, a number of trees

originally marked for removal are now being retained, particularly the trees marked G115, ensuring any impact on the existing landscaping is minimised.

- 10.17 The most significant tree within the site is considered to be the mature Oak marked as T112. Both in terms of quality and amenity value, this tree is a significant positive attribute to the site and therefore it is essential that the development does not harm or conflict with this tree. As part of negotiations on the application, the property and associated hardstanding on plot 1 has been moved further west in order to prevent any conflict between the property and the tree and to remove the hardstanding entirely from the root protection area. In doing this, it is considered that the development will not adversely impact upon this important tree.
- 10.18 Careful consideration has been given to the impact the widened and improved access of Weetwood Lane would have on the protected trees which line the existing driveway into the site and contribute significantly to the sylvan character of Weetwood Lane. The widened access does not require the removal of any of the significant trees and is contained entirely within the existing retaining walls of the existing access road. Where the gradient of the driveway needs to be lessened, a suspended beam construction is proposed in order to span root protection areas of the protected trees to the immediate south of the driveway to ensure no damage or future compaction issues will result. A cantilevered bin store is proposed to prevent the need to locate this within the root protection areas of the trees to the north of the access road. Further to these construction methods, a number of mature holly trees to the north of the access road, originally marked for removal, are now to be retained. This ensures the combination of trees, which provides a strong tree belt in this location, will not be unduly weakened or eroded. In retaining the trees, views from the adjacent Far Headingley Conservation Area will not be adversely impacted upon.
- 10.19 The scheme includes proposals to plant 8 semi mature trees along the boundary with the properties from Hollins Lane to help soften the development and provide screening. A landscape buffer of scrub and hedge planting is also proposed along the boundary with properties adjoining from Hollins Lane. Overall, it is considered that the development appropriately responds to all the mature protected trees on the site, ensuring they will be retained and no undue pressure will result for future removal of these trees. Conditions are recommended requiring the submission of a detailed landscape scheme for the entire site and to ensure retention and protection of all trees marked to be retained.

Highway Safety and Parking

- 10.20 Consideration has been given to achieving an acceptable vehicular access to the site and to ensure vehicles can safely move around the entire site.
- 10.21 The widened access allows two cars to pass close to the entrance of the site and passing places are provided at regular intervals on the access road. This provision of passing places, particularly at the entrance to the site, will prevent any conflict between vehicles entering and leaving the site. The reduced gradient of the access driveway is acceptable
- 10.22 The setting in of the gate post and boundary wall at the entrance to the site provides an acceptable level of visibility ensure there will be no conflict between pedestrians on Weetwood Lane and vehicles exiting the site.
- 10.23 A bin store is provided close to the entrance to the site ensuring that refuse vehicles are not required to enter the site. However, the driveway to plot 2 provides a turning

area for larger vehicles which will allow larger vehicles, for example delivery and emergency vehicles, to safely enter and leave the site.

Other issues

- 10.24 The site is located within a Coal Mining Development Risk Area. Consequently, the Coal Authority has raised concern regarding the lack of a Coal Mining Risk Assessment and originally objected to the application on this basis. Further discussion has taken place with the Coal Authority who consider that a condition requiring site investigation and any required mitigation prior to commencement of development would acceptably address their concerns. It is recommended this condition is imposed.
- 10.25 It is recognised that the site provides a natural habitat locally and it is therefore important that any impact the development has on this is minimised and opportunities to enhance the habitat are taken. In light of this, at the recommendation of the Nature Conservation Officer, a number of conditions to protect the habitat and local water course are recommended to be imposed.
- 10.26 Mains drainage have been consulted regarding the proposal. It is recommended that consideration should be given to infiltration drainage methods. A condition is recommending requiring the applicant to consider this approach rather than solely relying on the public sewer to drain the site.

Letters of representation

- 10.27 It is noted that local residents have raised a number of concerns relating to the proposed development. These concerns largely relate to the loss of an important area of green space, impact the development will have on the character, protected trees and natural habitat of the site, impact on the residential amenity of surrounding properties and the impact on highway safety on Weetwood Lane. These are all relevant material planning issues and have been fully considered and, where necessary, the proposal has been amended to resolve issues of concern.

Conclusions

- 10.28 In conclusion, it is considered that the proposed development represents a good quality scheme which, whilst altering the character of the existing site, retains and protects the important protected trees within the site, maintains the residential amenity of the residents of nearby properties and preserves highway safety locally. In light of this, and with due regard to all other relevant planning considerations, it is recommended that planning permission is granted.

Background Papers:

Application and history files.
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



Originator: Patrick Bean

Tel: 39 52109

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 18th July 2013

Subject: APPLICATION 13/02072/FU – demolition of existing housing office and construction of a block of three retail units (A1) use with associated works at Oatland Drive, Leeds LS7 1SH.

APPLICANT

Sheppard Developments
Leeds Ltd

DATE VALID

21st May 2013

TARGET DATE

16th July 2013

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling and roofing to be approved prior to commencement of development
4. Samples of all external surfacing materials including pedestrian access and parking areas to be approved prior to commencement of development
5. details of boundary treatments
6. signage scheme re window displays
7. detailed landscape scheme to be submitted / implemented / managed
8. 5 yr planting replacement
9. details of lighting
10. hours of demolition / construction 0730-1830 Monday-Friday, 0900-1300 Saturday, no operations Sunday/BH
11. details of installation/ operation of air conditioning / plant
12. plant noise limited to 5dB below prevailing background (LA90)
13. opening hours 0600-2300 Monday-Sunday
14. delivery hours 0700-1800 Monday-Saturday, none Sundays/BH

15. lighting restriction residential properties
16. details storage and disposal of litter
17. approved vehicle access
18. details of cycle /motorcycle facilities
19. vehicle space to be laid out
20. car park and servicing management plan
21. provision for contractors during construction
22. specified off-site highway works – raised zebra crossing
23. phase 2 site investigation
24. amendment of remediation statement
25. verification report
26. surface water drainage
27. Maximum 8.2m delivery vehicle
28. In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

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

GP5, N12, N13, BD5, T2, T24, LD1, S2

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

1.0 INTRODUCTION:

- 1.1 This application is brought to the Panel as it is an element of the Little London PFI regeneration of Little London. Panel Members will recall that the project originally included the development of private and social housing across several sites, as well as the redevelopment of the Oatland Lane community hub site. Following the economic downturn the availability of private investment has reduced significantly and in response to this, the project has been redrawn and scaled down. The scheme is now public sector led and developed in phases.
- 1.2 Outline consent was granted in 2008 for the redevelopment of the existing local centre site, including the existing shops and community centre on Oatland Lane as well as the housing office. This would have provided seven retail units, plus a new housing office and community centre, and residential flats.
- 1.3 Following the reduction in the scheme a revised proposal is currently the subject of pre-application discussion which would provide for the re-provision of the housing office and community centre, plus an extended campus for Little London Primary School on the local centre site, with retail provided on the application site. In order to facilitate the current proposal, temporary two year consent has been granted in 2013 for a temporary detached single storey prefabricated office unit to the north

side of the existing community centre which would provide short term accommodation for the housing office.

2.0 PROPOSAL:

- 2.1 The proposal is the demolition of existing housing office and construction of a block of three retail units (A1) use with associated works at Oatland Drive, Leeds LS7 1SH.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is presently occupied by the Little London Neighbourhood Housing Office. This is a single storey brick building which is sited in the north east corner of the site. The remainder of the site is occupied by a car park for approximately 23 vehicles which occupies the central part of the site, with grassed areas to the western and eastern margins. The site slopes with a drop of approximately 4m from the west to the east, and the western part of the site forms an embankment.
- 3.2 Adjoining the site to the south there is an open green space, while to the north there is another open space which includes a children's playground. To the east of the site there are two storey dwellings around Oatland Gardens and Oatland Drive, while to the west there is a greater variety of residential built forms, including tower blocks, three storey blocks and two storey dwellings.

4.0 RELEVANT PLANNING HISTORY:

Reference: H26/269/82/

Address: Oatland Drive Leeds 7

Proposal: Detached single storey housing management office, with reception, porch, kitchen, toilets and stores, to vacant site

Status: A

Decision Date:: 02-AUG-82

Reference: 08/02852/LA

Address: Oatland Lane. Meanwood Street

Proposal: Outline application for 7 retail units, 1 housing office, 1 community centre and residential development

Status: A

Decision Date:: 19-SEP-08

Reference: 10/02950/EXT

Address: Oatland Lane

Proposal: Extension of time application for application number 08/02852/LA , Outline application for 7 retail units, 1 housing office, 1 community centre and residential development

Status: A

Decision Date:: 15-SEP-10

Reference: 10/02789/LA

Address: Oatland Lane, Meanwood Street

Proposal: Variation of condition no. 8 of application no. 08/02852/LA (Provision of highways and transport improvements)

Status: A
Decision Date:: 16-SEP-10

Reference: 10/02790/LA
Address: Oatland Lane, Meanwood Street
Proposal: Removal of conditions 4 and 6 and variation of condition 5, of application no. 08/02852/LA (4, affordable housing provision, 6, provision of educational facilities, 5, amended number of dwellings.)
Status: A
Decision Date:: 16-SEP-10

Reference: 10/05213/RM
Address: Oatland Lane, Meanwood Street
Proposal: Reserved matters application for 7 retail units, 1 housing office, 1 community centre and residential development
Status: A
Decision Date:: 11-MAR-11

Reference: 13/00189/LA
Address: Oatland Lane
Proposal: Temporary detached single storey prefabricated office unit to community
Status: A
Decision Date:: 06-MAR-13

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposal has been the subject of pre-application discussions which have informed the current scheme.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by means of site notices; no representations have been received.

7.0 CONSULTATION RESPONSES:

7.1 Highways – detailed comments provided and addressed in revised proposals
Contaminated Land Team - no objections subject to conditions
Flood Risk Management - no objections subject to conditions

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Leeds Unitary Development Plan Review (2006).

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

GP5 – proposals should resolve detailed planning criteria
N12 – priorities for urban design
N13 – design of new buildings
BD5 – design of new buildings

T2 – accessibility
T24 – car parking guidelines
LD1 – landscape design
S2 – local centres
S8 – maintenance and enhancement of viable neighbourhood shopping

8.3 The Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

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

8.4 National Planning Policy Guidance:

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

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Out of centre retail
- Character and appearance
- Landscape
- Highways
- Neighbour amenity

10.0 APPRAISAL:

10.1 While the site is not located within a local centre, it would replace the existing and approved, but unimplemented, provision within the community hub site. This currently has six retail units with a combined floorspace of approximately 540 sqm. The proposal seeks consent for three separate retail units with a combined total floorspace of approximately 420 sqm. While the existing centre is not allocated in the UDPR as a local centre, it has the characteristics of such a provision and performs a similar function. In this context it is considered that UDPR policy S8 would apply which seeks the enhancement of viable neighbourhood shopping facilities by both public and private sector initiatives in order to secure the refurbishment, expansion and redevelopment of existing retail premises.

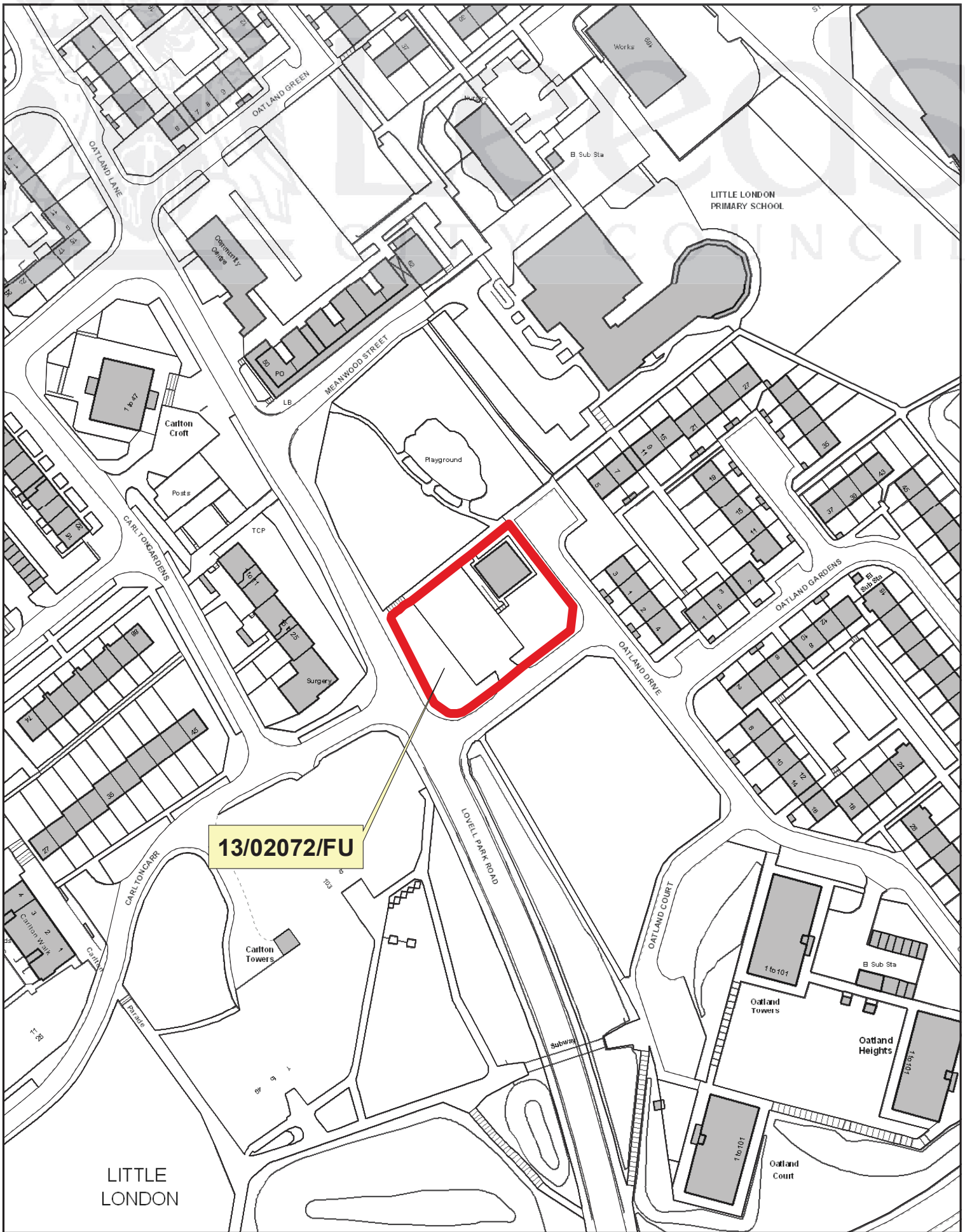
Furthermore UDPR policy R2 would also apply which seeks to support suitable schemes for urban renewal and regeneration.

- 10.2 The proposal would place the units to the eastern part of the site, with the configuration of buildings and open space being similar to the present. This would enable the retention of the green space which forms the western part of the site and which links to the sites adjoining to the north and south. The car park and vehicle access would be in a similar position to the present. The pallet of materials proposed include brickwork and cladding. The building would have a monopitch roof. The development would have a clean and modern appearance appropriate to its context. Due to the falling topography the site would not appear particularly prominently from Oatland Lane.
- 10.3 The proposal includes indicative landscape planting around the proposed building and car park. Details of this could be secured by condition.
- 10.4 The application proposes to take access from Oatland Drive as at present. The level of parking provision proposed for cars and cycles is considered acceptable. The application proposes a turning head which would provide servicing for the shops. The provision of a servicing management plan and car park management plan could be secured by condition. Additionally it would be appropriate to condition the maximum size of delivery vehicles in order to ensure that this can be achieved within the turning head without loss of highway safety.
- 10.5 The provision of a zebra crossing at Oatland Lane / Oatland Drive has been discussed and approved as part of the previous scheme. This is a fundamental part of the regeneration of this area and it was previously attached to both the retail and residential permissions by a planning condition..
- 10.6 The proposed shops will attract pedestrians from the residential estate on the opposite side of the Lovell Park Road / Oatland Lane and will result in an increase in crossing movements at this location. The crossing would also be of benefit to the wider community including those travelling to/from Little London Primary School etc and those walking to and from the City Centre.
- 10.7 The nearest residential properties would be the two storey dwellings on Oatland Drive. The nearest of these would be 20m to the east of the rear elevation of the proposal, however this would be the southern extremity of the building. Although the building would have a rear elevation length of 28m, the eaves height would be 4m. There would be a further fall of approximately 2m down to Oatland Drive. The effect of the proposal on the outlook of this dwelling would therefore be partial. Other properties in the area would not be affected due to their orientation and separation from the proposed structure. It is not considered that the proposal would be likely to cause a loss of amenity due to noise and disturbance etc as the property would effectively have its back to the nearest dwellings, and consequently would screen the majority of activity generated from neighbouring occupiers. Similarly any lighting would not affect neighbouring occupiers. Details of any lighting proposed could be secured by condition.

11.0 CONCLUSION:

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

Background Papers:
Application file;
Certificate of Ownership.



13/02072/FU

SOUTH AND WEST PLANS PANEL



Originator: Tony Clegg
Tel: 0113 2478020

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 18th July 2013

Subject: POSITION STATEMENT FOR DEMOLITION OF DYEWORCS BUILDINGS , ERECTION OF 109 HOUSES AND RETENTION OF MILL FAÇADE AND DEVELOPMENT TO FORM 14 FLATS (13/02409/FU) AND CONSERVATION AREA CONSENT APPLICATION FOR DEMOLITION OF DYEWORCS BUILDINGS AND ONE CHIMNEY (13/02408), GREEN LANE, YEADON

APPLICANT	DATE VALID	TARGET DATE
David Wilson Homes Ltd	21 May 2013	27 August 2013

Electoral Wards Affected:	
Guiseley and Rawdon and Otley and Yeadon	
<input type="checkbox"/>	Ward Members consulted (referred to in report)

Specific Implications For:	
Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

Members are asked to note the contents of the report and are requested to comment on a number of matters set out in the report

1. INTRODUCTION:

- 1.1 This report is a Position Statement brought to the Panel to inform Members of the proposals at a reasonably early stage, and to gauge the views of the Panel in order to inform the future progress of the application.

2. PROPOSAL:

- 2.1 The application is for a residential development consisting of 109 new build houses which are principally detached houses of three to five bedrooms and a range of smaller houses in short terraces and semis. The scheme also retains part of the façade of a mill building with a frontage to Green Lane, which is utilised to front a development of 14 flats. Also retained on the Green Lane frontage are a pair of stone cottages to the west of the retained mill façade, and a pair of larger dwellings

to the south-east of the site also fronting Green Lane which adjoins a small wooded area. The development is generally of two storeys with some houses having accommodation on the third level lit by dormer windows.

- 2.2 A single access to the site from Green Lane is proposed adjacent to the larger retained stone houses which then becomes a loop road with cul-de-sac accesses branching from it.
- 2.3 To the east of the site the existing wooded area is retained as public open space. This leads to a corridor of open space running to the east and northern boundaries of the site, through which an open watercourse would be formed.

3. SITE AND SURROUNDINGS:

- 3.1 The site is comprised of a disused former site of 4.24 hectares and is situated on the A658 Green Lane to the north of Rawdon and to the south of Yeadon town centre. To the north and east is post-war housing and to the south-west of the site is a small office park served from Focus Way, a short cul-de-sac which joins Green Lane to the west of the site which also serves a number of other commercial buildings and a Council highways depot.
- 3.2 The stone mill buildings within the site have a history of usage as a dyeworks. A striking feature of the site are two large mill ponds which take up around a third of the total site area.

4. RELEVANT PLANNING HISTORY

- 4.1 None

5. HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has undertaken a pre-application process including liaison with Guiseley and Rawdon Ward Members including:
- Meetings with Council officers and Ward Members at Council offices and on the site.
 - A public consultation event held at Greenacre Community Hall near the site on Saturday 27th April 2013 between 10am and 1pm. An invitation leaflet to this was delivered to approximately 350 premises in the vicinity on 23rd April 2013. This event was also reported in the Yorkshire Evening Post on 24th April 2013. Ward Members were invited to this event.
 - Plans of the proposals were also featured on the architect's website.
 - The applicant estimates that around 120 people attended the consultation event at which 51 response sheets were handed in.
 - A meeting was held on 10 May 2013 with Stuart Andrew MP attended by representatives of the developers and the Aireborough Neighbourhood Forum
 - The applicant reports that 59% of respondents agreed that the site was suitable for housing. Those who did not considered the most acceptable uses to be recreation uses such as a park, wildlife area or green space.

6. PUBLIC/LOCAL RESPONSE

Leeds Civic Trust - 'Objects strongly to the application for demolition'. The Civic Trust notes clear planning guidance that in the Yeadon Conservation Area 'there should be a presumption in favour of the retention of positive buildings in all but exceptional circumstances. The application proposes the retention of the façade only of part of the

Green Lane frontage and the smaller of the two chimneys. Almost all of the positive buildings are demolished and the Civic Trust considers that the buildings are important in the history of the textile industry in this part of Leeds and they should be retained and adapted for new uses. The Civic Trust is also concerned that issues of vandalism and neglect are being used to justify demolition where it is the owner's responsibility to maintain the Listed Buildings (sic) and have measures in place to prevent theft and vandalism. The demolition of the tall brick chimney would be a serious loss to the Conservation Area'.

There have been five letters of objection from local residents. Objections are:

- Loss of important historic buildings
- Loss of mill ponds and associated wildlife – Great Crested Newts and Grey Herons
- Traffic congestion and road safety
- Pressure on local facilities – GP's, dentists, schools and public transport.
- The site should be retained for employment purposes.
- Poor design and layout of the new development

7.0 CONSULTATION RESPONSES:

Statutory

Environment Agency – Comments awaited

Non statutory

Highway Authority – Comments awaited

Travelwise – Comments awaited

Contaminated Land Officer – Comments awaited.

Ecology Officer – Comments summarised in report

Main Drainage – Comments awaited

West Yorkshire Archaeology Service - While generally supportive the WYAAS recommend that a programme of archaeological and architectural recording should be carried out during prior to and during demolition of the site. This programme of recording should be facilitated through an appropriately worded condition on any grant of planning permission awarded by LCC.

• PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

Policy SG4: Sustainable development principles

Policy GP7: Planning obligations

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

Policy N2: Greenspace

Policy N4: Greenspace

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy N18A: presumption against any demolition of a building or parts of a building which makes a positive contribution to the character and appearance of a Conservation Area

N18B: In a conservation area, consent for demolition will not be given unless detailed plans for redevelopment of the site have been approved. Such permission will be subject to the condition that demolition shall not take place until a contract for an approved scheme of redevelopment has been let.

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

Policy H4: Windfall housing sites

Policy H11: Affordable housing

Policy H12: Affordable housing

Policy H13: Affordable housing

Policy T2: Highways issues

Policy T24: Parking provision for new development

Relevant supplementary guidance:

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

Street Design Guide SPD
Neighbourhoods for Living SPG
Yeadon Conservation Area Appraisal and Management Plan

DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. Policies of particular relevance are considered to be:

Policy H2: New Housing development on non-allocated sites. New housing development will be acceptable in principle on non-allocated land, subject to capacity and infrastructure considerations, accessibility and Green Belt policy.

Policy P10: Design. New development should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

Policy P11: Conservation. The historic environment ... including locally significant undesignated assets and their settings will be conserved.

NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. (NPPF paragraph 133).

- **MAIN ISSUES FOR CONSIDERATION**

- Principle of residential development including loss of employment land
- Extent of demolition and its impact on the Yeadon Conservation Area
- Design, layout and public open space
- Loss of reservoirs and ecology
- Highways and Transport Matters
- Section 106 requirements
- Procedural matters

Principle of residential development including loss of employment land

- 9.1 Officers are of the view that loss of employment land (UDPR Policy E7) would not form grounds for refusal of the application since an employment land analysis indicates that the loss of this site to employment usage would not result in a shortage of employment land within a peak time 15 minute travel contour of the site for a period well beyond the 15 year plan period.
- 9.2 The development would enable a brownfield housing site to be brought forward which is well related to the existing built up area of Yeadon and Rawdon. The site is also included in the Site Allocations Issues & Options Plan June 2013 (site reference 1308) as a green site, i.e. "Sites which have greatest potential to be allocated for housing". So a residential use on the site has been given a degree of support in principle by the City Council although this is a consultation document only at this stage.

Members are invited to comment on the principle of residential development on the site.

Extent of demolition and its impact on the Yeadon Conservation Area

- 9.3 Yeadon Conservation Area was originally designated in 1973 with a boundary drawn fairly tightly around the historic centre. Following a review in 2011 the area was significantly extended to include Nunroyd Park, Yeadon Tarn and a range of 18th century onwards mill buildings and dwellings. The revised boundaries confirmed in January 2012 now take in the Green Lane site which is the subject of this application.
- 9.4 A Conservation Area Appraisal and Management Plan was approved on 16 January 2012. The appraisal identifies the application site as being within Character Area 3: Mill Town. This area is dominated by a group of surviving mill complexes and associated industrial housing. Key characteristics are identified in the Appraisal as follows:
- The large footprints of the mills give this area a distinctive urban form that contrasts with the fine grain characteristic elsewhere.
 - The surviving industrial complexes are the remains of Old Mill established in 1792, Westfield Mill built between 1888 and 1892, Kirk Lane Mills dated 1868 and Green Lane Mill / Dyeworks which was originally built in 1869 as a textile mill but was largely burnt down in a fire of 1906. It was rebuilt in 1907 as a dyeworks. These industrial buildings form an essential part of the special character of the town.

- Associated with the mills are ancillary groups such as workers' terraces, stables, managers' houses and the mill ponds, sluices and goits of Engine Fields (named after the first use of steam power in the town at Old Mill) and Green Lane Mill / Dyeworks.
 - The industrial terraces in this area include early and late 19th century examples unified by the use of local sandstone. There are a number of impressive historic shopfronts.
- 9.5 The Appraisal recommends that that development should 'Retain the industrial character of this area through the conservation of the positive industrial buildings relating to the textile mills and dyeworks'. The CA Appraisal also notes that 'The chimneys of Green Lane Mill Dyeworks are a significant landmark with long distance views into its valley floor location from Yeadon and Rawdon' (page 9). The Conservation Area appraisal identifies the Green Lane dyeworks site as having within it 'positive buildings intermixed with neutral buildings'.
- 9.6 The National Planning Policy Framework sets out Government policy on 'heritage assets' including unlisted positive buildings in Conservation Areas (Paragraph 133) and states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.7 The applicant's Heritage Statement argues that the site is a comparatively late example of a textile and dying works and that its heritage interest in the national context is very low, and does not merit protection through the statutory listing process. The buildings are also said to retain 'moderate value within a local context although given the comparative lateness of much of the constructionthe architectural interest of the building group as a whole is considered to be low'. The report also cites the poor condition of some of the buildings including building 12, now partially collapsed, as a relevant factor. The report acknowledges that the two chimney stacks do make a positive contribution as landmark structures and admits that the removal of the larger brick chimney will cause harm but considers the harm to be 'less than substantial'.
- 9.8 The Council's Conservation Officer has refined the statement in the CA Appraisal regarding the positive buildings on this site in the form of a detailed plan (which will be shown at the meeting) which identifies positive buildings which should be retained, positive, but lower value buildings for which demolition could be considered, and buildings of no or limited value which could be demolished. This guidance was provided to the applicant at the pre-application stage but the recommendations have not been followed in the application which shows the demolition of all of the mill buildings other than the retention of part of the façade of one building.
- 9.9 The development will have an indirect impact upon the setting of the Rawdon Little Moor Conservation area – the boundary of which lies nearby to the southwest of the

site on the opposite side of Green lane, but this impact is not considered to be significant.

Members are invited to comment on the acceptability or otherwise of the extent of demolition proposed in the Yeadon Conservation Area including buildings identified as making a positive contribution and the larger brick chimney.

Design, layout and public open space

- 9.10 The application proposes a mainly new-build development of houses in detached, semi-detached and terraced form. There would also be a development of 14 flats incorporating the façade of a retained mill building.
- 9.11 The layout of the site is as a fairly conventional estate and the general view of officers at this stage is that the scheme will need a stronger resonance with the retained industrial and residential buildings rather than the rather abrupt change in character and style currently proposed.
- 9.12 The applicant proposes to use natural stone to the Green lane frontage and will 'consider' reusing some natural stone from demolished buildings on boundary walls. The dwellings within the site are proposed to be artificial stone. In general the dwellings are 2 storeys in height with some 2.5 storey dwellings. The only 3 storey building will be the apartment block and that is due to it incorporating the existing stone building façade.
- 9.13 Parking is mainly in the curtilage of the buildings with some small parking courts. Attention is drawn to a number of plot-types (eg plot 7) where parking is proposed within a car-port area under first floor accommodation with a further car parking space accessed through the car port to a car parking space in the rear garden. Officers would suggest that this arrangement is not supported due to their unsatisfactory appearance in the streetscene and the practical difficulties of using these spaces which is likely to result in them not being used for car parking.
- 9.14 House-types are of fairly conventional appearance but the view of officers is that more effort is required to produce designs which reflect local building characteristics rather than the developer's standard house-types. As an example, there are a number of house-types (eg plot 3) which feature a steepened roof pitch and flat-roofed dormers which are not well-related to local design characteristics.
- 9.15 The application presents two areas of green space. The "green corridor" along the northern and eastern boundaries incorporating existing trees and a newly created watercourse and the "Central open space" adjacent to the retained chimney. These two areas total 1.76 ha, which significantly exceeds the area requirement for N2.1 Local Amenity Areas (0.492 ha). These areas would need to be retained as publicly accessible including from neighbouring areas to be accepted as green space with safe and accessible footpath links.

Members comments on the design, layout and public open space proposals are invited.

Loss of reservoirs and ecology

- 9.16 The CA Appraisal notes that ‘The surviving mill ponds of Old Mill at Engine Fields and Green Lane Mill Dyeworks form an important survival of the town’s industrial heritage and also serve as valued amenity and wildlife areas(Page 12).
- 9.17 Recent surveys have revealed that there may be a small non-breeding population of Great Crested Newts on-site. The Council’s Ecology officer does not object to the loss of the existing ponds as such however subject to measures being put in place for the protection/capture and translocation of individuals to another nearby site with suitable terrestrial habitat (and capacity to receive additional numbers). The application site is physically isolated from other Great Crested Newt populations and therefore a receptor pond should be created on land in the local area which is within foraging distance of another GCN population. The creation of an off-site pond will allow translocation to take place if needed. If no GCNs are found on-site the outcome will be that an additional pond has been created off-site that should benefit other GCNs in the local area therefore it can be demonstrated that an overall positive biodiversity outcome has been achieved.
- 9.18 The ponds form a striking visual feature from certain viewpoints but there has in the past been only limited public access, it is understood, for fishing. The view of officers is that subject to the creation of a suitable alternative wetland within the site, and the formation of an open watercourse through the site as is proposed, that the loss of the ponds could on balance be supported in principle. The Panel is asked to note that the filling-in of the mill ponds to create the comparatively level building area proposed in this application will result in the need for significant importation of fill material.

Members are invited to comment on the loss of the mill ponds

Highway and Transport Matters

- 9.19 The application proposes a single new vehicular access from Green Lane. A secondary vehicular access from Focus way to the east of the site has been considered but the Highway Authority considers that this would be likely to result in parking from the commercial buildings around Focus way from spilling over into the new residential development and therefore would wish to resist this.
- 9.20 There are pedestrian links through the proposed areas of green space on the site and a link from the NW of the site to an existing footpath which runs to the western boundary of the site from Focus Way to Henshaw Avenue, but there is no link from the east of the site to Cricketers Green, which would be a valuable pedestrian link through the site.

Members are invited to comment on highway safety and pedestrian access matters

Section 106 requirements

- 9.21 Affordable housing - Based on 123 dwellings, 18 units should be provided for affordable housing 9 for social rent and 9 for submarket.

Green space – A contribution for off-site Green space provision is required.

Off-site highway improvements

Education contribution

Procedural matters

- 9.22 Members will be aware from the above commentary that Officers have significant concerns at this stage about the nature of the proposals, in particular with regard to the extent of demolition of positive buildings in the Conservation Area. The demolition goes well beyond what Officers advised could be considered for demolition at pre-application advice stage, in effect a significant component of officer advice has been disregarded.

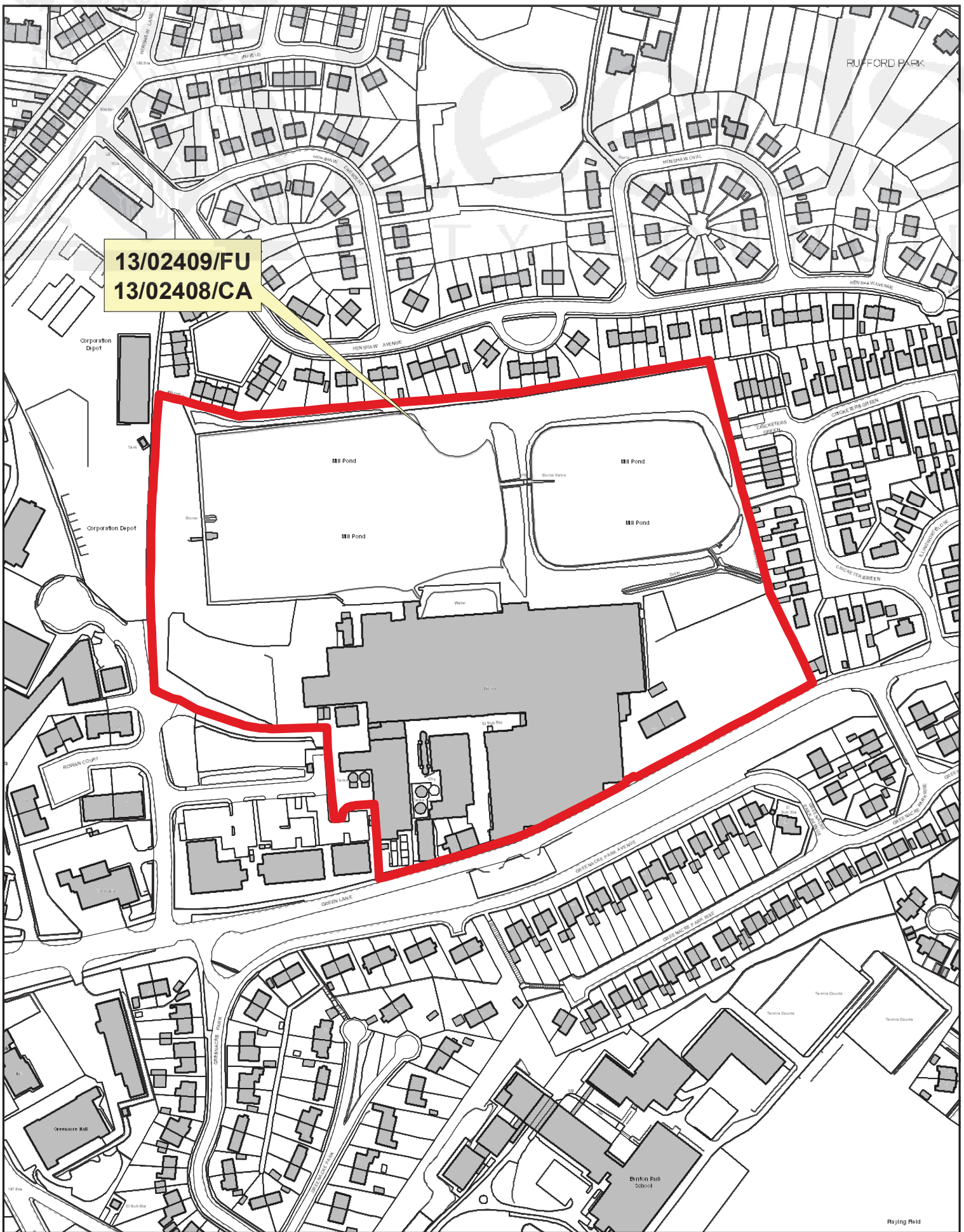
In the event that officers consider that the application as submitted should be refused, Members are asked to comment on whether they would wish the application to be referred back to the Panel for a decision, or would be content for a delegated refusal to be issued.

10. CONCLUSION:

- 10.1 Members will appreciate from the commentary in this report that the view of Officers is that this site can in principle be developed for housing and could usefully contribute to the District's housing land supply through development of a brownfield site in a sustainable location. In its present form, however, it is considered that the development, in particular because of proposals for extensive demolition of positive buildings in the Conservation Area, should not be supported.

Background Papers:

Application files 13/02409/FU and 13/02408/CA



SOUTH AND WEST PLANS PANEL



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Originator: David Jones

Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 11TH JULY 2013

Subject: POSITION STATEMENT for APPLICATION 13/01941/RM: RESERVED MATTERS APPLICATION TO ERECT 173 DWELLINGS ON LAND AT BRUNTCLIFFE ROAD, MORLEY

APPLICANT

Barratt Homes Yorkshire
West & Priestgate Morley
Ltd.

DATE VALID

6TH June 2013

TARGET DATE

16th September 2013

Electoral Wards Affected:

Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are requested to note the contents of this position statement, provide feedback on the questions posed and are invited to provide comments on any other aspect of the proposals.

INTRODUCTION:

- .1 The purpose of this report is to provide Members with information, raise the issues involved and seek Members initial views on the reserved matters proposal for 173 dwellings.
- .2 The earlier outline application was brought to the Plans Panel because it related to a substantial development proposal and was subject to a considerable number of objections from residents.

2.0 PROPOSAL:

- 2.1 Outline approval has been granted for residential development, with access also being approved. An indicative layout showed approximately 168 dwellings. The current reserved matters application seeks approval for appearance, landscaping, layout and scale.
- 2.2 The total site area is 7.7 hectares. The net area of development is 4.9 hectares and the open space and buffer areas amount to 2.8 hectares. The site layout shows 169 new build houses, and the conversion/new build at Street farm will form four units, so that a total of 173 units would be provided.
- 2.3 The 169 new build houses are all two storey in a mix of 85 detached houses, 50 semi-detached houses and 34 terrace properties. In terms of numbers of bedrooms, 13 x two bed houses are proposed, 83 x three bedrooms and 73 x four bedroom houses. The density is 35 dwellings per hectare.
- 2.4 Of these dwellings, 26 dwellings (15%) are proposed to be affordable units, under the terms of the completed Section 106 Agreement. 13 of these are proposed to be two bedrooms, and 13 would be three bedrooms. Four would be semi-detached, with the remainder (22) in terrace form. The affordable units are identified with asterisks on the site layout.
- 2.5 At Street Farm, adjacent to the Bruntcliffe Road frontage, it is proposed to demolish part of the farmhouse and convert and extend the barn behind the house, and demolish other outbuildings, to form four dwellings in a 'L' shape to the site frontage. These would form 1, one bedroom, 1, two bedroom and 2, three bedroom houses.

Approved access

- 2.6 The proposed layout shows the housing to be served from a single vehicular access from Bruntcliffe Road, to the west of the Street Farm buildings. A footpath/cycleway with provision for emergency vehicle access is proposed onto Scotchman Lane. The bus stop on the frontage may need to be moved to accommodate the emergency access.
- 2.3 The access arrangements would involve building out the existing footway to provide a wider footway along the southern side of Bruntcliffe Road, to the east of the proposed access. A pelican crossing is proposed to facilitate pedestrian movements across Bruntcliffe Road
- 2.4 Two new pedestrian refuge islands are proposed on the A650 west of the proposed site access. In addition, new road markings in the form of additional hatching are proposed on the stretch of the A650 between Scotchman Lane junction of Scott Lane. These arrangements were approved at outline stage.

Greenspace and buffer

- 2.5 2.8 hectares of open land (Green Infrastructure) is proposed to the south and west of the development, in the form of buffer zone and greenspace. A pedestrian walkway is proposed through the greenspace, which would connect with the pedestrian access onto Scotchman Lane, link to the footbridge over the M62 and connect to the northern part of the estate.
- 2.6 The buffer zone extends beyond the red line site boundary to the west, to provide a more extensive buffer to the proposed employment allocation. This buffer is required

under the terms of the completed Section 106, and details are not required under this reserved matters application.

Completed Section 106 Agreement

2.7 The applicant has completed a s106 agreement that covers the following:

- 15% affordable housing contribution provided that the development is commenced within 2 years of the date of the grant of planning permission. This would comprise 50% sub-market and 50% social rented affordable units:

Or

If the development is implemented later than 2 years from the date of the grant of planning permission the number of affordable units will accord with the affordable housing policy of the council at the time of the implementation of the development.

- Bus stop improvement contribution of £60K.
- A primary education contribution based on the following: number of dwellings x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost).
- A secondary education contribution based on the following: number of dwellings x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost). (see 10.65)
- Public Transport Contribution: In the event of 168 dwelling being constructed a sum of £152,208 is provided. In any other event a sum of £906 per dwelling. (see 10.65)
- Off-site highways contribution of £30,321
- Provision of on site greenspace.
- Off site greenspace contribution of £244,117.53 in the event of 168 dwellings being constructed. In any other event the sum of £1,453.08 multiplied by the number of dwellings constructed.
- MetroCard scheme for proposed residents (12 month card for use within zones 1 – 3).
- Travel Plan.
- Buffer Zone (west of the site) and Noise Buffer Zone to the south of the site.
- Local employment scheme.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is located on the south western periphery of Morley, adjacent to the M62. The site covers an area of approximately 7.7ha. It is bounded to the north by Bruntcliffe Road, allotments and a field boundary, to the south by the M62, to the east by residential properties on Scotchman Lane and to the west by agricultural fields.

3.2 As set out above, a significant majority of the site is in use as agricultural land, with the exception of the northwest corner, which is occupied by Street Farm, 3 barns and a vegetable patch. The site comprises largely of a Phase 2 Housing Allocation (H3-2A.5) within the Leeds Unitary Development Plan (UDP) Reviewed and adopted in 2006. Under the provisions of UDP Policy E4:47 6.5 hectares of land to the west of the application site is allocated for employment uses.

3.3 Morley town centre is located approximately 1km to the north of the site and is easily accessed along the A6123 (Fountain Street). Howley Park Industrial Estate is located to the east of the application site and can be accessed from Britannia Road and Scotchman Lane.

- 3.4 Junctions 27 and 28 of the M62 are located approximately 1.6km and 2.7km to the west and east of the site respectively and allow for access to the wider road network.
- 3.5 Fountain Primary School and Morley High School are both located within 0.7km of the site and recreational facilities exist at Dartmouth Park approximately 0.11km from the sites proposed access point.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/01332/OT – outline planning permission granted for residential development on the site on 28th March 2013. Details of the outline are set out in para. 2.1 above and the provisions of the completed Section 106 is set out in para. 2.7.
- 4.2 Of relevance are two undetermined planning applications on the Bruntcliffe Road/A650 corridor, which contribute to traffic generation in the area:
- 4.2.1 10/04597/OT - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking, Wakefield Road, Gildersome. Approved in principle by City Panel in April 2013, and subject to a Holding Direction by the Highways Agency and completion of a Section 106 Agreement.
- 4.2.2 12/02470/OT - Outline application for proposed employment development for use classes B1(b) and B1(c) (Research and Development/Light Industrial Uses), B2 (General Industrial Uses) and B8 (Storage and Distribution Uses) with new accesses, associated infrastructure and landscaping, land between Gelderd Road/Asquith Avenue and Nepshaw Lane North, Gildersome. Submitted on 1st June 2012. Currently under negotiation.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In respect of the current reserved matters scheme, no negotiations have been carried out as yet, whilst the application is out to consultation, and seeking views from residents and members.
- 5.2 At outline stage, extensive negotiations took place in respect of the Section 106 Agreement, and in particular with the provision of a noise buffer zone which effectively reduced the scheme from approximately 200 to 170 dwellings. In addition, Street Farm house was proposed to be retained, and new development in the vicinity to be designed to give a courtyard appearance.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 This application was advertised as Proposed Major Development, Affecting a Public Right of Way and setting of a Conservation Area by Site Notices on 21st June 2013.
- 6.2 Any representations will be reported to Plans Panel in due course.
- 6.3 A Ward member briefing was held on Friday 21st June, attended by Councillor Elliott (Morley South), Councillor Finnigan (Morley North) and Councillor Leadley (Morley North). The following comments were made:
- 6.3.1 Concern that the terrace properties do not allow bins to be provided for at the rear, and the proposed bin storage areas to the front are unacceptable.

- 6.3.2 Request that Officers consider whether there is scope to increase the size of the two bedroom affordable units, to provide more three bedroom family houses.
- 6.3.3 Concern that some of the garden sizes may be substandard and Officers should consider whether the minimum space standards are being met.
- 6.3.4 It is considered essential that permitted development rights are removed to prevent the potential overdevelopment of the site.
- 6.3.5 Care should be given that the houses facing the existing conservation area, i.e. along the Bruntcliffe Road frontage, should respect the character and appearance of the conservation area.
- 6.4 Morley Town Council - Most of the site is part of a UDP housing allocation, the rest of which lies in the adjoining Masonic Lodge grounds, but the Barratt site has been extended westwards into what the UDP Inspector meant to be a buffer between housing and employment. A compensating extension of the buffer strip beyond the red line has been agreed; the full buffer strip should be secured by legal agreement and installed on the ground. An access road shown leading to the Masonic boundary should be kept free of any ransom strips or similar devices, as it would be essential for development of the remainder of the UDP housing allocation within the Masonic grounds.
- 6.5 Land in the most northerly part of the site is within the Conservation Area extension about to be confirmed; most of the house at Street Farm is to be kept, with an appropriate "vernacular" extension replacing demolished outbuildings, and the part nearest Bruntcliffe Road removed to give a reasonable sight-line. We believe that new houses within and near the new Conservation Area boundary, around the site entrance, should be more in keeping with traditional Morley styles; they should be in stone or good quality Artificial stone and have roofs with shallower pitches, instead of the standard estate houses which are rather uninspiring. There are some stone boundary walls which should be kept and repaired.
- 6.6 Affordable housing is at 15% and well spread through the estate in pairs or short terraces; there is no ghetto.
- 6.7 However, the tightness of the overall estate layout does show in the cramped nature of the affordable and similar open market houses; there are frontages taken up entirely by car parking, bin stores in front of houses, and small back gardens the areas of some of which may be below standard. Overall, the removal of a few houses would allow a much freer and better layout. Greenspace in the west and south forms two buffers which merge at the south-west corner; these are to give the break between housing and industry referred to above, and to give a substantial stand off from the motorway formation along the southern boundary.
- 6.8 Permitted development rights should be withdrawn across the estate to protect the amenity of some residents from the possibility of ill-advised or excessive alterations and extensions being made by their neighbours.
- 6.9 There are general concerns across Morley about shortages of school places and the capacity of medical practices and dental surgeries and growth of traffic which should be taken into account as each new housing proposal emerges.
- 6.10 We object to the application as it stands; there is more work to do.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways Agency – Comments awaited.
- 7.2 Highways – Comments awaited.

7.3 Environment Agency – No objections.

Non-statutory:

7.4 Comments awaited.

7.5 Yorkshire Water – The indicative masterplan drawing, shows at least two trees will be within the requested 6m stand-off strip either side of the 3 YW water mains that runs through the proposed public open space area within Phase 2 of the proposed development.

If there are to be any extra dwellings within the buffer area, the condition for the water mains, it is requested a condition be included to require a 6.0 (six) metres easement either side of the centre line of the three water mains, which cross the site.

Further drainage details are required and conditions should be added to show details of surface water and foul water drainage

7.6 Metro – With respect to the S278 works, in order for Metro to progress the bus shelter installations, we require early payment of the funding secured in the S106 (£60,000). Without early payment, Metro will not be able to procure the shelters in line with the S278 programme of works. Finally we request that any S106 agreement which includes RMC should reflect current 2013 prices and amended terms and conditions. Metro are no longer able to issue RMC Scheme B and request that the developer funds all dwellings with a card (Scheme A). This would cost at current 2013 Prices: $170 \times £462.00 = £78,540.00$. This cost could be split into two equal phases if required.

7.7 Public Rights of Way – Public Footpath No.90 Morley abuts the site. The footpath does not appear to be affected by the development and as such, as long as the footpath is not encroached upon or interfered with in any way, no objection to the proposal.

7.8 West Yorkshire Archaeology – comments awaited.

7.9 Neighbourhoods & Housing comments awaited.

8.0 PLANNING POLICIES:

Development Plan

8.1 The Development Plan for the area consists of the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding

representations which have been made which will be considered at the future examination.

Leeds Unitary Development Plan (UDP), adopted 2001

- 8.4 Under Policy N11 of the Leeds Revised Draft UDP (1993) Bruntcliffe Road, Morley was promoted as a tract of open land which represented a major visual amenity. It stated that *“on the following tracts of land, only open uses will be permitted. Building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses and if it would not adversely affect the open character of the area”*
- 8.5 The UDP Inspector’s site specific comments regarding the allocation of land in the South Leeds area (Chapter 17) referred to Bruntcliffe Road, Morley under Topic 472 states at Paragraph 472.15 that *“the UDP be modified by deletion of this land from Policy N11 and its allocation under Policies E4 (6.5ha) and H4 (5.0ha) along the lines of the objectors’ Appendix RFH 7/2 and subject to the retention of substantial areas of open land and satisfactory highway arrangements”*. The Bruntcliffe Road site was therefore re-allocated for housing ‘New Proposals’.

UDP Review 2006

- 8.6 The Bruntcliffe Road site was re-allocated as a Phase 2 housing allocation in the UDP Review. The current allocation is referenced H3-2A.5 – Bruntcliffe Road, Morley. The UDP Review allocation describes the Bruntcliffe Road site as follows:
- 8.7 The following extract has been taken directly from the Morley Area text in Chapter 17 of the UDP Review where at paragraph 17.2.3 it states:

Bruntcliffe Road, Morley

Under Policy H3-2A.5, 5.0 ha of land are allocated for housing at Bruntcliffe Road, Morley, subject to:

- i. the provision of a satisfactory means of access;
- ii. the whole of the area between the housing allocation H3-2A.5 and the employment allocation E4(47) to remain open for amenity purposes;
- iii. retention and enhancement of existing public footpaths;
- iv. a satisfactory means of drainage;
- v. preparation of a planning framework to guide development of this site and adjoining employment allocation E4(47).

- 8.8 The following list of policies is relevant to the consideration and determination of this application. A short remark is made against each of these policies which are primarily dealt with in the submission of other technical reports that accompany this application.

8.9 General Policies:

Policy GP5: Development proposals should resolve detailed planning considerations including access, drainage, contamination, design, landscape. Proposals should seek to avoid environmental intrusion, loss of amenity, pollution, danger to health.

Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary.

Policy GP11: Where applicable, development must ensure that it meets sustainable design principles.

Policy GP12: A sustainability assessment will be encouraged to accompany the submission of all applications for major developments.

Environment Policies:

Policy N2 & N4: Provision of Green Space.

Policy N12: Principles of Urban Design.

Policy N13: High Standards of Design expected for all new buildings.

Policy N19: Proposals adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

Policy N23: Incidental Open Space.

Policy N24 : Proposals to assimilate into the adjoining open area.

Policy N25: Boundaries of Sites.

Policy N49: Protection of natural habitat for wildlife

Policy N51: Design of new development should enhance existing wildlife habitat and provide new habitat.

Transport:

Policy SA2: Encourages development in sustainable locations.

Policy T2: Transportation and Highway Issues, and

Policy T2B: Submission of Transport Assessment, and

Policy T2C: Submission of Travel Plan

Policy T5: Provision of safe access in new developments for pedestrians and cyclists.

Policy T6: Adequate provision for access for people with disabilities within new development

Policy T7A: Provision of secure cycle parking, and

Policy T7B: Provision of secure motorcycle parking, and

Policy T24: Adequate provision of parking facilities.

Housing:

Policy H9: Balanced provision of housing types.

Policy H11: Provision of affordable housing

Policy H12: Submission of appraisal of affordable housing needs and negotiations of that provision, and

Policy H13: Affordable housing provided in perpetuity.

Building Design, Conservation and Landscape Design:

Policy BD5: New buildings designed with consideration of their own and others amenities, and

Policy BD5A: Use of materials that conserve energy and water, and

Policy LD1: Landscaping requirements.

Policy LD2: Guidance for new roads.

Policy N29: Archaeology considerations.

Leeds Interim Affordable Housing Policy

8.10 The Leeds Draft Interim Affordable Housing Policy came into force on 1st June 2011. The affordable housing requirements that make up this new interim policy are set out below:-

Existing housing market zone as in SPG	SPG policy	Informal Policy July 2008	New Interim Policy 2011
Outer suburbs	25%	30%	15%

The site is in the Outer suburbs category and so the interim policy seeks 15% affordable housing provision if delivered within 2 years.

National Guidance

8.11 The National Planning Policy Framework (2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.

8.12 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.

8.13 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

8.14 Section 6 'Delivering a wide choice of high quality homes' and Section 7 'Requiring good design' are particularly relevant.

8.15 Noise Policy Statement For England (March 2010)

Local Guidance

- 8.16 SPD Designing for Community Safety (adopted).
- 8.17 SPG13 Neighbourhoods for Living (adopted).
- 8.18 SPD Street Design Guide (adopted).
- 8.19 SPG4 Greenspace relating to new housing development (adopted).

9.0 MAIN ISSUES

- 9.1 The main issues are considered to be:
- Principle of development
 - Access
 - Impact on Street Farm and extended Conservation Area
 - Amenity/Layout considerations
 - Landscape design and visual impact
 - Impact on Landscape and Ecology
 - Highway Safety
 - Implications for land allocated for housing abutting the eastern site boundary
 - Residential Amenity
 - Noise intrusion
 - Flood Risk management
 - Relationship to employment land
 - Air quality

10.0 APPRAISAL

Principle of development/Access

- 10.1 The application is reserved matters, therefore **the principle of development is not an issue to be considered here**. Members may recall that the housing proposal does not strictly accord with the housing allocation, and includes an area of unallocated land to the west. Panel members were satisfied that the proposal was sustainable, and that subject to the completion of a s106 Agreement to address particular matters, the proposal was acceptable.
- 10.2 In addition to the principle of residential development, the outline permission approves the means of access into the site. The approved works to Bruntcliffe Road will provide a continuous footway link on the southern side where none currently exists and will provide new crossing facilities in the form of two new islands and a pelican crossing. A stage 1 Road Safety Audit was submitted and identified no safety issues. Panel members were satisfied with the access arrangements.

Impact on Street Farm and extended Conservation Area

- 10.3 Morley Dartmouth Park Conservation Area currently lies to the north of Bruntcliffe Road, with part of the conservation area having a frontage onto Bruntcliffe Road, to the north west of the application site. The draft Morley Conservation Area extension (Area E) proposes to include back-to-back and through terrace development on Bruntcliffe Road, and also further villas towards Scotchman Lane and Street Farm. Street Farm is unlisted but dates back to the 18th Century. Street Farm is an important reminder of Morley's former agricultural character and is one of the earlier surviving elements of this part of town, shown on the 1st edition Ordnance Survey map of 1852. Also proposed to be included within the enlarged conservation area is the Masonic Lodge, formerly Thornfield, on Bruntcliffe Road and Rose Villa on America Moor Lane. These are impressive 19th century villas with surviving converted coach houses.

- 10.4 The proposed extension to the conservation area has been subject to consultation, and an objection has been received from the developer. All consultation responses have been evaluated and the appraisal will be amended in light of comments received as appropriate. The final version of the appraisal and boundary modification will then be formally adopted and will become a material consideration when applications for development within the conservation area and its setting are considered by the Council. Only limited weight could be applied until the final version is adopted.
- 10.5 The Reserved Matters plan shows the retention of the original farm building, with later extensions to be removed. Other outbuildings are proposed to be demolished and extended, but the new buildings are proposed to reflect the courtyard setting. This approach is supported in principle. Comments from the Conservation team are awaited.
- 10.6 In respect of the remainder of the site frontage, the three new houses (Plots 1-3) are set back 13m from the Bruntcliffe Road frontage. The ash tree to the frontage is to be retained, with the adjoining smaller self-seeding trees removed. New trees are proposed to the site frontage. The set-back of 13m is supported in principle, as is the retention of the ash tree. The house would be sited outside the canopy of the ash tree, and has a private south facing garden which would be unaffected by the presence of the tree. The comments of the Landscape section are awaited.
- 10.7 Plots 1-3 are detached two storey houses, to be constructed in brick. Consideration is being given as to whether the house types preserve or enhance the setting of the conservation area.

10.8 Do Members have any comments on how the proposal impacts on the setting of the conservation area?

Amenity/Layout considerations

- 10.9 As a reserved matters application, there is now a level of detail that requires examination, including the detail of how the streets and spaces work and the detailed forms and elevations of buildings. At this stage, early discussions are taking place between officers and the applicants, taking on board the comments received so far from local members (see paragraphs 6.4 to 6.10) in order to ensure that the proposed development carries through the high quality design principles anticipated at outline stage. This is particularly important in regard to the 'gateway' buildings proposed to the main estate road. The buildings proposed are all two storey, with very similar roof heights, therefore the location of the buildings are their materials and building styles will need careful consideration to provide an interesting and legible layout.
- 10.10 More generally, officers consider that the broad layout is acceptable, but will be seeking to negotiate on the following points in particular:
- 10.10.1 The main junctions around the perimeter now have an area where an 'event' can occur giving coherence to the site layout. However, more needs to be done to these areas to make them more interesting and for them to become points of interest because they are important points of reference.
- 10.10.2 The properties that turn corners are still problematic, the corners sit uncomfortably close to the radii of the road and leave very little defensible space to the frontage, e.g. you could tap on 122's front window from the footpath.

- 10.10.3 Access to the rears of the terraced properties are problematic, for reasons of maintenance etc access is required, this may be overcome with a through gated access shared by neighbouring houses.
- 10.10.4 More of the houses to have increased spacing and the cars to be absorbed off the frontage up the drives along the sides of dwellings. In the denser parts of the development the cars and hard standing dominate the street scene. By moving the cars from the back edge of the footpath to what would have been front gardens does not absorb the car off the street, it just bring it closer to the house frontage and makes it difficult to achieve any defensible space.
- 10.10.5 Generally rear aspects are down to 10m, neighbourhoods for living suggests a starting point as being 10.5m
- 10.10.6 Some garden spaces appear on the small side, included in the calculation must be usable garden space e.g. 124, 140, 67, 109, 73, 77, 13,11, 10, 5,
- 10.10.7 Frontages to 94 - 97 are particularly poor, given that this area is already vulnerable, due to the through route onto Scotchman Lane, it is felt that these houses in particular require proper defensible space to their frontages. If no cars were parked there, the whole of the frontage is indefensible, if it is fully parked up then the cars would be vulnerable.
- 10.10.8 The little stub feeding 98 -109 requires a bit more imagination and possibly the loss of some units to free up the space, achieve access to the rears and relieve the extent of car parking to the frontage.
- 10.10.9 The through route between 131 – 156 requires a bit more imagination and possibly the loss of some units to free up the space, achieve access to the rears and relieve the extent of car parking to the frontage.
- 10.10.10 Siting bin stores in front gardens is not a good design solution, this generally occurs with the terraced houses. There may be conflict between 46 and 47, and 44 and 43 without delineation between front garden space and access to the bins should the car spaces be full. There will likely be the need for a bin store to cater for 3x240 litre bins per property, if sited to the front these enclosures need the space to be absorbed into the curtilage rather than appearing as an inappropriate after thought see 160 and 159 (if parked up the bins cannot be accessed), 106 and 107, 99 and 100 (these enclosures will have to cater for 6x240 litre bins)
- 10.10.11 There are some stone boundary walls which should be kept and repaired.
- 10.10.12 Where the houses face onto Morley Conservation Area, the houses need to reflect the character and appearance of the CA. Morley employs a very simple robust vernacular using a lot of stone and heavy stone detailing. The window detailing also has more of a vertical emphasis than the submitted house types. It would be interesting to understand what the contextual basis is for the finer arts and crafts detailing.
- 10.11 Officers, therefore, will be seeking to ensure that the proposals broadly comply with the guidance contained in Neighbourhoods for Living, with respect to distances between dwellings and relationships to adjacent properties in order to ensure good quality townscape and prevent amenity problems.

10.12 A series of street-scene sections and house types have been provided in order to gain feedback to refine the detailed design. Do Members have any comments relating to design?

Landscape design and visual impact

10.13 The outline approval secured the buffer planting and the proposed greenspaces to the south and west of the application site, and these principles appear to have been carried through successfully into this reserved matters submission.

10.14 Nevertheless, given the detailed nature of this application, it is also important to consider the detailed design of the streets and spaces, including existing and proposed trees and hedges, infill planting where necessary, boundary treatments, the laying out of the greenspaces and their associated management.

10.15 Do Members have any comments on the quality of street and landscape planting throughout the development?

Impact on Landscape and Ecology

10.16 A Biodiversity Enhancement and Management Plan to discharge Condition 22 attached to the grant of outline permission has been submitted. The key measures proposed to increase long term biodiversity are:

Enhancing ecological networks

- To enhance current levels of connectivity around the site as well as supplementing existing hedgerows while providing food sources and habitats for a range of species.

Creating species rich grassland

- Helping to develop and maintain a species rich grassland area sown with an appropriate seed mix .

Providing mammal and bird refuges

- To create a variety of new opportunities for birds to nest, bats to roost and hedgehogs to shelter/hibernate.

10.17 The Council's Nature Conservation Officer fully supports the recommendations set out in the report.

10.18 Do Members have any comments on the quality of the ecology proposals?

Highway Safety

10.19 The means of access onto the A650 Bruntcliffe Road and pedestrian/emergency access onto Scotchman Lane was approved at outline stage. In respect of a detailed layout, it is considered the access can support the amount of development proposed. A loop road will allow emergency vehicles to safely access the site. Two parking spaces are proposed for the 3 and 4 bedroom houses, and 150% parking is proposed for the 2 bedroom houses.

10.20 In light of the above do members have any concerns in respect of highway safety?

Implications for land allocated for housing but not within application site

10.21 The Masonic Lodge buildings and land to the east are allocated for housing in the UDP, but not included within the application. In order to prevent this land from being land-locked, and not coming forward for housing, adopted highways are shown on the submitted layout abutting the boundaries of the site to the east and the west. These access points are supported.

10.22 In light of the above do members have any concerns in respect of the adjoining Masonic Lodge land being landlocked?

Residential Amenity

10.23 As set out in the section above, Officers are negotiating to seek compliance with the Council's standards in respect of space about dwellings. Matters in relation to noise and air quality are discussed in the section below.

10.24 In respect of impact on adjoining residents, additional pedestrian movements will take place onto Scotchman Lane, as an emergency access is proposed between houses. It is considered that the existing gap on Scotchman Lane is sufficient to allow this access without adversely impacting upon adjoining residents. In respect of the impact of the new houses, Plot 94 will present its side gable onto the nearest house at 15m. The minimum distance required is 12m, therefore 15m for a two storey dwelling is considered acceptable. Plots 98 – 102 face on to the backs of the houses on Scotchman Lane, at a distance of between 27 and 29m. The minimum required distance is 21m, therefore, there should be no undue overlooking.

10.25 The only other residential properties directly affected by the proposal are the two Arts & Crafts bungalows fronting the development at its most northerly point, adjacent to Bruntcliffe Road. The two nearest houses to these bungalows are Plots 1 and 7, which present their gable walls onto the bungalows at a distance of 19 and 20m. As 12m is the minimum distance, even allowing for the new buildings being two storeys, the distance is well excess of the minimum required. Plot 6 is close to the southern boundary of Ingleton bungalow, but at 6m from the boundary, it shouldn't adversely impact upon the bungalow. Officers consider that the existing occupiers would not be adversely impacted upon by the proposals.

10.26 In light of the above do members have any concerns in respect of the impact on residential amenity of adjoining occupiers?

Noise intrusion

10.27 At outline planning stage, a revised indicative layout was submitted which deleted dwellings on a 40m strip of land adjacent to the M62, and a revised Noise Assessment was submitted which was agreed by Neighbourhoods & Housing Officers. The note on the plan within this 40m strip states "Extent of development in this area to be determined at Reserved Matters stage through additional noise and air quality monitoring". The reserved matters application is now under consideration, and the 40m strip is designated as a Noise Buffer Zone.

10.28 In addition to the Noise Buffer Zone, the applicant is proposing either a 3m high acoustic fence or a 1m high bund with 2m high acoustic fence, close to the back edge of the M62 boundary. This would be adjacent to the proposed buffer planting, which would be to the northern side of the fence line. Advice is awaited from the Environmental Protection Team on the suitability of the acoustic fencing.

10.29 In light of the above do members have any concerns in respect of the acoustic fencing proposal?

Flood Risk Management

10.30 A Flood Risk Assessment was submitted at outline stage, and the Council's Flood Risk Management Section, the Environment Agency and Yorkshire Water raised no objections subject to conditions. It appears that soakaway drainage will be satisfactory without water affecting lower lying land (including the M62 motorway).

10.31 Yorkshire Water has commented that the indicative masterplan drawing shows at least two trees will be within the requested 6m stand-off strip either side of the 3 YW water mains that runs through the proposed public open space area within Phase 2 of the proposed development. These trees will need to be relocated.

10.32 In light of the above do members have any concerns in respect of flood risk at the site?

Relationship to employment land

10.33 The proposed housing intrudes onto the 'landscaped buffer' identified in the UDP to the west of the housing allocation. However, the developer has completed a Section 106 Agreement to deliver not only the greenspace, but a 'buffer zone' beyond which extends beyond the red line site boundary to the west, to provide a more extensive buffer to the proposed employment allocation. This buffer is required under the terms of the completed Section 106, and details are not required under this reserved matters application.

Air quality

10.34 The issue of air quality was addressed at outline stage and condition 17 of the outline permission requires detailed monitoring to take place. This is to be dealt with under an application to discharge the planning condition.

11.0 CONCLUSION

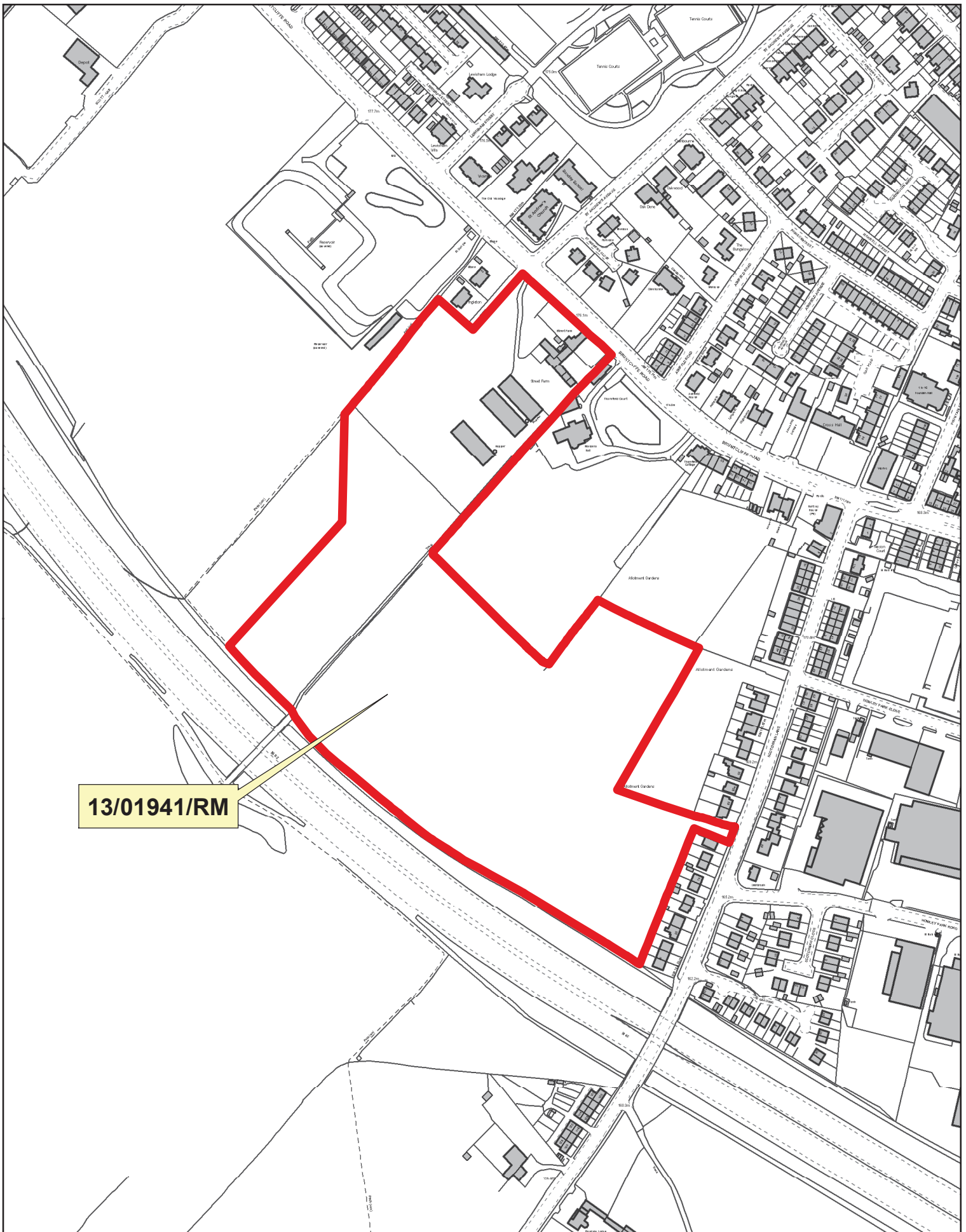
11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal. Specifically, feedback is requested from Members on:

- (i) **Do Members have any comments on how the proposal impacts on the setting of the conservation area?**
- (ii) **Do Members have any comments relating to design?**
- (iii) **Do Members have any comments on the quality of street and landscape planting throughout the development?**
- (iv) **Do Members have any comments on the quality of the ecology proposals?**
- (v) **Do members have any concerns in respect of highway safety?**
- (vi) **Do members have any concerns in respect of the adjoining Masonic Lodge land being landlocked?**
- (vii) **Do members have any concerns in respect of the impact on residential amenity of adjoining occupiers?**
- (viii) **Do members have any concerns in respect of the acoustic fencing proposal?**
- (ix) **Do members have any concerns in respect of flood risk at the site?**

Background Papers:

Application and history file 12/01332/RM

Certificate of Ownership:



13/01941/RM

SOUTH AND WEST PLANS PANEL



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