



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 15th August, 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:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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>	
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>	

Item No	Ward	Item Not Open		Page No
3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS 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	
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the South and West Plans Panel meeting held on 18 th July 2013 (minutes attached)	3 - 12
7	Hyde Park and Woodhouse		APPLICATION 12/02712/FU - WOODHOUSE STREET WOODHOUSE LS6 - APPEAL DECISION Further to minute 23 of the South and West Plans Panel meeting held on 8 th November 2012, where Panel resolved to refuse permission for part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping, to consider a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant (report attached)	13 - 22

Item No	Ward	Item Not Open		Page No
8	Weetwood		<p>APPLICATION 12/03473/FU - 35 CLAREMONT DRIVE HEADINGLEY LS6 - APPEAL DECISION</p> <p>Further to minute 21 of the South and West Plans Panel meeting held on 8th November 2012, where Panel resolved to refuse permission for change of use from children's home to a 7 bedroom house in multiple occupation, to consider a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant</p> <p>(report attached)</p>	23 - 32
9	Calverley and Farsley		<p>APPLICATION 13/01965/FU - 6 RODLEY LANE RODLEY LS13</p> <p>To consider a report of the Chief Planning Officer on an application for change of use of vacant shop to restaurant</p> <p>(report attached)</p>	33 - 40
10	Morley North		<p>APPLICATION 13/000625/FU - LAND OFF DAISY HILL CLOSE MORLEY LS27</p> <p>To consider a report of the Chief Planning Officer on an application for 14 detached houses with associated car parking and landscaping</p> <p>(report attached)</p>	41 - 56
11	Rothwell		<p>APPLICATION 12/04571/FU - 21 PARK LANE ROTHWELL LS26</p> <p>To consider a report of the Chief Planning Officer on an application for one detached dwelling</p> <p>(report attached)</p>	57 - 64

Item No	Ward	Item Not Open		Page No
12	Beeston and Holbeck		<p>APPLICATION 13/00760/FU - BROWN LANE EAST AND TOP MOOR SIDE HOLBECK LS11</p> <p>To consider a report of the Chief Planning Officer on an application for 24 houses and one block of 18 flats</p> <p>(report attached)</p>	65 - 78
13	Horsforth		<p>APPLICATIONS 13/01931/FU AND 13/01932/LI - LING BOB FARM SCOTLAND LANE HORSFORTH LS18</p> <p>To consider a report of the Chief Planning Officer on an application for planning permission for extension to farmhouse, repair, extend and reinstate former dwelling, change of use of barn to 2 dwellings and erect livery stable block and ménage together with the associated Listed Building application</p> <p>(report attached)</p>	79 - 92
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 12th September 2013 at 1.30pm in the Civic Hall, Leeds</p>	

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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

andy.booth@leeds.gov.uk

Your reference:

Our reference: ppw/sitevisit/

 6th August 2013

To:

Members of Plans Panel (South and West)

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 15TH AUGUST 2013

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

9.25am		Depart Civic Hall
9.45am	Rothwell	21 Park Lane Rothwell – 12/04571/FU – erection of single dwelling – (if travelling independently meet on Park Lane in front of 21 Park Lane) – depart 9.55am
10.15am	Morley North	Land off Daisy Hill Close Morley – 13/00625/FU – 14 detached houses (if travelling independently meet at the end of Daisy Hill Close) – depart 10.25am
10.40am	Beeston and Holbeck	Brown Lane East Holbeck – 13/00760/FU – 24 houses and one block of 18 flats (if travelling independently meet on Brown Lane East) – depart 10.50am
11.15am	Horsforth	Ling Bob Farm, Scotland Lane Horsforth – 13/01654/FU – change of use of barn to dwelling, restoration of former dwelling, extension to dwelling, erection of new dwelling, livery stables and ménage (if travelling independently meet in the driveway area to the front of Beech House) – depart 11.45am
12.05pm approximately		Return to Civic Hall

A minibus will leave the Civic Hall at 9.25am 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 **9.20am**

Yours sincerely

Andy Booth
Governance Officer

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SOUTH AND WEST PLANS PANEL

THURSDAY, 18TH JULY, 2013

PRESENT: Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,
M Coulson, R Finnigan, C Gruen, C Towler,
P Truswell and J Walker

21 Chair's opening remarks

The Chair welcomed everyone to the meeting

22 Late Items

There were no formal late items but in respect of application 13/00626/FU – detached drive-through restaurant at Cardigan Fields LS5 - the Chair allowed a photograph to be tabled, to enable Members to better understand the issue being raised by the objector (minute 28 refers)

23 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

24 Apologies for Absence

Apologies for absence were received from Councillor Wood

25 Minutes

RESOLVED - That the minutes of the South and West Plans Panel meeting held on 20th June 2013 be approved, subject to the inclusion at minute 16 relating to application 11/04306/OT – Asda store Old Lane LS11, of a requirement as part of the S106 Agreement to specify a time scale for completion of the development, as requested by Panel at that meeting

26 Panel member Nominations for Workshop on Delivering Quality Housing

The Panel considered a report of the Chief Planning Officer seeking nominations from South and West Plans Panel for three representatives to join representatives from City Plans Panel and North and East Plans Panel to

attend a workshop with major house builders to improve the quality of housing applications in the City

RESOLVED - To note the representatives on the workshop from South and West Plans Panel would be Councillor J McKenna; Councillor Finnigan and Councillor Truswell

27 Application 13/00874/FU - Development of solar farm on site of Haigh Hall Farm, Batley Road, Tingley, Wakefield, WF3

Further to minute 85 of the South and West Plans Panel meeting held on 25th April 2013, where Panel considered a position statement on proposals for a solar farm at Haigh Hall Farm, Batley Road Tingley, Members considered a further report of the Chief Planning Officer

Plans, photographs and precedent images were displayed at the meeting

The Minerals, Waste and Contaminated Land Manager presented the report which sought approval for the installation of around 32,000 solar panels over three fields on a site located in the Green Belt and in close proximity to a section of the Leeds Country Way

Details of the fencing and security equipment surrounding the site was provided together with long range views of the site to assist Members in their consideration of the visual impact of the proposals

Members were informed that the hedge/shrub planting to be provided had been extended with images being shown of the planting scheme after 1 year and 10 years. It was the view of Officers that the extent of the planting and small habitat creation provided a significant benefit on the existing situation

Although the recommendation in the report was to approve the application, in view of comments recently received from Leeds Bradford Airport and their request for a risk assessment to be carried out relating to glint and glare, an amendment to the recommendation was sought. If minded to approve the application, Panel was asked to defer and delegate approval to the Chief Planning Officer, subject to the risk assessment raising no substantial issues

The Panel then heard representations from an objector and the applicant's agent who attended the meeting

Members discussed the application and commented on the following matters:

- the siting of the solar panels and whether the layout of the panels could be changed to protect south eastern views. The Area Planning Manager advised that siting the solar panels further to the east was likely to increase the views of them due to the rise of the land
- the possibility of achieving the screening more quickly by the use of mature planting. Members were informed that mature species could often be slow to begin growing and that better results were achieved by using younger plants

The Panel considered how to proceed

RESOLVED - To approve the application in principle and to defer and

delegate final approval to the Chief Planning Officer, subject to the conditions set out in the submitted report; the receipt of a satisfactory risk assessment which raised no substantial issues regarding aviation and following further discussions regarding planting; how adequate screening could be achieved without damaging the longevity of the planting and further consideration of the planting on the western boundary

28 Application 13/00626/FU - Detached drive-through restaurant at Cardigan Fields, Burley, Leeds, LS5

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

Officers presented a report seeking approval of an application for a detached drive-through restaurant at Cardigan Fields Leisure Park, Kirkstall Road LS5

Members were informed that the site was currently used as an overspill car park although the extent of its use was disputed by the applicant and some of the objectors. The site was also in a Zone 3 flood risk area and that the applicant's flood risk assessment had been accepted by the Council and the Environment Agency

The building would be of a modern design using glazing and cladding

Objections to the proposals had been received including one from a local Ward Member who had raised particular concerns about the proliferation of fast food outlets in the area and the impact of these on obesity levels

The Panel was informed that the Department of Public Health had been consulted on the proposal but had stated there was not sufficient medical evidence to establish a causal link between fast food outlets and obesity. Members were informed therefore that this could be difficult to substantiate as a reason for refusal of the application

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- local employment
- the need for best endeavours to be used to provide jobs for local people
- car parking; how well used this site was for parking; that there was currently a barrier across the parking area and that additional parking might be needed with the introduction of a new restaurant offer on the site. On this matter, the Panel's Highways representative stated that from the information which had been submitted with the application and local knowledge, whilst parking in the wider development was often extensive, this overspill car park was not required. In terms of the proposed new use, as this complemented existing uses on the site it would not necessarily generate many new visitors. In the event that additional car parking was required, the applicant had indicated that a fan-shaped area of land could be opened up for parking for approximately 30 cars

- concerns about the cumulative impact of fast food outlets on public health, with a suggestion being made that Scrutiny Board Health and Wellbeing and Adult Social Care be asked to look at this aspect and the public health element of planning. The Head of Planning Services advised that work was being carried out on this matter as part of the Core Strategy, although there were mixed messages on this as the Government would allow in some cases, premises to change their use to a restaurant for two years under Permitted Development
- landscaping; the need for an acceptable scheme to be submitted which also increased planting on the northern frontage of the site

The Panel considered how to proceed

RESOLVED - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, a further condition encouraging use of local employment and discussions to achieve further mature planting on the northern frontage of the site

29 Application 13/01654/FU - Single storey, two storey and first floor side extension to dwelling - 56 Eden Crescent, Kirkstall, LS4

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

Officers presented a report seeking approval for a single storey, two storey and first floor side extension to 56 Eden Crescent LS4

Members were informed that a similar proposal had been refused earlier in the year and that the current scheme had reduced the impact of the proposals and that Officers were recommending to Panel that the application be approved

It was noted that some Permitted Development had taken place, with concerns being raised about the cumulative impact of the proposals. Members were informed that a calculation of the increased area had been carried out and whilst it was close to the two-thirds limit as set out in the Householder Design Guide, it did not exceed this

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

30 Application 13/02417/FU - Part two storey, part single storey extension to semi-detached house - 24 Vesper Rise, Leeds, LS5

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

Officers presented a report in respect of an application for a part two storey, part single storey extension at 24 Vesper Rise LS5

Members were informed that Officers were concerned about the bulk and scale of the proposals and were of the view that it overwhelmed the

existing property and therefore recommended to Panel that the application be refused

It was noted that in support of the application, the applicant had referred to a similar extension to a property nearby at 8 Vesper Gate Terrace. In considering this, Officers were satisfied that the applications differed and that the scheme at 8 Vesper Gate Terrace, approved in 2011, was less intensive than that proposed for 24 Vesper Rise. The introduction of the Householder Design Guide Supplementary Planning Document in April 2012 and its requirements were also highlighted in the report before Panel

Members heard representations from the applicant who attended the meeting

During the discussions which followed, the view was expressed that some form of extension could possibly be achieved on the site and that the application should be delegated to Officers. The Area Planning Manager, whilst accepting there was scope for an extension to the property, advised that no pre-application discussions had taken place with Officers and that the application had to be determined in its current form

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

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) and is contrary to Policy HDG:1 of the Adopted SPF 'Householder Design Guide' and also fails to comply with guidance set out in the National Planning Policy Framework

Following determination of the application, the Head of Planning Services invited the applicant to meet with Officers to discuss an alternative form of development

31 Application 13/00992/FU - Two detached dwellings with associated landscaping - land to the rear of 54 Weetwood Lane, Leeds, LS16

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

Officers presented a report seeking approval for two detached dwellings with associated landscaping on land to the rear of 54 Weetwood Lane LS16

Members were informed that this greenfield site was situated between the Far Headingley Conservation Area and Weetwood Lane Conservation Area, although the site itself did not benefit from any special designation

A Group Tree Preservation Order covered the site and whilst the removal of some trees was proposed, these would be largely fruit trees and immature scrub, with an appropriate replacement landscape scheme for the site being conditioned

In terms of the principle of development, Officers considered this to be acceptable. Two dwellings of traditional design and appearance were

proposed to be constructed from natural materials and the site was relatively private, with the exception of the properties surrounding it. Although the site was elevated from Hollin Lane, it was considered that distances of 61-70m away from properties on Hollin Lane far exceeded those set out in planning policy and as such it was felt that the proposals were not harmful to residential amenity

There were no highways issues with the proposals and the existing site entrance would be widened, with an extension being formed to the existing driveway to create a private drive for both of the plots

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- the level of representations received in respect of the proposals, the nature of them and the level of consultation and engagement carried out on behalf of the applicant
- that the proposals could be considered to be garden grabbing
- the use of the land as an amenity site and the suggestion raised by objectors that a covenant existed preventing the land from being used for housing. For clarity, the Chair invited the Panel's legal representative to comment on this, with Members being informed that the issue of a covenant was a private matter and was not a planning consideration
- the distance of the access road from the rear fence of dwellings on Hollin Lane, with Members being informed this was 4 metres
- concern about the impact on amenity of residents on Hollin Lane
- whether there were other measures which could be suggested to obscure the development from the existing dwellings. On this point Members were advised that whilst a good landscaping scheme would soften and break up views of the new development, it would remain visible but that possible additional tree planting could be considered. Whilst there would be the possibility of requiring a 2m high boundary fence to protect residential amenity, discussions should take place with adjoining residents to assess their views on this
- highway concerns, including the use of the drive for delivery vehicles etc and the access onto Weetwood Lane
- that lighting to the path should be considered
- the view that the application did not comply with the National Planning Policy Framework (NPPF)

The Head of Planning Services advised that although the NPPF referred to preference being given to brownfield sites, it did not prevent greenfield sites from being developed and that in reaching a decision, Members should have regard to the impact of the proposals; the local character and the need for local housing

The Panel considered how to proceed

Following an equity of votes for and against the recommendation, the Chair used his casting vote

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

32 Application 13/02702/FU - Demolition of existing housing office and construction of a block of three retail units (A1) use with associated works - Oatland Drive, Leeds, LS7

Plans and photographs were displayed at the meeting

Officers presented a report seeking the demolition of the existing housing office at Oatland Drive LS7 and the construction of a block of three retail units (A1) use, with associated works

Members were informed that the proposal was to provide the retail element of the Little London PFI housing scheme, as the Community Hub site of the original larger scheme was now required to enable an expansion of Little London Primary School to take place

One of the units would be a general store, with another one being a pharmacy. It was not known at this stage who would operate the third unit, but in response to comments from Members it was stated that the unit was a designated A1 use, and that any takeaway use would require planning permission

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

33 Position Statement - Applications 13/2408/CA & 13/2409/FU - Demolition of dyeworks buildings, erection of 109 houses and retention of Mill Facade and development to form 4 flats and Conservation Area consent application for demolition of dyeworks buildings and one chimney - Green Lane, Yeadon

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

Members considered a report of the Chief Planning Officer setting out the latest position on proposals for the demolition and retention of dyeworks buildings at Green Lane Yeadon and the erection of a residential development. It was noted that the site was within Yeadon Conservation Area

The extent of the demolition proposed by the applicants was outlined. Members were also shown a plan drawn by the Council's Conservation Officer who recommended the retention of a greater number of buildings

Concerns raised by Leeds Civic Trust; local residents; Councillor G Latty and Councillor Campbell were outlined, which related to the extent of demolition being proposed; the need for the brick chimney to be retained; loss of employment land; loss of mill ponds; poor layout of the proposed residential development and highway issues, including the need for some traffic controls to be included

Members were advised that on the principle of development, although there would be the loss of employment land, other employment sites were close by and as the site was a brownfield, sustainable site the principle of development was considered to be acceptable to Officers

Regarding the extent of the proposed demolition, Officers had concerns about this and wished to work further with the applicant to retain

more of the buildings. Although the applicants had made reference to the comments of West Yorkshire Archaeology Service in support of their position on demolition, these differed from the Conservation Officer's views and that there was a need for more work on this element to enhance the Conservation Area

In relation to the mill ponds, these were significant features and had ecology value, but that if both of these had to be retained, the site would begin to become unviable

Members' views on highways issues were required and some indication on whether the Panel would wish to see the scheme again, if it was recommended for refusal, or whether it would be sufficient to delegate such a decision to Officers

The Panel discussed the proposals and in response to the specific points raised in the report for Members' consideration provided the following comments:

- regarding the principle of development, that a residential or even a mixed-use scheme on the site could be acceptable but concerns existed about the proposal before Panel
- concerning the acceptability and extent of demolition proposed, including the larger brick chimney, that whilst some demolition was accepted, currently too much demolition was proposed; that the larger brick chimney should be retained and the character of the area retained
- in respect of the design and layout, concerns were raised about the proposed use of artificial stone and there should be as much re-use of existing stone as possible; that a more imaginative development layout and was needed as were better house types
- concerning the mill ponds, that there was a need for some recognition of these and their historical importance in the layout
- regarding highways matters, that the proposed access point was not ideal but possibly the least hazardous; that the use of Focus Way as an additional/alternative access was not supported. In respect of pedestrian access, the applicant was asked to investigate further the possibility of an access on to Cricketer's Green
- the need for the site to be developed but that the scheme was not acceptable in its current form and that the applicant should be invited to withdraw the scheme and resubmit the proposals or that the refusal of the current scheme could be deferred and delegated to Officers, based upon the concerns raised by Members

Reference was made to an e-mail sent by the applicant expressing criticism of Officers, with Members stating the comments were unfounded and not helpful to the process

RESOLVED - To note the report and the comments now made

34 Position Statement - Application 13/01941/RM - Reserved Matters application to erect 173 dwellings on land at Bruntcliffe Road, Morley, Leeds, LS27

Draft minutes to be approved at the meeting
to be held on Thursday, 15th August, 2013

Plans, photographs and drawings were displayed at the meeting

Members considered a report of the Chief Planning Officer which set out the latest position on a Reserved Matters application for a large residential development on land at Bruntcliffe Road Morley LS27. It was noted that the outline application for the scheme had been approved in principle by South and West Plans Panel at its meeting held on 11th October 2013 (minute 8 refers)

Officers presented the report and provided the following information:

- that 173 dwellings were proposed, although the indicative layout on the outline application showed approximately 168 dwellings
- a single point of access would be provided into the site
- the mix of 2, 3 and 4 bed dwellings were proposed
- the affordable housing at 15% - i.e. 26 units - would be provided and was pepperpotted around the site in six locations
- the use of brick was proposed although it had now been agreed that natural stone would be used on the properties which faced the Conservation Area boundary
- that the applicant had agreed to retain the stone wall on the A650
- access points for the neighbouring site had been included to ensure that site did not become landlocked
- buffer planting would be provided as set out in the outline application; a 3m high combined bund and fence would be provided to help mitigate against possible noise nuisance from nearby traffic and that a detailed landscape scheme was required together with comments from the Environmental Protection Team (EPT) on the acoustic fence
- that further work was required on the design of the buildings
- that concerns existed about the size of some gardens; accessibility to the rear of properties; how the parking was managed on the site, including widths and lengths of driveways. Whilst a revised plan had been submitted the previous day which had sought to address some of these issues, Ward Members and Highways would need to be consulted on this plan
- that bin stores to the front of a number of properties had been deleted from the scheme, with a central access being created to enable rear bin stores to be provided

The Panel discussed the proposals and in response to the specific points raised in the report for Members' consideration provided the following comments:

- on the impact of the proposals on the setting of the Conservation Area, that further work remained but that the concessions made in respect of the stone wall and use of natural stone on some properties were welcomed
- regarding design, that the revisions, particularly the creation of rear bin stores were an improvement

- in respect of landscaping, the need to avoid the creation of large shrubberies was stressed
- on highway safety, some concerns were raised about the use of shared surfaces
- to note the comments made about the adjoining Masonic Lodge land being landlocked
- regarding the impact on residential amenity of adjoining occupiers, it was felt there would not be significant issues, although there was a need to carefully consider the relationship to the Arts and Crafts bungalows adjacent to the site
- on the acoustic fencing proposal, that there was a need to see the EPT response on this matter
- in terms of concerns about flood risk at the site, it was felt this was not an issue

Officers were asked to check that the S106 Agreement on the outline permission specified completion within 2 years

RESOLVED - To note the report and the comments now made

35 Date and Time of Next Meeting

15th August 2013 at 1.30pm



Originator: Mathias Franklin

Tel: 0113 2477019

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th August, 2013

Subject: APPEAL DECISION: APPLICATION 12/02712/FU– Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping at land at Woodhouse Street, Woodhouse.

APPLICANT

Mr Kissun Parmar

DATE VALID

03.07.2012

TARGET DATE

02.10.2012

Electoral Wards Affected:

Hyde Park and Woodhouse

☐ No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Members are asked to note the contents of this report.

1.0 This planning application for a mixed use – retail and student housing scheme at Woodhouse Street was refused by Members of the South & West Plans Panel on 8th November 2012, having resolved at the previous meeting in October not to accept the officers recommendation to approve the application. The grounds for refusal were that the proposal would constitute an over-development of the site and that by reason of its scale and massing it would be out of character with the local area to the detriment of the street scene and visual amenity. The application was also refused on the lack of a Section 106 agreement to provide a contribution towards off site green space in accordance with policy N2 of the adopted UDP.

1.1 The appeal was dealt with by written representation and the Inspectors decision is attached. The appeal was allowed subject to conditions and a signed Section 106 agreement.

- 1.2** The City Council had indicated in its Appeal submission that the proposal would by reason of its design, scale and massing result in harm to the street scene and the character of the area and was over development of the site.
- 1.3** The Inspector identified the main issue in the appeal as the effect of the proposal on the character and appearance of the area around Woodhouse Street and Holborn Approach.
- 1.4** The Inspector considered, in terms of the design and site layout of the appeal scheme, that the proposal is sympathetic to the surrounding area and takes a number of features from neighbouring buildings. It also uses the topography of the site to inform the overall design concept.
- 1.5** The Inspector disagreed with the Council and considered that from Woodhouse Street, the retail unit with rooms above would reflect the scale of the street scene in the vicinity and would not appear prominent. Along Holborn Approach, the view of the development from the west would be largely hidden by the imposing façade of Holborn Church, which fronts the road, whilst from the east, it would be largely hidden behind mature trees. There are no other significant views of the site from any greater distance away. The surrounding residential areas are of a relatively high-density nature, and the Inspector considered that the scale of the development would not be out of character.
- 1.6** The Inspector accepted the appellants signed Section 106 agreement submitted with the appeal (to cover the contributions towards greenspace) dealt adequately with the second reason for refusal.
- 1.7** There was no application for costs against the Council.
- 1.8** Members will recall that a subsequent application on this site (13/00550/FU) for the retail store with car parking was approved at Panel on 28th March 2013.
- 1.9** This appeal outcome hinges on the assessment of the bulk and scale of the building on the character of the area and the Inspector has reached a different judgement to the Plans Panel but it should be recognised that this is a subjective view.



Appeal Decision

Site visit made on 18 June 2013

by J D Westbrook BSc Econ(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2013

Appeal Ref: APP/N4720/A/13/2192201

Land at Woodhouse Street, Woodhouse, Leeds, LS6 2NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kissun Parmar against the decision of Leeds City Council.
 - The application Ref 12/02712/FU, dated 3 July 2012, was refused by notice dated 14 November 2012.
 - The development proposed is a part three-storey, part four-storey block of 18 cluster flats (112 rooms), a retail store at ground floor, and associated parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for a part three-storey, part four-storey block of 18 cluster flats (112 rooms), a retail store at ground floor, and associated parking and landscaping, on land at Woodhouse Street, Woodhouse, Leeds, LS6 2NY, in accordance with the terms of the application, Ref 12/02712/FU, and the plans submitted with it, subject to the conditions contained in the Schedule below.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area around Woodhouse Street and Holborn Approach.

Reasons

3. The appeal site is a vacant parcel of land situated between Woodhouse Street and Holborn Approach. The surrounding area is largely residential, although there are a number of other uses in the vicinity. These uses include small shops and takeaways, two churches (one of which was unused at the time of my visit), a community centre, and a school. Due to the surrounding topography, the site generally slopes down gently from west to east.
 4. The proposed development would involve the construction of a number of grouped student rooms in a T-shaped block towards the southern end of the site, and a retail unit, with student rooms above, to the northern end. The site is within easy reach of the City's Universities and may, therefore, be considered to be in a sustainable location from this perspective.
-

5. To the north of the site, the streets have a north-south grain and comprise high-density terraced dwellings. The streets rise steeply up from south to north and the terraces present a tall, gable elevation to Woodhouse Street. They are effectively three-storey houses with rooms in the roof space, and many have dormer extensions. Views up these streets culminate at the tall imposing buildings of Quarry Mount School. To the south of the site, there are long rows of two-storey terraced houses aligned east to west along the southern side of the Holborn Approach, and stepped down the slope. The design of the proposed development would reflect the orientation of the surrounding roads utilising a T-shaped set of buildings, which would create an effective transition from a north-south orientation to the north to an east-west orientation to the south.
6. To the west of the site, on Woodhouse Street, is a small church building with a hall behind. This appears to be currently unused. There is also a two/three storey community centre a little further along the road. On Holborn Approach, a tall two/three storey church building lies to the west of the site.
7. To the east of the site is a small terrace of mixed commercial and residential properties, and a more modern housing estate that is largely shielded from the site by a number of mature trees.
8. The proposed development would be a mix of three and four storeys, although the lower ground storey would be largely sunk into the slope of the ground to the centre and southern parts of the site. The buildings would be stepped down slightly from north to south within the site and also from west to east at the southern end of the site along Holborn Approach. The southern arm of the building would also be set back some four metres from the boundary with Holborn Approach. This setting back of the buildings, coupled with the way that the buildings are sunk into the slope, would significantly reduce the visual impact of the development at its southern end.
9. The frontage to Woodhouse Street would be relatively narrow, and the part-gable end of the shop unit and rooms above would reflect the gable ends and the scale of the terraced houses opposite. There would be a relatively open part of the site adjacent to the shop, comprising a car park and servicing area, and this would largely ensure maintenance of views across the site to the wooded hillside around St Marks Church to the south, and of the church tower which projects above it. This is the only significant and long-distance view across or from the site.
10. In terms of the design and site layout, the proposal is sympathetic to the surrounding area and takes a number of features from neighbouring buildings. It also uses the topography of the site to inform the overall design concept.
11. The Council contends that the proposal would represent an overdevelopment of the site and that it would be overly prominent in the street scene. I disagree. From Woodhouse Street, the retail unit with rooms above would reflect the scale of the street scene in the vicinity and would not appear prominent. Along Holborn Approach, the view of the development from the west would be largely hidden by the imposing façade of Holborn Church, which fronts the road, whilst from the east, it would be largely hidden behind mature trees. There are no other significant views of the site from any greater distance away.

12. The surrounding residential areas are of a relatively high-density nature, and the scale of the development would not be out of character. There is only a small amount of landscaped open space within the development site itself, but the Council has indicated that an off-site contribution to enhance public open space in the locality would compensate for this. Although an offer of such a contribution was not made at the time of the determination of the application, I have before me a signed Section 106 Unilateral Obligation that deals with this issue, and also with a related issue to upgrade a nearby bus stop. I consider that the Obligation is necessary, relevant and proportional, and I therefore find that there are no further significant concerns regarding these issues.
13. For the above reasons, I conclude that the proposal would not be harmful to the character or appearance of the area around Woodhouse Street and Holborn Approach. Furthermore, it would not conflict with policies GP5, BD5, N12 or N13 of the Council's Unitary Development Plan (Review) 2006 (UDP), which relate to issues of good design and protection of residential amenities. Insofar as the appellants have provided a signed Section 106 Obligation relating to off-site contributions for public open space and an upgraded bus stop, the proposal would not conflict with policies N2 or GP5 of the UDP, which relate to provision of greenspace and resolution of access and highway issues.

Conditions

14. The Council has suggested a number of conditions. Where necessary I have adapted the proposed conditions to more closely accord with the wording of model conditions from Circular 11/95. From the information before me, suggested conditions relating to on-street parking, accesses, cycle and refuse storage, contaminated land investigation, and noise restrictions, are either unnecessary, covered by other conditions, or matters better dealt with under separate legislation.
15. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached further conditions relating to the following:
- With regard to materials, hard and soft landscaping and tree protection, in the interests of the visual amenities of the area,
 - With regard to sight lines, car park and servicing management, in the interests of highway safety,
 - With regard to the submitted travel plan, for purposes of clarification and in the interests of promotion of sustainable transport,
 - With regard to opening and servicing hours related to the retail unit and also to crime reduction measures, in the interests of residential amenity,
 - With regard to construction management and hours of construction work, also in the interests of protecting residential amenities in the area,
 - With regard to the occupancy condition, to ensure that the development conforms to appropriate car parking and affordable housing policies,

- With regard to BREEAM certification, for clarification and in the interests of sustainable development,
- With regard to surface water drainage and sewerage, in the interests of public and environmental health.

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5216-P01C, 5216-P02B, 5216-P03B, 5216-P04F, 5216-P05A, 5216-P06B, 5216-P07, and 5216-10A`.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority, and these works shall be carried out as approved. These details shall include hard surfacing materials; tree retention and planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
5. All the trees to be retained within the site, or whose canopies overhang the site, shall be protected by strong fencing. The erection of the fencing for the protection of any retained tree shall be undertaken in accordance with the approved landscape plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
6. Notwithstanding details shown the approved plans, no development shall take place until a plan showing sightlines of 2.4 metres x 70 metres at the junction of the site with Woodhouse Street and 2.4 metres x 43 metres at the junction of the site with Holborn Approach has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
7. No structure or erection exceeding 1metre in height shall be placed within the sightlines referred to in Condition 6.
8. No development shall take place until a car park and servicing management plan has been submitted to and approved in writing by the local planning

authority. This plan shall include timescales, vehicle size restricted to 10.5 metre fixed axle, vehicle and reversing alarm noise suppression measures. Development shall be implemented and maintained in accordance with the approved plan.

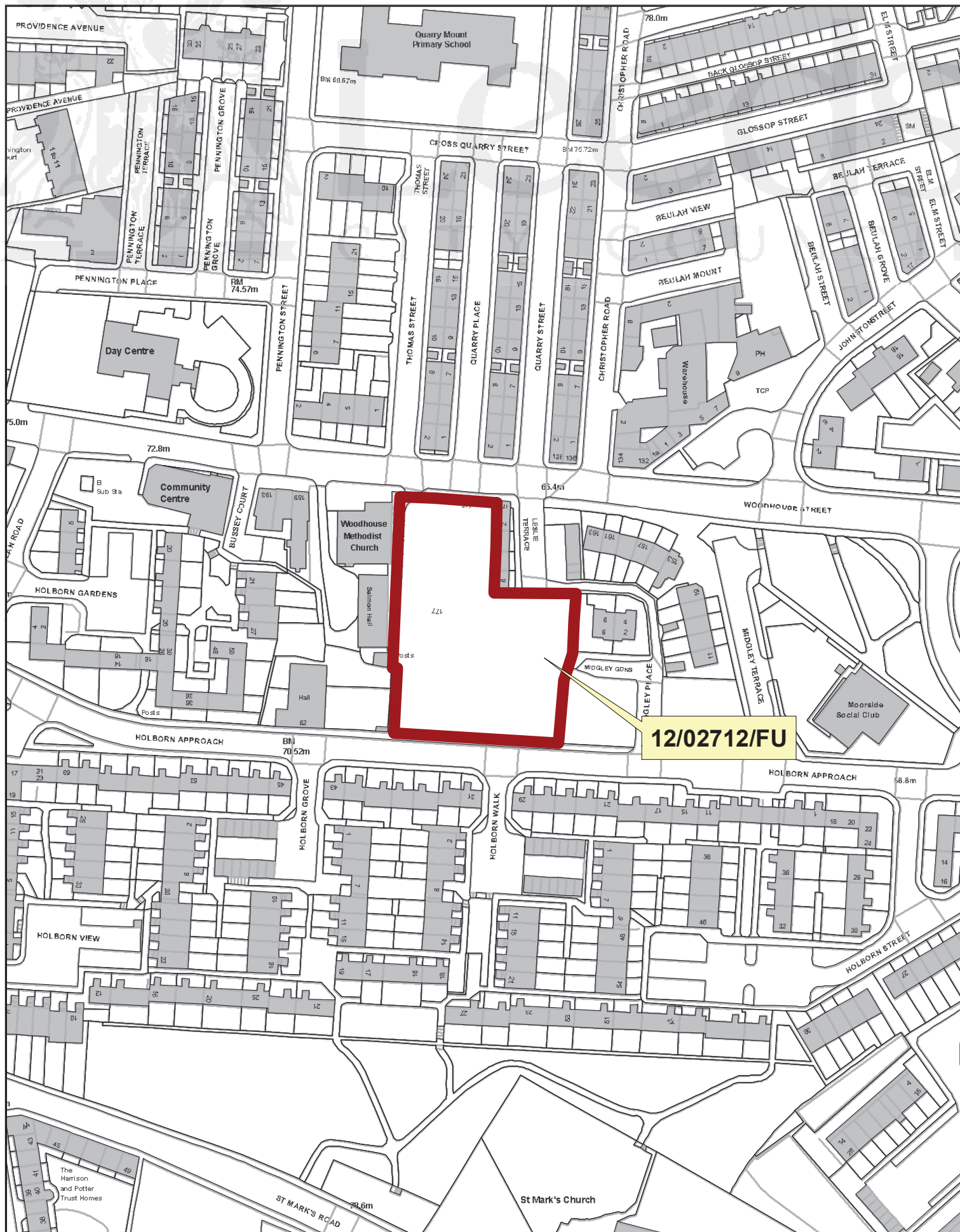
9. The use hereby permitted shall take place in accordance with the details of the Travel Plan (or those parts of the Travel Plan capable of being implemented, subject to other conditions herewith attached) dated 15 June 2012. Those parts of the Travel Plan capable of implementation shall continue to be implemented as long as any part of the premises is occupied for the uses hereby permitted.
10. The retail unit shall not be open for customers outside the hours of 0700 to 2300.
11. Deliveries to and collections from the retail unit shall take place only between the hours of 0800 and 1900 on Monday – Saturday and no deliveries or collections shall take place on Sundays or Bank Holidays.
12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials, storage of plant and materials used in constructing the development, wheel washing facilities, measures to control the emission of dust and dirt during construction, and a scheme for recycling/disposing of waste resulting from demolition and construction works.
13. Construction works shall not take place outside 0730 to 1900 on Monday – Friday, and 0800 to 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.
14. The residential units hereby permitted shall not be occupied at any time other than by students in full-time education.
15. No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the final BREEAM level “Excellent”. A final Certificate, certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating “Excellent” has been achieved for this development, shall be provided to the Local Planning Authority within 6 months of the completion of the development.
16. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details where appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
17. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall

be first occupied until the sewerage works have been fully implemented in accordance with the approved details.

18. Before development commences, a scheme showing the details of crime reduction measures to be included within the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

J D Westbrook

INSPECTOR



SOUTH AND WEST PLANS PANEL



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Originator: Terry Moran

Tel: 0113 3952110

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th August, 2013

Subject: APPEAL DECISION: APPLICATION 12/03473/FU – CHANGE OF USE OF FORMER CHILDREN’S HOME TO 7 BED HMO AT 35 CLAREMONT DRIVE, LEEDS, LS6 4ED

APPLICANT

Mr Jonathan Hall

DATE VALID

10 August 2012

TARGET DATE

05 October 2012

Electoral Wards Affected:

Weetwood

☐ No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Members are asked to note the contents of this report.

1.0 This planning application was considered by Members of the South & West Plans Panel on three separate occasions and was eventually refused on 8th November 2012 on the grounds that the proposal would result in the loss of a building suitable for family occupation in an area where there was an imbalance between family and student housing. Originally the application had been recommended for approval by officers and whilst that was originally supported by members subsequent information presented which drew attention to the condition of the previous approval for the children’s home that the premises should be returned to family occupation led members to not accept the officer recommendation.

1.1 Subsequent to the refusal the application was appealed and the applicant applied for costs against the Council. The Inspectors decision has now been received and the appeal has been allowed and full costs awarded against the Council. A full copy of the appeal decision and costs award decision is attached to this report.

- 1.2** The City Council had argued in its Appeal submission that the proposal would result in the loss of a building suitable for family occupation in an area where there is an acknowledged imbalance between family dwellings and those occupied by students.
- 1.3** The Inspector considered in light of the internal layout of the property that it was institutional and not domestic, with no private garden area. As such, the Inspector concluded that the building would not easily lend itself to family occupation.
- 1.4** The Inspector went on to state that the property had not been used as a family dwelling for more than 20 years and that the proposed change of use would not therefore result in the loss of a family dwelling.
- 1.5** The Inspector considered that the City Council had failed to provide adequate evidence to support its contention that there was a shortage of family housing in the locality, adding that his Site Visit confirmed that the area around the property comprised primarily single family houses and that he was not convinced that there was any significant imbalance between family and student housing in this part of Far Headingley.
- 1.6** In the costs application decision the Inspector considered that the City Council had acted unreasonably in its decision to refuse planning permission, and added that the City Council did not provide any realistic evidence to substantiate the reasons for refusal in terms of the balance of housing in the locality or that the use of the property as a 7 bed HMO would result in unacceptable harm. As such a full award of costs against the Council was justified.
- 1.7** The appeal was dealt with by written representation.
- 1.8** What is clear from the decision and costs letter is that where officers advice is not followed then evidence must be presented at the appeal to back up the Council's case otherwise a costs award is always likely.



Appeal Decision

Site visit made on 3 June 2013

by S M Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2013

Appeal Ref: APP/N4720/A/12/2188986

35 Claremont Drive, Headingley, Leeds, LS6 4ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Action for Children (Mr J Hall) against the decision of Leeds City Council.
 - The application Ref 12/03473/FU, dated 8 August 2012, was refused by notice dated 9 November 2012.
 - The development proposed is the change of use from a children's home (Use Class C2) to a house in multiple occupation (sui generis).
-

Application for Costs

1. An application for costs was made by Action for Children (Mr J Hall) against Leeds City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the change of use from a children's home to a house in multiple occupation at 35 Claremont Drive, Headingley, Leeds, LS6 4ED in accordance with the terms of the application, Ref 12/03473/FU, dated 8 August 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and 90/16202/1B.

Procedural Matters

3. I have removed "(Use Class C2)" and "(sui generis)" from the decision as they are superfluous.

Main Issues

3. The main issues are the effect of the proposal upon (i) the supply of dwellings suitable for family occupation in the area; and (ii) the living conditions of the occupiers of nearby dwellings in respect of noise and disturbance.
-

Reasons

4. At the time of the appeal the property was being used as a house in multiple occupation (HMO) for 5 people having previously been used as a children's home since the early 1990s until 2012.
5. The property is a substantial detached dwelling with a large front garden and car parking for about 4 cars at the rear. It has pedestrian access from Claremont Drive and vehicular access from Claremont Road giving the dwelling a road frontage at both front and back. It is located in a predominantly residential area within the Far Headingley Conservation Area.
6. The site lies within an Area of Housing Mix to which saved Policy H15 of the Leeds Unitary Development Plan (Review 2006) (UDP) is applicable. This is permissive of housing intended for student occupation providing that the stock of housing accommodation, including that available for family occupation, is not unacceptably reduced in terms of quantity and variety. The aims and objectives of the policy are to improve the total stock of student accommodation and to relieve pressure on conventional housing.
7. The appellant says that the house is too big for single family occupation and the Council, in its first committee report seemed to agree with that. It is also clear from the plans showing the layout of the property that the internal arrangement is institutional and not domestic due to the subdivision of space. There is no private rear garden area as the rear curtilage is currently used for car parking and is open to the street. Therefore, in my view, the building does not easily lend itself to family occupation.
8. I note the Council's contention that the 1990 permission for the children's home is subject to a condition making it personal to the National Children's Home (NCH) and the building would revert to C3 once released by the NCH. The appellant says that the condition is not lawful. Whether or not this condition is lawful is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act. Similarly, it is not for me to determine the lawful use of the property now that the NCH have ceased to use it as a children's home.
9. Nevertheless, regardless of what may or may not be the lawful use of the building, given that the building has not been used as a family dwelling for some 20 or so years I find that there is no loss of such a dwelling.
10. However, irrespective of the whether or not the scheme would result in the loss of housing suitable for family accommodation the Council has failed to demonstrate that there is a shortage of family accommodation in the area or a high concentration of HMOs. Whilst the Council say that the site lies in an area of acknowledged imbalance between family housing and HMOs I have no firm evidence before me to confirm this. In fact the Council in its officer report, and some of the neighbours, suggest that properties in the area are predominantly single family houses. This analysis was confirmed by my site visit.
11. I appreciate that the site lies within a very extensive area subject to an Article 4 Direction which removes permitted development rights for a change of use from a family dwellinghouse to an HMO. Nevertheless, for the reasons above, the

existence of this Direction does not convince me that there is an imbalance of accommodation in Far Headingley.

12. On the basis of the evidence before me, I therefore conclude that the proposal would not unacceptably reduce the stock of accommodation suitable for family occupation and there is no conflict with UDP Policy H15.
13. I have had regard to the Council's comments in respect of Policy H6 of the Publication Draft Core Strategy but they do not alter my findings above.
14. I acknowledge local neighbours and Council concerns that the proposals would lead to noise and disturbance. However, the plans for the children's home showed 2 staff bedrooms with 4 additional bedrooms. I therefore consider that the levels of activity for a 7 bedroom HMO would not be materially different to the previous use.
15. I note the concerns about late night activity and I accept that the lifestyles of potential occupiers might be different to that of families. However, given that the building is large and detached and that the proposal is for occupation by only 7 people, I do not consider that the proposal would lead to an unacceptable level of noise and disturbance.
16. I find, therefore, that the proposal would not result in material harm to the living conditions of the occupiers of surrounding properties and is therefore in accordance with UDP Policy GP5 which seeks that development should avoid a loss of amenity.
17. I note third party comments in respect of car parking. The site is in a sustainable location with good access to shops and other services by foot and, therefore, not all the occupiers might have cars. Even if they all did have cars, I do not consider that the car parking generated would be so significant as to materially affect highway safety.
18. I acknowledge third party references to other planning appeals. I do not have the full details of those cases before me and I have determined this appeal on its individual merits. In any event, the Southampton appeal concerned a property with more than double the number of occupants as in this case and the Glassworks case was for a large scale development of student flats. Therefore, these appeals are not directly comparable to this proposal.
19. The Far Headingley Conservation Area is characterised by a village centre surrounded by predominantly residential development. Houses are often 19th Century villas and terraces. Stone and slate are common materials and the area has a wealth of mature landscaping. As the proposal is residential in nature and no external alterations are proposed, I consider that the character and appearance of the conservation area would be preserved.
20. For the reasons set out above, and having regard to all other matters raised, including the views of local residents and organisations, I conclude that the appeal should succeed.

21. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

Siobhan Watson

INSPECTOR



Costs Decision

Site visit made on 3 June 2013

by S M Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2013

Costs application in relation to Appeal Ref: APP/N4720/A/12/2188986 35 Claremont Drive, Headingley, Leeds, LS6 4ED

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Action for Children (Mr J Hall) for a full award of costs against Leeds City Council.
 - The appeal was made against the refusal of planning permission for the change of use from a children's home (Use Class C2) to a house in multiple occupation (sui generis).
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. As detailed in my appeal decision, I have found that the proposed scheme would be acceptable in relation to both its effect on the supply of dwellings suitable for family occupation and upon the living conditions of neighbours. These issues were the basis of the Council's and local residents' concerns.
 4. The recommendation in the committee report was that planning permission should be granted. In circumstances where officers' professional advice is not followed, the Circular states that an Authority is expected to produce relevant evidence on appeal to support the decision.
 5. Notwithstanding the reported reasoned debate at the Committee Meeting, Members appear to have given little weight to the specific advice of its officers who clearly advised them "Officers consider that a refusal would be difficult to defend at appeal and that there would be a risk of an award of costs."
 6. UDP Policy H15 indicates that student housing would be allowed in the Area of Housing Mix where the stock of housing, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety. However, irrespective of whether or not the scheme would result in the loss of housing suitable for family occupation, the Council provided no real
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information about the quantity or variety of housing in the area and therefore failed to substantiate how the proposal was in conflict with this policy.

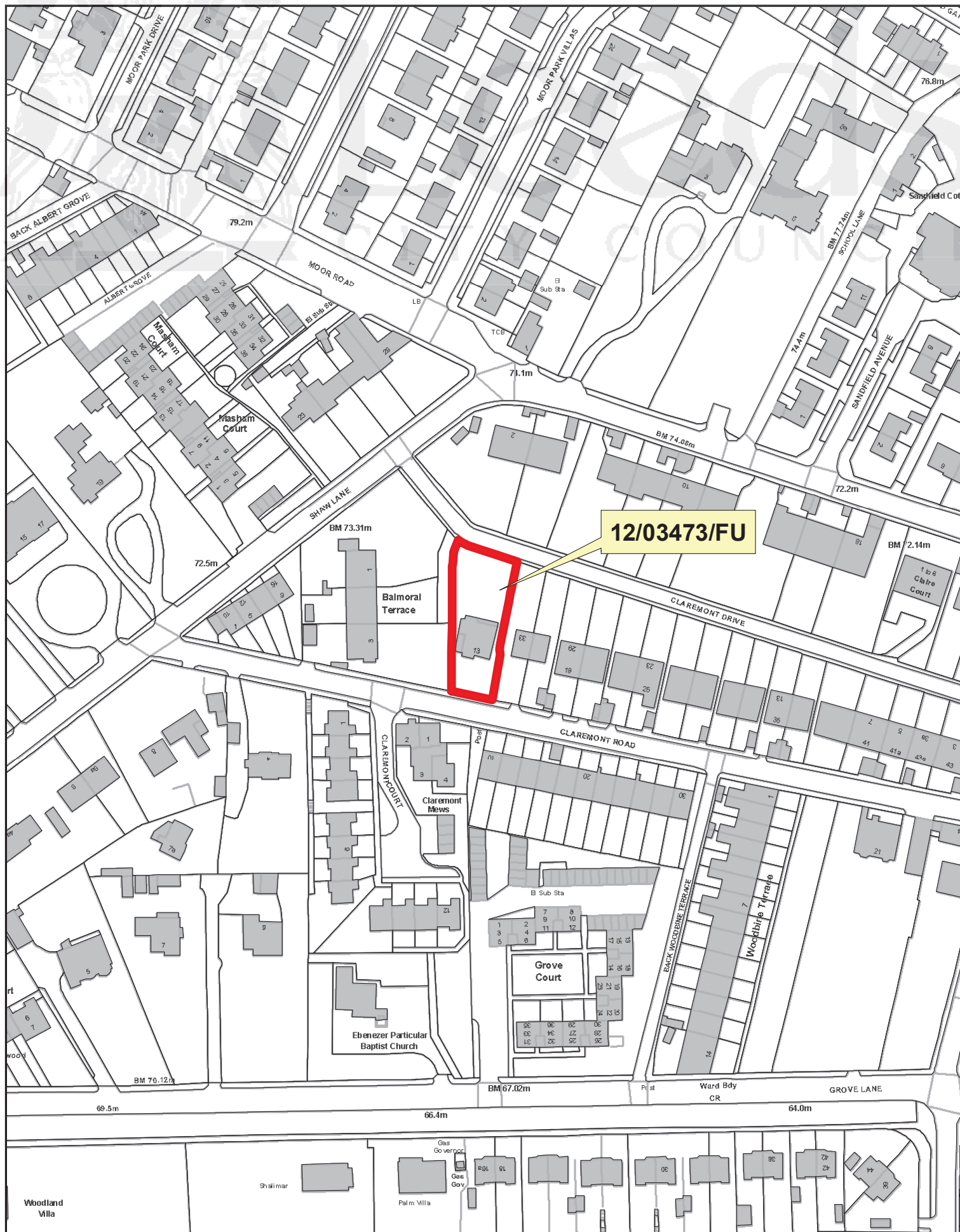
7. Whilst the Council provided a map of the Area of Housing Mix and details of the Article 4 Direction, this indicated nothing about housing quantity and variety.
8. The Council did not provide any convincing evidence that the proposal would harm the living conditions of neighbouring properties, save to say that there would be unrestricted movements of 7 unrelated individuals in a quiet location. There was no realistic evidence provided to substantiate the implication that the movements would cause harm.
9. In the light of Circular 03/2009 I therefore find that the Council behaved unreasonably in refusing permission for the scheme and that the appellant's costs in making the appeal were unnecessarily incurred. A full award of costs is thus justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Leeds City Council shall pay to Action for Children (Mr J Hall), the costs of the appeal proceedings described in the heading of this decision.
11. The applicant is now invited to submit to Leeds City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Siobhan Watson

INSPECTOR



SOUTH AND WEST PLANS PANEL



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Leeds
CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 15th AUGUST 2013

Subject: Planning Application 13/01965/FU
Change of Use of vacant shop (A1) to restaurant (A3), at 6
Rodley Lane, Rodley, Leeds, LS13 1HU

APPLICANT

Mr Kadir Kayalar

DATE VALID

17TH May 2013

TARGET DATE

12th July 2013

Electoral Wards Affected:

Calverley and Farsley

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: Refuse planning consent on the following grounds

The Local Planning Authority considers that, by reason of the restricted vehicular access to the rear parking area and limited parking provision, the proposed development, due to its size which is a significant enlargement of the existing business would lead to high levels of on street parking on adjacent residential streets where parking demand is already high. This would create conflict with existing residents parking patterns which would cause a threat to highway safety. As such, the proposed development is contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan Review (2006) and the Street Design Guide Supplementary Planning Document.

1.0 INTRODUCTION:

- 1.1 This application is brought before Plans Panel at the request of Councillor Carter who supports the application.

2.0 PROPOSAL:

- 2.1 The application is for change of use of vacant shop (A1 use) to restaurant (A3 use). The proposal will extend an existing restaurant business which currently exists in the adjoining premises at number 4.
- 2.3 The proposal would provide an additional 64sq m of restaurant/ dining space.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a vacant shop which was last in use as a cycle shop. The building is stone built and appears to have been constructed in the late 19th century. The building is 2 storey in height with a hipped roof. The property fronts on Rodley Lane, which runs through the centre of Rodley and accommodates a mixture of both residential properties and other 'A' uses.
- 3.2 A carpet shop is located in the adjacent property at number 8. The application property has a single storey side extension occupied as a separate unit (number 4) and is occupied by a Greek Restaurant. The application seeks to extend this restaurant into the adjoining unit (number 6) which is currently vacant.
- 3.3 The property has a traditional shop front, with pillars and cornice detailing. The property has solid internally fitting roller shutters. The site also has a small rear parking/ yard area which are accessed by the side of number 4. To the rear of the property lie several pairs of semi-detached dormer bungalows which face onto Canal Road. A 2m high wooden fence and mature vegetation separate the rear garden of these properties from the rear curtilage area of this application site.

4.0 Relevant Planning History:

- 4.1 25/136/02/FU Alterations and part new frontage to form additional shop
Approved 20th June 2002

5.0 HISTORY OF NEGOTIATIONS

- 5.1 This application was subject of a pre-application enquiry. The applicant was advised there would likely to be highways concerns due to a lack of dedicated parking.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was publicised by a site notice which was posted adjacent to the site on 31st May 2013. An advert was also placed in the local press on 6th June 2013. To date no objections have been received to the application.
- 6.2 Local ward members were informed by e-mail of the application on 14th June 2013. To date Councillor Carter has replied stating he supports the application as 'it boosts local business', and that the proposal is 'better than an empty shop'.

7.0 CONSULTATION RESPONSES

- 7.1 Highways Object due to the lack of off street car parking

8 PLANNING POLICIES

- 8.1 National planning policy and guidance includes:
- | | |
|--------------|---|
| Paragraph 7 | Supporting growth and innovation |
| Paragraph 9 | Making it easier for jobs to be created in cities, towns and villages |
| Paragraph 20 | Meeting the development needs of business |
- 8.2 Development Plan Leeds Unitary Development Plan Review 2006
- GP5 General Planning Considerations
 - T2 Highway Safety
 - BD4 Mechanical Plant and Associated Pipework
 - BD6 Extensions and Alterations
 - N19 Development within Conservation Areas
 - SF15 Hot Food Take-Aways

9.0 MAIN ISSUES

- Principle of Development
- Amenity Considerations
- Impact on the Character of the Conservation Area
- Highways/ Parking

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of this application is concerned with the change of use of a vacant A1 use, which lies outside any local centre, to form an enlarged restaurant (A3 use). There is no protection afforded to A1 uses which lie outside allocated local centres. There are no policies within the adopted Leeds UDP which are concerned with proposed restaurants. Policy SF15 is concerned with proposed Hot Food Take-aways and offers guidance on the amenity issues surrounding food business premises. The proposal is considered to be compatible with other uses which front onto this section of Rodley Lane, which include Hot Food Take-aways, other restaurants and Public Houses. The proposal is therefore considered to be acceptable in principle, subject to an assessment against all normal development control considerations.

Amenity Considerations

- 10.2 The premises are in an area where residences are close by and there is therefore the potential for some impact on residential amenity. The restaurant seeking to extend into the premises is however already in operation and there are a number of other food and drink uses nearby. It is not therefore considered that there would be grounds to refuse permission on grounds of loss of amenity subject to a condition limited opening to no later than 23.00 hours in line with the guidance in policy SF15 of the UDPR which states that hot food takeaways should only open until 23:00 hours in residential areas.
- 10.3 The proposal seeks to increase the number of covers from approximately 25 to 58. This would result in an intensification of the use of the premises. The premises are accessed from the front, and Rodley Lane is a busy vehicular route through West Leeds which leads to Rodley round-about. It is not considered the levels of activity in terms of people frequenting the premises would result in a significant loss of amenity to nearby residents, given the levels of traffic which exist along Rodley Lane. Generally people stay at restaurants for 1 to 2 hours and the turnover of customers is relatively slow, when compared to a hot food take-away for example. It is therefore not considered the general level of activity this proposal would result in, would have an adverse impact on general amenity of this locality.
- 10.4 The property lies between two existing commercial uses. However to the rear of the property lie residential properties. There are no openings within the premises in terms of entrances etc which could have an adverse impact on the occupiers of these properties. The activity created by this proposal will be focused to the front of the premises away from the residential properties.
- 10.5 The proposal does also include an extended flue, which is located to the rear of the property. The point of extraction is level with the eaves of the host building and it is considered to be located at a level which will ensure odours are discharged above the first floor windows of the semi-detached properties which are located to the rear of the site. This will avoid odour nuisance to the adjacent residential occupiers.

Impact on the Character of the Conservation Area

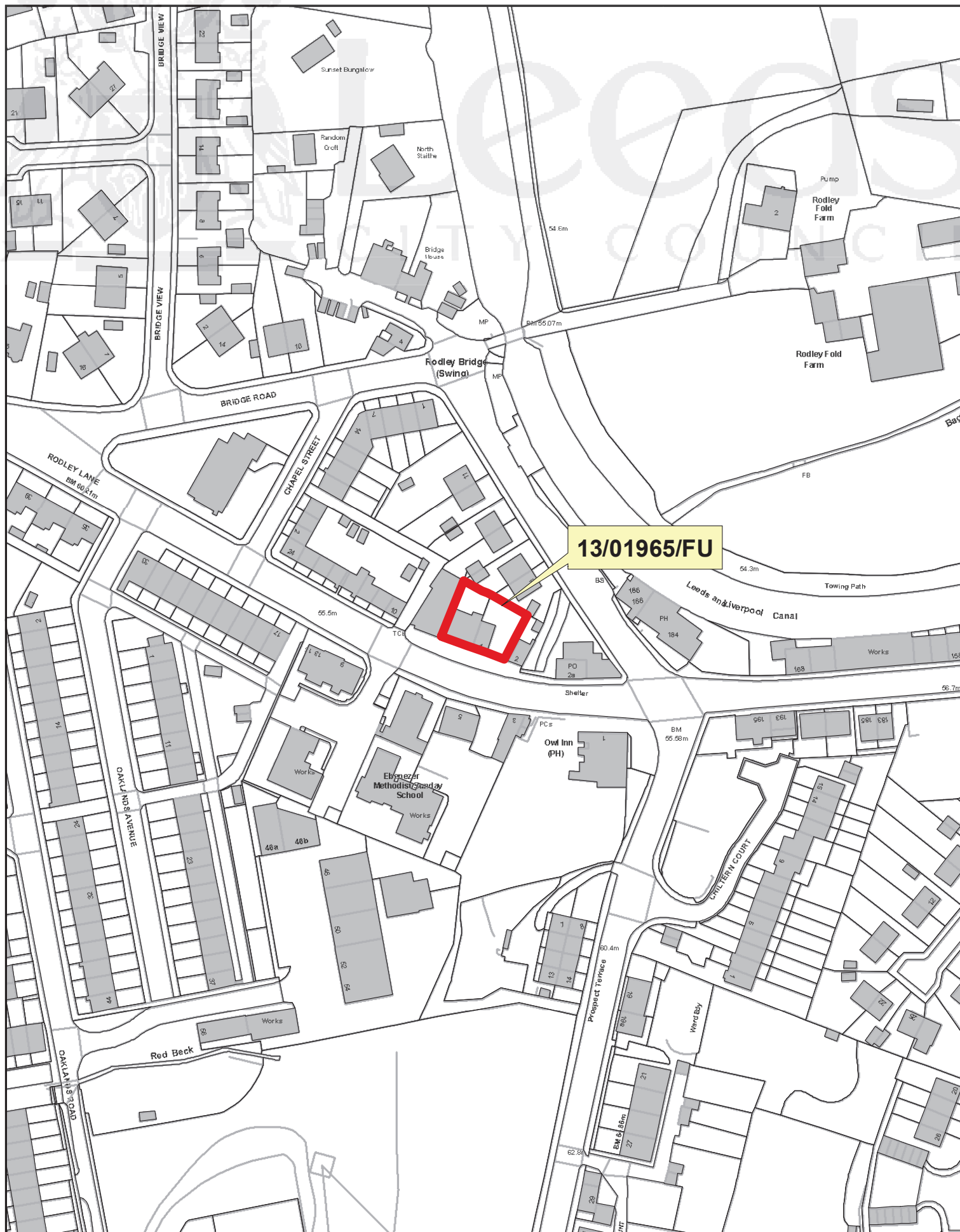
- 10.6 It is not considered the proposed use alone, would have an adverse impact on the character of the Conservation Area the application site lies within. This section of Rodley Lane is characterised by various 'A' uses including Public Houses, Cafes, and Hot Food Takeaways.
- 10.7 The proposed enlarged flue is located to the rear of the building and will be largely screened by the roof of the existing restaurant at number 4, from the views off Rodley Lane. It is considered the impact of this proposal on the character of the Conservation Area is neutral, subject to a condition which would require it to be finished in a matt black colour. Other premises on this side of Rodley Lane have flue equipment located on their rear elevations, and as such these features are characteristic of this Conservation Area,

Highways/ Parking

- 10.8 Highways Officers have objected to the proposal due to a lack of parking. The proposal increases the number of covers up to 58, and the premises only offers 6 parking spaces to the rear of premises. It is considered that in reality, these spaces are only likely to be used by staff, due to the poor access and visibility to this limited rear parking area. Visibility to the rear parking area is further hindered by the existing front decking area and a bus stop.
- 10.9 The parking guidance of the UDP states that for restaurants uses, 1 space is required per 4sq m of floorspace. This results in parking requirements of 16 parking spaces. The shortfall of parking is therefore considered to be significant.
- 10.10 The proposal is likely to be at its busiest in the evening when nearby residents use the surrounding streets for parking. There is a bus stop clearway directly in front of the premises which prohibits any on street for customers. It is therefore considered the proposal would lead to high levels of on-street parking on adjacent residential streets where the majority of the terraced properties do not benefit from off-street parking facilities, and demand for on street parking is high. This is highly likely to cause significant conflict with the existing residents.
- 10.11 It is accepted and acknowledged that the premises could under the changes to the Use Class Orders 2013, change the use of the premises to an A3 use for a 2 year period only. However this fall back position is not considered to be provide justification to allow a permanent change of use at these premises in view of the significant highway safety concerns. It is unlikely the applicants would exercise the right to this change of use due to the investment required to the premises in terms of fit out, and fixtures etc to facilitate the development, for a temporary period of 2 years only. However, this option would remain open to the applicant and would if exercised provide a period to monitor and assess the concerns regards highways safety.

Conclusion

- 11.1 The benefits of the scheme of in terms of supporting a growing local business and bringing back into use a vacant premises are recognised, however on balance the deficiency in parking facilities is significant and likely to cause a problem to nearby local residents. The benefits of this scheme do not outweigh this harm, and therefore the application is recommended for refusal on highway safety grounds.



SOUTH AND WEST PLANS PANEL



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Originator:	Shameem Hussain
Tel.	0113 2478024

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15TH AUGUST 2013

Subject: APPLICATION 13/00625/FU – 14 detached houses with associated car parking and landscaping on land off Daisy Hill Close Morley LS27 8DL

APPLICANT

Ryancliff (Morley)Ltd

DATE VALID

18th February 2013

TARGET DATE

20th May 2013

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Education contribution £66,692
- Greenspace contribution of £21,156.85

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

Conditions:

1. Time limit on permission
2. Plans to be approved
3. Details of fences and walls to be provided
4. Statement of Construction Practice
5. Details of existing and proposed ground levels and finished floor levels to be agreed
6. Laying out of areas to be used by vehicles
7. Maximum gradient to driveways
8. Adoption of highway (Section 38 works)
9. Minimum internal dimensions of garages
10. Submission and implementation of landscaping details
11. Landscape Management Plan
12. Protection of retained trees and hedges
13. Preservation of retained trees and hedges
14. Provision for replacement trees and planting as necessary
15. Submission of walling and roofing materials
16. Submission of surfacing materials
17. Flood Risk management details to be submitted
18. Surface water drainage works to be approved and implemented
19. Surface water drainage scheme to be implemented in accordance with approved scheme
20. Development to be carried out in accordance with approved drainage details
21. Reporting of unexpected contamination
22. Submission of verification reports
23. Removal of permitted development rights for extensions and roof alterations
24. Removal of permitted development rights for additional windows in gable ends
25. Coal Site Investigation works
26. Submission of bat roosting and bird nesting opportunities

1.0 INTRODUCTION:

1.1 The application is for residential development on an unallocated greenfield site and is brought to Plans Panel at the request of Councillors Gettings and Councillor Finnigan for the following reasons in summary :-

- The application is contrary to the National Planning Policy Framework (NPPF) as it is not a sustainable development.
- This is Greenfield which adds additional burden to local schools without providing any contribution to resolve the problems it provides

2.0 PROPOSAL:

- 2.1 The application is a full application for 14 detached houses comprising of 3 and 4 bedroomed houses. The proposed development consists of 525.15 sqm of on site public open space. Vehicular access is from Daisy Hill Close.
- 2.2 The proposed houses are of a traditional form and design approach . The houses are proposed in brick . The design and layout of the scheme is described in more detail in paragraphs 10.6 to 10.10 below.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an area of approximately 0.6 hectares in extent located at the end of the cul de sac namely Daisy Hill Close and forming a natural extension to Daisy Hill Close. The site lies to the north eastern side of the settlement of Morley. The site is scrubland and is adjacent to residential development on three sides to the west, south and east. Existing housing surrounding the land has rear gardens of properties on King George Avenue (west) and Margaret Close (south) backing onto it with the side gables of houses and gardens on Daisy Hill Close to the east.. The fourth and northern boundary adjoins the Laneside Farm site which is designated as a Protected Area of Search (PAS site) for longer term development in the adopted UDP. To the south is Morley railway station and the Daisy Hill Phase 2 greenfield allocated housing site. The surrounding properties vary in age and design with private amenity space and garaging facilities.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H23/634/80 - Outline application to layout access road and erection of 18 Semi detached houses with garages.
Refused 17th November 1980
- H23/110/85 - Outline application to erect residential development to vacant site .
Withdrawn 9th September 1985
- 12/04988/FU - Demolition of outbuildings, laying out of access roads and erect 92 houses with landscaping on Phase 2 greenfield allocated site land at Daisy Hill, Morley
Approved at South & West Panel 11th October 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was submitted without any pre application negotiations or discussions.
- 5.2 Negotiations and discussions have taken place , to address the layout and highway revisions to achieve an acceptable scheme, following submission of the application

6.0 CONSULTATION RESPONSES:

- 6.1 Yorkshire Water
No objections in principle subject to drainage conditions to ensure work is carried out in accordance to the submitted drainage scheme.
- 6.2 Highways
Initial consultation (dated 15th March 2013) raises objections on a number of issues with the layout. The applicant has revised the layout to address the highway concerns. Highways now have no objections subject to a suite of standard conditions.
- 6.3 Contaminated Land
No objections subject to standard conditions and Directions around any unexpected contamination.
- 6.4 Flood Risk management
No objections in principle, but recommend conditions for the submission of drainage works, plans and summary of calculations and relevant investigations.
- 6.5 Coal Authority
Coal Authority agree with the recommendations of the Phase 1 Environmental Assessment submitted. The coal mining legacy potentially poses a risk to the proposed development. Site intrusive investigation works should be undertaken by rotary drilling prior to development , in order to establish the exact situation regarding coal mining legacy issues on site. Coal Authority has no objection subject to a condition to address the investigative works.
- 6.6 Architectural Liaison Officer
The developer should be encouraged to include layout, design and security hardware, doors, windows and glazing as required by the Secured By Design scheme.
- 6.7 Metro
In order to encourage the use of the Public transport services available, the developer should be requested to enter into a Metro's Residential MetroCard Scheme A (RMC). The contribution would be £8,015.70.

6.8 Childrens Services - Education

This development is for 14 houses. Whilst Childrens services would not normally request a contribution from a small development, there is particular pressure for school places in the Morley area as a result of a rise in the birth rate and any housing development would exacerbate this. If all 14 houses were family dwellings, they would generate approximately 3.5 primary aged pupils. There are currently more children aged 0-5 living in the Morley planning area than there are places. This does not take account of children that maybe generated from this and other potential developments in Morley. The nearest schools which are Churwell Primary and Seven Hills are oversubscribed for September 2013. The proposed development would generate approximately 1.4 secondary aged pupils, with increasing demand in the south of the city. Any new housing will exacerbate this . As a whole the south wedge is predicted to run out of capacity in year 7 in 2014. In light of this request the following contribution Is sought;

Primary	£41,612
Secondary	£25,080
Total	£66,692

6.9 Local Plans policy- Greenspace

Greenspace contribution for the proposed 14 detached houses at Daisy Hill is as follows :-

N2.1 - £0 (plan shows the requirement is to be fully provided on site)

N2.2 - £5,311.53

N2.3 - £5,311.53

Maintenance of N2.1-£0 (As it is expected that the developer will maintain the N2.1 green space provided on site)

Child play contribution -£8,802.24

Professional fees - £1,731.56

Total of £21,156.56

6.10 Sustainable Development Unit –Nature Conservation

Recommend Landscaping Plan and Landscape Maintenance Plan are amended to include native species rich hedges and their establishment / maintenance details. These measures will help offset the loss of native scrub patches across the site. To be addressed by condition. The loss of bat and bird foraging /roosting areas (open grassland and scrub patches) should be addressed by recommended conditions.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by site notices posted on site on 15th March 2013. A total of 34 objections have been received from nearby

households on Daisy Hill Avenue, Daisy Hill Close, Margaret Close and King George Avenue.

7.2 In summary the representations raise the following concerns:-

- Additional traffic and highway concerns on Daisy Hill Close and the surrounding highway network
- Bottleneck of traffic on Daisy Hill Avenue
- This is a greenfield site no need to use these sites when brownfield land available
- No capacity in local schools
- Flooding problems locally –this will add to the problems
- Drainage concerns locally
- Strain on local infrastructure
- Not sustainable because the infrastructure is not able to support it and there is not sufficient finance available to address this
- Close proximity to dwellings
- Development will block the view to openspace
- Loss of semi rural area

7.3 Morley Town Council

Have submitted the following representations:-

- The proposed development is a modest natural infill worthy of support in principle.
- However there are points that need to be addressed around the layout where some of the dwellings appear cramped in part.
- Provision of visitor parking.
- Concerns around local sewerage especially during intense rainfall.
- Adverse cumulative pressure on school places which are projected to fall into deficit in Morley.
- Added traffic loadings on the local highway network.
- Local bus service timings not helpful during peak periods.
- Planning policy is in flux , house building targets are unrealistically large. 14 house project is not of strategic , Leeds wide significance.
- Would not be helpful to argue on the ground for or against this modest development.
- Worry is the cumulative impact of this and other new developments on the local schools , medical and dental services.
- Object to application as it stands , the layout should be changed to make better use of the space, so providing larger and more useable gardens. Street widths and turning circles should be re considered, with enough room for refuse vehicles to manoeuvre within the site.
- The cumulative impact on highways, sewerage , schools and local facilities should be considered.

7.4 Local Ward Member representation

Councillor Gettings and Councillor Finnigan have raised the following concerns and issues :-

- The application is contrary to the National Planning Policy Framework (NPPF) as it is not a sustainable development.
- The local infrastructure such as local schools and health centres cannot accommodate this development in a sustainable way which breaches the NPPF
- This site is controversial as it is a Greenfield site which adds additional burden to local schools without providing any contribution to resolve the problems it provides
- The RSS has been abolished since the date of the application .This abolition directly impacts on the need to use greenfield sites when brownfield sites are available
- Panel members need to decide if any further Greenfield sites need to be sacrificed while there remains over 20,000 planning permissions granted but not yet exercised on mainly brownfield sites.

8.0 PLANNING POLICIES:

- 8.1 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD (2012).
- 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 Leeds Unitary Development Plan (UDP) Review Policies:
SA1: Secure the highest possible quality of environment.
SA3: Adequate provision for housing needs.
SA7: Promote physical and economic regeneration of urban areas.
SP3: New development concentrated largely within or adjoining the main urban areas.
GP5: General planning considerations.
GP7: Use of planning obligations.
CP11: Sustainable development.
N2: Greenspace hierarchy.

N4: Provision of greenspace.
 N12: Priorities for Urban Design
 N13: Design and New Buildings
 N29: Archaeology.
 N38a: Prevention of flooding.
 N38b: Flood Risk Assessments.
 N39a: Sustainable drainage.
 N49: Habitat protection.
 N51: Habitat enhancement.
 T2: New development and highways considerations.
 T2C: New development and Travel Plans.
 T2D: Public transport contributions.
 T5: Safe access for pedestrians and cyclists.
 T7: Development and cycle routes.
 T7A: Requirement for secure cycle parking.
 T24: Car parking provision.
 H2: Monitoring of annual completions for dwellings.
 H3: Delivery of housing allocated sites.
 H4: Windfall Development Sites
 BD5: General amenity issues.
 LD1: Landscape schemes.

- 8.5 Supplementary Planning Guidance / Documents:
 SPG4 Greenspace relating to new housing development (adopted).
 SPG10 Sustainable Development Design Guide (adopted).
 SPG11 Section 106 Contributions for School Provision (adopted).
 SPG13 Neighbourhoods for Living (adopted).
 SPG22 Sustainable Urban Drainage (adopted).
 SPD Street Design Guide (adopted).
 SPD Public Transport Improvements and Developer Contributions (adopted).
 SPD Sustainable Design and Construction (adopted).

8.6 Emerging Core Strategy

Spatial Policy 1 – Location of Development

Outlines that a spatial development strategy is based on the Leeds settlement hierarchy concentrate which seeks to concentrate the majority of new development within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration.

The largest amount of development will be located in the Main Urban Area with Major Settlements delivering significant amounts of development.

Settlements within the hierarchy will guide the identification of land for development, with priority given in the following order:

- a. Previously developed land and buildings within the settlement,
- b. Other suitable infill sites within the relevant settlement,
- c. Key locations identified as sustainable extensions to the relevant settlement.

Development should respect and enhance the local character and identity of places and neighbourhoods,

Development should recognise the key role of new and existing infrastructure (including green, social and physical) in delivering future development to support communities and economic activity.

Spatial Policy 6 – p.35 – Housing Requirement and Allocation of Housing Land

References to the fact that the delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

H2 – New Housing Development on Non allocated Housing Sites

New housing development will be acceptable in principle on non-allocated land, providing that:

- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
- ii) For developments of 5 or more dwellings the location should accord with the accessibility standards in Table 2 of Appendix 2

H3 – Density of Residential Development

Housing development in Leeds should meet or exceed the following densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

- ii) Other urban areas - 40 dwellings per hectare

H4 – Housing Mix

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

P10 - Design - highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Proposals should accord with principles around size, scale, design, layout, character, surroundings, public realm, historic / natural

assets, visual, residential and general amenity, safety, security and accessibility to all.

T2 – Accessibility Requirements and New Development

This 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:

- (i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- (ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle, and public transport provision.
- (iii) Significant trip generating sites will need to provide Transport Assessments/
Transport Statements in accordance with national guidance.
- (iv) Travel plans will be required to accompany planning applications in accordance with national thresholds and the Travel Plans SPD.
- (v) Parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines.

G4 – New Greenspace Provision

On site provision of greenspace , will be sought for development sites of 10 or more dwellings that are outside the City Centre and for those which are located in areas deficient of greenspace. In areas of adequate supply, contributions of an equivalent value towards safeguarding and improvement of existing greenspace will take priority over the creation of new areas.

ID2 – Planning Obligations and Developer Contributions

Section 106 planning obligations will be required as part of a planning permission

where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

8.7 National Planning Policy Framework

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

Paras 11-14 and 49: Presumption in favour of sustainable development

Para 17 : Core principles including supporting delivery of homes and encouraging effective reuse of brownfield land

Para 50: LPAs should plan for a mix of housing, identify sizes, types, tenures in particular areas and identify affordable housing opportunities.

Para 56: Government attaches great importance to design of the built environment

Para 58: policies and decisions should aim to ensure developments:

- function to area quality over the long term
- establish strong sense of place, creating attractive, comfortable places
- optimise potential of site to accommodate development
- respond to local character and history
- create safe and accessible environments
- visually attractive (architecture and landscaping)

Para 69: Planning policies / decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.

9.0 MAIN ISSUES:

- 9.1 Principle of Development and Sustainability
 - Highway Issues
 - Drainage
 - Urban Design
 - Impact on residential amenities
 - Landscaping and greenspace
 - S106 Package
 - Representations received

10.0 APPRAISAL:

Principle of Development and Sustainability

- 10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on an unallocated greenfield site, within the settlement of Morley.

10.2 The site lies at the edge of the Morley settlement and forms a natural extension of Daisy Hill Close . A large range of facilities are located within acceptable distances. The local 214 bus provides a local service. More frequent services are available on Victoria Road, with Morley railway station in close proximity. There is an existing footpath that links nearby Daisy Hill to Morley station. This footpath is to be upgraded as part of the adjacent residential development 12/040988/FU (approved development on land at Daisy Hill). This footpath is to be widened with additional lighting and there is the potential for this to form a cycle link.

10.3 In light of these factors it is considered that the site is located in a sustainable location. Given the site is surrounded on three sides by existing housing it is a natural infill site and it's development will assist in the housing numbers that the city needs to find and the windfall allowance within the emerging Core Strategy. The site is therefore considered acceptable in principle for residential development and consistent with UDP policies (notably H4) and guidance in the NPPF.

Highway Issues

10.4 The site is accessed from Daisy Hill Close. Concerns have been raised around the dimensions of the road, the drive widths, gradients , turning provision and parking arrangements. The applicant has revised the layout to address these concerns and in highway terms the layout is considered acceptable.

Drainage

10.5 The Flood Risk assessment report submitted confirms a foul water connection to the public foul water sewer in Daisy Hill Avenue and a surface water discharge to the public surface water sewer in Daisy Hill Avenue via storage with a restricted discharge (three litres/second) . Yorkshire Water have raised no objections in principle subject to drainage being carried out in accordance with the submitted report. Flood Risk Management have raised no objections to the proposed drainage scheme submitted and recommend soakaways be used initially. With a scheme detailing surface water drainage works and plans summarising investigations and calculations to be submitted and agreed, before the development is brought into use. This is to be addressed by the relevant conditions. It is considered that the drainage network has the capacity to accommodate the additional development of 14 houses .

Urban Design

10.6 Layout scale and design

The site essential provides 14 detached dwellings in the following forms:-

- The Harewood , two storey – 4 bedroomed (3 in total)
- The Laurel , two storey – 4 bedroomed (3 in total)
- The Sandringham , two storey – 4 bedroomed (4 in total)
- The Lilac , two storey – 3 bedroomed (4 in total)

- 10.7 The dwellings continue the layout of the existing dwellings on Daisy Hill Close following the building line of numbers 1 and 15 Daisy Hill Close and extend the Daisy Hill Close cul de sac by a further 14 dwellings. The dwellings face the internal road layout and provide a uniform frontage to the street scene. They are set back with grassed garden areas to the frontage with 10 of the dwellings each having a tree in the front gardens. These trees are spread across the site and provide an avenue of trees to the western streetscene. The dwellings each have detached garages with individual drives set back off the road towards the rear of the dwellings. The dwellings along the west of the site adjoin the rear garden areas of dwellings on King George Avenue. A public Open Space of 525sqm is provided centrally adjacent to number 8 Daisy Hill Close, with all the dwellings overlooking this openspace.
- 10.8 During negotiations the layout has been changed to accommodate both highway requirements and space between the dwellings along with moving garages and dwellings away from the rear western boundary (rear garden areas of King George Avenue)
- 10.9 The dwellings are proposed in brickwork and render with concrete roof tiles. The design of the houses follows a traditional form and reflects characteristics of the local area. The local area consists of modern two storey semis and detached along Daisy Hill Close. Dwellings along Margaret Close are two storey and appear in terraced form of 6 dwelling blocks. The dwellings along King George Avenue vary in design and character by having a two storey terraced row towards the south west corner of the site, moving towards the north the dwellings become two storey semis and bungalows.
- 10.10 The design of the houses , their scale and spatial setting has regard to local characteristics and accords with the guidance set out in Neighbourhoods for Living . Accordingly it is considered that the development has due regard to its context and that the design and layout of the development is acceptable.

Impact on residential amenities

- 10.11 The proposed dwellings along the western boundary of the site are located a distance of 11m, 12m ,13m, 13.2m 14m, 14.5m, 15m and 16.2m from the boundary. These dwellings adjoin the rear garden areas of dwellings on King George Avenue. The siting of houses along this boundary has had regard to the depth of gardens of the existing properties on King George Avenue. The rear gardens of dwellings on King George Avenue have garden lengths (to common boundary of application site) of 12m , 11m, and 8m - in some cases the introduction of conservatories have shortened the garden lengths to 3m and 4.5m. Some of the gardens have garages with the rear elevations facing the application site.

The existing boundary treatments consist of walling , rear elevation of garages , hedging and timber fencing all approximately at a height of 2m. The space between the proposed dwellings is 4m gable to gable end. Plot 11 and 12 in the north western corner have a distance between them of 2m. These are gable ends with no windows proposed in the elevations. The space about the dwellings satisfy the requirements of Neighbourhoods for Living.

10.12 The 4 dwellings along the southern boundary have rear garden lengths of 16m to plots 1 to 3. Plot 4 sides onto the rear garden area of 25 Margaret Close. This has a gable end located 3m away from the boundary .All four plots adjoin the rear garden areas of dwellings along Margaret Close.

10.13 In light of the above it is considered that the development meets the guidance set out in Neighbourhoods for Living , will not have an adverse impact on the amenities of nearby residents and will provide an adequate level of amenity (in terms of the layout of the development) for the prospective occupiers.

Landscaping and greenspace

10.14 A Public open space of 525sqm is provided on site. This is accessible to the residents of the scheme and other local residents and is overlooked by properties affording a degree of security. It is located adjacent to number 8 Daisy Hill Close. Fencing, hedging and landscaping with trees are proposed in the corners that adjoin the rear and fronts garden of number 8 Daisy Hill Close. Landscaping is proposed to the northern boundary of the site where it borders the Protected Area of Search. This acts as a buffer to the boundary and an easement to the open area beyond.

10.15 Section 106 Package: The section 106 Package required consists of;

- Education contribution of £66,692
- Greenspace contribution of £21,156.85

10.16 Section 106 requirements generally flow from policy . The development at 14 dwellings is above the threshold for a greenspace contribution but below the normal threshold of 50 units for an education contribution. However the pressures on local schools is acute and Education have requested a contribution.. This is currently a matter under discussion with the applicants and the outcome will be reported verbally to Panel.

Representations received

10.17 The above appraisal of the proposal addresses the concerns and issues that have been raised by both local people and the Morley Town Council

representations.

11.0 Conclusions

- 11.1 It is considered that this is an infill site which is suitable for residential development and the application accords with policies in the adopted UDP and guidance in the NPPF. It is considered that the site is in a sustainable location and that the details of the scheme are acceptable. Whilst the scheme is small it is considered that it should make some contribution towards education given the situation with local schools. Providing this and the greenspace sum can be achieved then it is considered that the proposal represents sustainable development without adverse impacts and that the presumption in favour outlined in the NPPF applies and should be given significant weight.

Background Papers:

Application files 13/00625/FU



SOUTH AND WEST PLANS PANEL





Originator: Susie Watson

Tel: 0113 2478000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th August 2013

Subject: APPLICATION 12/04571/FU – One detached dwelling at 21 Park Lane, Rothwell, Leeds, LS26 0EY

APPLICANT

Mr S Otley

DATE VALID

29 October 2012

TARGET DATE

24 December 2012

Electoral Wards Affected:

Rothwell

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions.

1. Time limit on full permission
2. Plans to be approved
3. Samples of wall / roof materials to be submitted
4. Sample panel of brickwork
5. Samples of surfacing materials to be submitted
6. Details of fencing and / or walls to be submitted
7. Maximum driveway gradient
8. Vehicle space to be laid out
9. Unexpected contamination
10. Importing soil
11. Submission and implementation of landscape details
12. Protection of trees / hedges / bushes
13. Preservation of retained trees / hedges / bushes
14. Replacement trees / hedges / bushes
15. Removal of pd rights for extensions and outbuildings
16. Removal of pd rights for first floor windows

- 17. Bat boxes
- 18. Bat protections / mitigation
- 19. Construction practice
- 20. Construction hours
- 21. Door and window details to be submitted

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Golton who considers it appropriate to be presented to Panel to ensure that the neighbouring residents feel that they have had a fair hearing.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for a detached 4 bedroom dwelling within the rear garden of 21 Park Lane, Rothwell. The proposed property is single storey with rooms in the roof and will measure 3m to eaves and 6.7m to ridge. Its floor plan is an 'L' shape and light to the upper floor will be provided via dormer windows and a window in one of the gable ends. It will be constructed of brick with a tiled roof.
- 2.2 Vehicular access to the site is via the existing driveway to 21 Park Lane. 2 parking spaces will be provided for both the existing and proposed new dwelling (4 spaces in total), along with space to enable turning within the site.
- 2.3 The application is the resubmission of an earlier application which was withdrawn as it was considered to be unacceptable. The previous dwelling proposed was substantially larger (significantly larger footprint, 3 storeys, attached garage) and of a much grander design.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of the rear garden of 21 Park Lane, a large detached property dating from the 1920s that is set within a generous plot. The site is generally level and is currently primarily lawn with a number of trees within it.
- 3.2 It is situated within an established residential area and is bordered by residential properties to the north, north east, south west and west. To the south and east is Springhead Park.
- 3.3 The site lies within the Rothwell Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04498/FU – 5 bedroom detached house with attached garage – withdrawn 13 January 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Subsequent to the withdrawal of application 11/04498/FU a number of informal pre-application meetings took place to discuss the placing of a dwelling on this site. These focused on developing a scheme that protected existing trees and preserved the character and appearance of the conservation area.

- 5.2 Since the submission of the current application the applicant, at the request of the Planning Officer, has revised the proposal by reducing the size of the dwelling to increase the distance from trees to be retained.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was initially advertised by site notices posted on 9 November 2012, in the Yorkshire evening post on 15 November 2012 and by neighbour notification letters dated 31 October 2012.

- 6.2 6 letters of objection were received as a result of this. The comments made are summarised as follows.

- It will overlook 17, 19 and 25 Park Lane – property and garden.
- It will adversely affect the outlook from 25 Park Lane as they will look at a house not greenery.
- It will overshadow numbers 19 and 17.
- It will dominate neighbours.
- It will reduce security to the rear of 23 Park Lane as trees are to be taken down.
- Previous plans were overturned.
- The conservation area should be conserved.
- Number 21 is one of the most impressive properties on Park Lane, if not Rothwell.
- The proposed dwelling is unsympathetic to the mature properties on both sides.
- It will detract from the character and appearance of the area.
- The design is out of character.
- A reduction in the size of the garden will not be compatible with the character of the area.
- The loss of trees and impact on retained trees will be environmentally intrusive.
- It will impact on wildlife in the area.
- Bats are present in the area.
- No other properties have a shared drive.
- Covenants exist to prevent more than 1 dwelling per plot.
- There is already congestion on Park Lane.
- There have been a number of bad decisions on property building in the area in the last few years.
- There are inaccuracies in the planning application forms (e.g. it is visible from public land but the 'no' box has been ticked) and in the arboricultural report (e.g. it states trees are not visible from public vantage points, this is not true).

- 6.3 Due to concerns about the proposal, the plans were revised and further neighbour notification letters were sent out on 22 April 2013. As a result of this 3 further letters of objection were received. It should be noted that the writers of these 3 letters all commented on the original proposal. The comments made re-iterate the initial objections with the following being the key points raised.

- Such a proposal is a huge mistake.
- It will completely affect the neighbouring way of life, especially privacy. The new build will also be overlooked.
- Wildlife will be affected.
- The proposal is causing much stress and upset to neighbours.
- Security will be affected.
- Increased traffic.
- Neighbouring outlook adversely affected.
- Property prices devalued.

- Revisions still double the number of bedrooms on the site.
- Dwelling style not in keeping.
- Significant tree removal.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations

- 7.1 Highways has no objections subject to conditions relating to laying out of vehicle spaces and driveway gradient.

Non-Statutory Consultations:

- 7.2 Flood Risk Management has no objections and advise that the drainage requirements can be adequately dealt with through Building Regulations.
- 7.3 Environmental Protection has no objections but advise that construction hours should be restricted to 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays.

8.0 PLANNING POLICIES:

National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.

Local Policy

- 8.2 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

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.

- 8.3 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations.
- BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.
- N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
- N19 requires development to preserve or enhance conservation areas.

- T2 relates to highways and states that development proposals should not create new, or exacerbate existing, highway problems.
- H4 relates to residential development on sites not identified for that purpose.
- T2 states that development proposals should not create new, or exacerbate existing, highway problems.
- T24 parking provision to reflect the guidelines set out in UDP Appendix 9.
- LD1 requires development proposals to protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

Supplementary Planning Documents

- 8.4 Neighbourhoods for Living.
Guideline Distances from Development to Trees.
Rothwell Conservation Area Appraisal and Management Plan

9.0 MAIN ISSUES

1. Principle
2. Character and appearance of the Rothwell Conservation Area
3. Residential Amenity
4. Highways

10.0 APPRAISAL

Principle

- 10.1 The application site lies within an established residential area and is unallocated in the adopted UDP. Policy H4 relates to residential development on unallocated sites. It is considered that the proposal does not conflict with this policy given the site is within an established residential area and the proposal would not adversely affect the character and appearance of the area (see 'visual amenity' section below).

Character and appearance of the Rothwell Conservation Area

- 10.2 The application site lies within the Rothwell Conservation Area. Conservation areas are areas of 'special architectural or historic interest, the character of which it is desirable to preserve or enhance'. As such any proposals for development need to *preserve or enhance* the character and appearance of such areas.
- 10.3 It is considered that the proposal will have limited impact on local character as the proposed building is situated to the rear of the site, behind existing development (it is set back 46m from the site boundary with Park Lane), and as such will not be readily visible from the public domain. Limited views of the dwelling may be visible between the properties on Park Lane but given the location and set back of the proposed dwelling it will not be a prominent feature within the street scene.
- 10.4 Given its location to the rear of the site the proposed dwelling is close to the boundary with Springhead Park. However, the area of Springhead Park that it is adjacent to is an area of woodland and as such it will be screened in views from the main park areas.
- 10.5 The design of the building is considered appropriate to its setting in terms of its appearance, scale and materials. Whilst the properties in the area primarily date from the 1920s / 30s there are a number of properties from other eras. As such it is considered that a property that does not necessarily reflect the existing dwelling on the site can be appropriate, especially given that it will not be dominant within the

street scene given its location. It is considered that the design of the dwelling (e.g. roof pitch, materials, window details) will sit harmoniously with its neighbours and the existing property on the site. Given the location of the site within a conservation area, timber windows are considered to be more appropriate. A condition requiring timber windows is therefore recommended.

- 10.6 Although a generously sized dwelling, care has been taken to ensure its overall size and proportions are of a domestic scale whilst at the same time aiming to limit the height to help reduce any impact on visual amenity and also ensure an appropriate relationship with adjacent properties. Space is retained around the proposed dwelling such that there is sufficient spatial separation between it and adjacent dwellings.
- 10.7 Ensuring appropriate space is retained around the property is especially important given there are a number of trees within and adjacent to the site. A number of trees will be removed to enable the development and these have been looked at closely by the Council's Tree Officer, who has visited the site on a number of occasions. It is considered that the trees to be removed are smaller, poorer specimens that do not warrant retention. However, there are some important and significant trees on the boundaries of the site that need to be retained and protected from harm. As a result, revisions to the scheme to reduce the footprint of the dwelling to move it away from existing trees to be retained have been sought. As a result of these revisions it is considered that there will be no harm to retained trees.
- 10.8 In light of the above it is considered that the proposed dwelling sits comfortably within the site and would not be visually intrusive. As such it will preserve the character and appearance of the conservation area and will not be harmful to the visual amenity of the locality. The Rothwell Conservation Area Appraisal makes reference to the contribution to the positive character of the area made by the 20th century houses on Park Lane, and by the garden trees merging this area with the park. The character of this part of the conservation area derives in the most part from the park and it is considered that the proposed dwelling would preserve this character. Nearby the application site on the opposite side of Park Lane, the Council had refused permission for a dwelling to an existing garden in a prominent location fronting onto Park Lane (09/00095/FU), in part due to the harm to local character consisting of houses in relatively generous gardens. This view was not shared by the Appeal Inspector who concluded that there was no harm to local character. By comparison, the current proposal is visually less prominent and in a more spacious setting.

Residential amenity

- 10.9 Given its design and location and the location and design of its neighbours it is considered that the proposed dwelling would not have any adverse impact on the living conditions of neighbouring properties as a result of dominance, overshadowing/loss of light or loss of privacy.
- 10.11 The proposed dwelling is situated to the rear of number 21 and will be 29m from the rear elevation of this property. As such it is considered that there is sufficient separation to prevent any adverse impact as result of dominance and overshadowing. A first floor window will face towards number 21 but, given this will serve a bedroom and is over 18m from the proposed boundary between the properties; it is not considered that overlooking will be an issue.
- 10.12 Concern has been expressed that the proposal will overlook neighbouring properties and gardens, including numbers 17, 19 and 25 Park Lane. It is considered that

care has been taken in the design / layout of the proposal to limit any impact as a result of overlooking and that given the location of the proposed dwelling and the distances involved there will not be any adverse impact in this respect. There are no first floor windows facing towards numbers 17 and 19 and although there are windows facing towards numbers 23 and 25, these neighbouring properties are some distance away (number 23 is 27m plus from the proposed dwelling and number 25 is over 30m away). The first floor windows facing towards these properties are also a minimum of 12m from the common boundary and, given they serve landing and bedroom areas, this exceeds the distance to boundaries recommended in Neighbourhoods for Living (7.5m).

- 10.13 Concern has also been expressed that the proposed dwelling will overshadow and dominate neighbouring properties. Given its size, design and location and its distance from neighbouring properties it is not considered that this will be the case. It is a minimum of 27m from its nearest neighbour and in many cases over 30m away.
- 10.14 In light of the above, it is considered that there will not be any harm to the living conditions of neighbouring properties as a result of dominance, overshadowing and loss of privacy.
- 10.15 It should also be noted that it is considered that adequate space will be provided within the proposed plot for private amenity space and as such sufficient amenity will therefore be afforded to future occupiers. 21 Park Lane will also retain a sufficient area of private garden.

Highways

- 10.16 The access to the proposed dwelling is via the existing driveway to 21 Park Lane. It is considered that the use of this driveway by one additional dwelling will not result in an unacceptable level of additional vehicular movements to and from the site. Two off street parking spaces, along with space for manoeuvring, will be provided for both 21 Park Lane and the proposed dwelling (4 parking spaces in total). As such the proposal is considered to be appropriate in terms of highway safety. It should be noted that Highways has no objections.

11.0 CONCLUSION

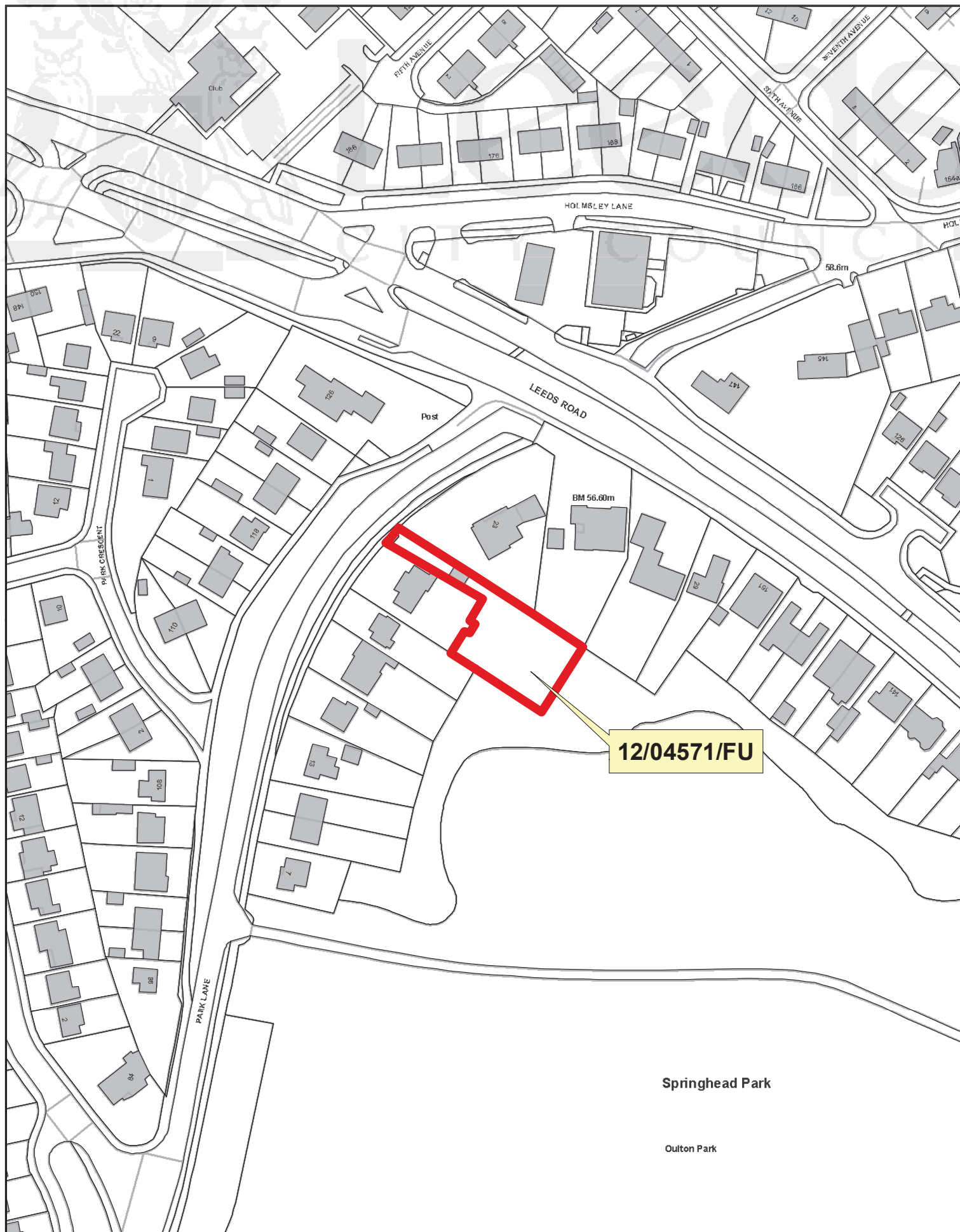
- 11.1 In light of the above it is considered that a dwelling can be placed on the site without resulting in undue harm to neighbouring or visual amenity or the conservation area and Springhead Park, and that the design of the dwelling is appropriate for the locality. Existing trees that need to be retained will be suitably protected. As such the application is considered to be in accordance with relevant UDP policies and approval is therefore recommended.

Background Papers:

Application file 12/04571/FU

History files 11/04498/FU

Certificate of Ownership: signed as applicant.



SOUTH AND WEST PLANS PANEL





Originator: Richard Smith

Tel: 39 51569

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 15th August 2013

Subject: 13/00760/FU: 24 houses and one block of 18 flats at Brown Lane East and Top Moor Side, Holbeck

APPLICANT

Unity Housing Association

DATE VALID

4th March 2013

TARGET DATE

3rd June 2013

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions to include 100% affordable housing and greenspace contribution of £16,914.91 for enhancements to equipped children's play.

Conditions:

1. Standard 3 year time limit.
2. Build in accordance with the approved plans.
3. 100% affordable housing scheme.
4. Greenspace scheme for equipped play area improvement
5. Samples of walling and roofing materials to be agreed.
6. Guttering details to be agreed.
7. Submission / implementation of landscape scheme.
8. Submission of Landscape Management Plan.
9. Protection of Yorkshire Water Mains Equipment.
10. Surface Water Drainage scheme submission / implementation.
11. Foul Drainage Scheme / Implementation
12. Construction Practice Code.
13. Additional information to Contaminated Land Report (gas monitoring / capping).
14. Remediation in accordance with Statement.
15. Contaminated Land Verification Report.
16. Submission of security scheme.

17. Code for Sustainable Homes Report.
18. Unallocated Parking.
19. Vehicle space to be laid out.
20. Highway works at Brown Lane East / Crosby Road to secure widening of footways, vehicle crossings etc
21. Maximum gradient to driveways
22. Development not to be occupied until cycle/motorcycle facilities provided.
23. Agreement of levels.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the significance of this scheme which constitutes a 100% affordable housing development proposal sited in a Regeneration Area but which is not able to meet all of the usual planning obligations normally required..

2.0 PROPOSAL:

- 2.1 The application proposes a 100% affordable housing development consisting of 18 x 2-bed flats and 24 houses (mixture of 3-bed and 4-bed house types) set in semi-detached blocks.
- 2.2 The flat complex also contains 13 car parking spaces, shared amenity space and secures cycle and bin storage. Each house contains off street parking for two cars.
- 2.3 The development has utilised Brown Lane East which requires some minor white lining works at the junction with Crosby Road. This is a retained adopted highway and the development is set either side of this to the north and south. Other highway works show the provision of footpaths around the two sections of development following the closure of Runswick Terrace and Runswick Place.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a cleared area of former back to back terraced housing, demolished by the Council in 2009-10, following standard purchase and compulsory purchase of the former 113 houses dating from pre-1919.
- 3.2 It is surrounded by existing terraced and back-to-back housing from the same era on three sides – south, west and north, separated by Recreation Grove, Crosby Road and Runswick Street respectively.
- 3.3 To the east the site faces towards Holbeck Moor which is separated by Top Moor Side, a busy road which helps connect Holbeck and Beeston. Here, the development faces a children's play equipment area set within Holbeck Moor which is a large area of Public Open Space.
- 3.4 The area is mainly residential but there are a number of commercial businesses situated along Top Moor Side fronting the Moor consisting of shops, takeaways and a Public House.
- 3.5 In recent years following demolition the Council have managed the area with wildflowers. A high pressure gas pipeline runs along Brown Lane East as do other gas pipelines and also a combined Yorkshire Water mains sewer.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/05132/DEM Determination application for demolition of back to back houses
Prior Approval Not Required - 15.12.2009

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 General guidance on the development of the site was given by Officers to a previous scheme in April 2011.
- 5.2 The applicants consulted with Holbeck Neighbourhood Forum in December 2012 over the current scheme where approximately 60 people attended alongside colleagues from Regeneration, Planning (Local Plans) as well as all three ward members.
- 5.3 Since the submission of the application, two meetings have been held in April and May with the applicant and agents to secure amendments to the layout, house types and detailed design following assistance from the Design Review Panel.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice, newspaper advertisement and 35 neighbour notification letters.
- 6.2 2 letters of representation have been received (one in support, one in objection).

Support

- scheme when presented to Holbeck Neighbourhood Forum (in Dec 12) received positive feedback
- local residents also consulted with Unity Housing prior to this meeting where the following matters were clarified
 - o support for access to flats from Runswick Terrace preferred
 - o existing back to back dwellings may look 'tired' / neglected in comparison
 - o any scheme for a boulevard along Brown Lane East connecting with Matthew Murray school supported
- general support locally for scheme / enhancement of local environment

Objection

- Demolition of back to back housing provided much needed light, improved outlook and the creation of wildflower meadow area
- Increased noise and traffic from larger houses
- Recreation Grove road width potentially a problem
- Housing locally should be provided for elderly, young couples and single persons, not for larger families

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 HSE – No objections (21/05/13).
- 7.2 Yorkshire Water – No objections (28/05/13).

Non-statutory

- 7.3 Coal Authority – No objections (20/03/13).
- 7.4 Contaminated Land Team – No objections subject to conditions (22/03/13).
- 7.5 Early Years' Service – No comments received.
- 7.6 Education Services – Not formally consulted but understood would not seek contributions to school places given the re-development of the site involves a large net reduction in (family) housing numbers.
- 7.7 Flood Risk Management – No comments received.
- 7.8 Highways – No objections subject to conditions (22/07/13).
- 7.9 Local Plans - Provision of greenspace required – contribution of £97,130.94 calculated (05/07/13).
- 7.10 Neighbourhoods & Housing (Air Quality) – No comments received.
- 7.11 Neighbourhoods & Housing – No objections (13/05/13).
- 7.12 Neighbourhoods & Housing (Affordable Housing) – Affordable Housing scheme which is HCA funded is supported (07/03/13).
- 7.13 Northern Gas Networks – No objections (11/03/13).
- 7.14 Sustainability (Design Team) – No objections raised by Design Review Panel held 05/06/13 in considering amendments of scheme previously seen at DRP 08/05/13 and where meeting was held with Design Team, Planning and agents on 13/05/13. Final suggestion that rear roof form of type J properties be improved has been done in latest revisions.
- 7.15 Sustainability (Landscape Team) – No comments received.
- 7.16 West Yorkshire Police – General suggestions made (03/04/13) some of which have been incorporated into the revised plans (e.g. bin / cycle storage design / location).

8.0 PLANNING POLICIES:

- 8.1 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD (2012).
- 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: Requirement of Development Proposals: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N2: Greenspace and Residential Developments: outlines that support will be given to the establishment of a hierarchy of greenspaces accessible to residential areas.

N4: Greenspace Hierarchy: outlines the provision required to ensure appropriate access is gained by residents of a proposed development.

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

N13: Design and New Buildings: 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.

T2: Transport Provision for Development: seeks to ensure developments are not of a detrimental impact upon highway safety.

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

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

T7A: Cycle Parking Guidelines: sets out guidance to the appropriate levels of cycle parking and storage provision in new developments.

T7B: Motorcycle parking: sets out guidance to the appropriate levels of motor cycle parking and storage provision in new developments.

H4: Windfall Development Sites: residential development on sites not identified for this purpose but which lie in main and smaller area urban areas or in a sustainable location will be permitted subject to sequential, infrastructure and other policy requirements of the UDPR.

H11: Affordable Housing: The Council will negotiate to provide for housing developments to provide / maintain appropriate proportions of affordable housing.

H13: Affordable Housing Obligations: Applicants are required to demonstrate that the affordable units secured under policy H11 are maintained in perpetuity through appropriate bodies, conditions or obligations.

R2: Proposed Area Based Initiatives: identifies regeneration areas which have been targeted to address area, neighbourhood and community issues.

Supplementary Planning Guidance – Neighbourhoods for Living (2003) – outlines advice on the design and planning of sustainable residential environments which respond to character analysis.

Supplementary Planning Guidance: Beeston and Holbeck Planning Framework (2005) – sets out priorities and plans for the regeneration of Beeston and Holbeck communities.

Supplementary Planning Document – Designing for Community Safety (2007) - sets out the various methods that can be used to increase community safety and public perception of safety within new residential developments.

Supplementary Planning Document – Street Design Guide (2009) – outlines detailed technical guidance for highways related development in creating sustainable living and work environments.

Supplementary Planning Document – Sustainable Design and Construction (2011) – details technical advice and guidance to developers in meeting BREEAM and Code for Sustainable Homes standards.

8.5 Relevant emerging Core Strategy Policies:

Spatial Policy 1 – Location of Development

Outlines that a spatial development strategy is based on the Leeds settlement hierarchy concentrate which seeks to concentrate the majority of new development within urban areas. The largest amount of development will be located in the Main Urban Area with Major Settlements delivering significant amounts of development.

Settlements within the hierarchy will guide the identification of land for development, with priority given in the following order:

- a. Previously developed land and buildings within the settlement,
- b. Other suitable infill sites within the relevant settlement,
- c. Key locations identified as sustainable extensions to the relevant settlement.

Spatial Policy 4 - Regeneration Priority Programme Areas

The following Regeneration Priority Programme Areas identified on the Key Diagram will be given priority for regeneration funding and resources:

- ☐ East Leeds
- ☐ Aire Valley Leeds
- ☐ Leeds Bradford Corridor (incorporating West Leeds Gateway SPD)
- ☐ South Leeds

Priority will be given to developments that improve housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment, and improve local facilities and services.

Spatial Policy 6 – p.35 – Housing Requirement and Allocation of Housing Land

References to the fact that the delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

H2 – New Housing Development on Non allocated Housing Sites

New housing development will be acceptable in principle on non-allocated land, providing that:

- i) The number of dwellings does not exceed the capacity of transport, educational

and health infrastructure (existing or provided)

ii) developments of 5 or more dwellings the location accord with the accessibility standards

H3 – Density of Residential Development

Housing development in Leeds should meet or exceed the following densities unless there are overriding reasons concerning townscape, character, design or highway capacity: ii) Other urban areas - 40 dwellings per hectare

H4 – Housing Mix

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

H5 – Affordable Housing

The Council will seek affordable housing either on-site, off-site or financial contributions from all developments of new dwellings.

P10 - Design - highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and good design according with set principles e.g. size, scale, design, layout, character.

T2 – Accessibility Requirements and New Development

This 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.

EN2 – Sustainable Design and Construction

To require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least standards set by BREEAM or Code for Sustainable Homes as shown in the table below.

ID2 – Planning Obligations and Developer Contributions

Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

Development Plan Document – Issues and Options for the Plan - Site Allocations Plan - Volume 2: 4 Inner (June 2013) – consultation document setting out area based issues and identification of sites for retail, housing, employment and greenspace.

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.

Para 49: Presumption in favour of sustainable residential development.

Para 50: LPAs should plan for a mix of housing, identify sizes, types, tenures in particular areas and identify affordable housing opportunities.

Para 56: Government attaches great importance to design of the built environment

Para 58: policies and decisions should aim to ensure developments:

- function to area quality over the long term
- establish strong sense of place, creating attractive, comfortable places
- optimise potential of site to accommodate development
- respond to local character and history
- create safe and accessible environments
- visually attractive (architecture and landscaping)

Para 69: Planning policies / decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.

9.0 MAIN ISSUES

- 1 Principle of Development
- 2 Technical Requirements – Gas Pipe Line, Coal
- 3 Highway Safety
- 4 Residential Design and Protection of Amenity
- 5 Section 106 Matters

10.0 APPRAISAL

Principle of Development

- 10.1 The scheme forms a sustainable and important area of housing delivery in a regeneration area of the City. The site forms previously developed land, is set on a regular bus route close to centre of Leeds (buses run to and from the City at frequent intervals) and is served by Holbeck's shops, services and facilities. The area around the mini roundabout which splits Domestic Street / Top Moor Side, Holbeck is now recognised as an emerging 'Local Centre' in the LDF.
- 10.2 The site also benefits from good accessibility to open space opposite (Moor) and schools in the wider area. It is therefore considered suitable and appropriate for sustainable residential accommodation both suited to families and smaller households. The mix of flats and houses here is considered to comply with emerging LDF Core Strategy policy H4.
- 10.3 The scheme is located within a regeneration area and the introduction of purpose built good quality residential development is considered can benefit the wider area around this part of Holbeck economically, environmentally and socially through a greater diverse mix of tenure types.
- 10.4 Colleagues in the Council's Affordable Housing section have recognised the benefits of this particular scheme in the context of the Council's wider programme and therefore strongly support this particular scheme.
- 10.5 The scheme is 100% affordable housing – sustainable in form and location - and this is also supported through NPPF (para 50) and general guidance in UDPR policy H4.
- 10.6 The scheme is considered compliant with the NPPF.

Technical Requirements – Gas Pipe Line, Coal

- 10.7 The high pressure gas pipe line and gas main has been carefully plotted following on site tracking of their lines along Brown Lane East as surveyed in conjunction with Northern Gas Networks. A series of plans show this in better detail along with the water mains and demonstrates the development will not encroach into the 3m stand-off easement considered important to protect this equipment.
- 10.8 In order to ensure the 3m easement is protected space from the residential curtilages of the scheme a small triangular section of land is set aside adjacent to plot 1 and will be maintained as open land by the applicant.
- 10.9 Some of the gas lines which cut across the development will be diverted by the applicants. .
- 10.10 Following submission of the detailed plans showing the infrastructure on site and how the development is sited around this to protect the equipment, no objections have been raised by the HSE or Northern Gas Networks and Yorkshire Water.
- 10.11 The Coal Authority have agreed with the broad conclusions of the Desk Study and Geo-Environmental Report which indicates coal mining legacy issues are not likely to be significant. The consultation also agreed with the indications that it would not be economically viable to recover any remnant shallow coal from the site. No concerns are raised under policy GP5 of the UDPR and the outcome is consistent with policies in the adopted Natural Waste and Resources DPD..

Highway Safety

- 10.12 The scheme has been revised in accordance with the comments of the Highway Officer who now raises no objections to the proposed development.
- 10.13 Runswick Terrace and Runswick Place are already in the process of being formally stopped up under the Highways Act 1980. The scheme does show slight changes to the alignment of Brown Lane East and the stopping up of areas of the adopted highway as can be seen on a range of plans produced in regards to highway alterations and infrastructure changes. These closures are positive in that they reduce the number of entry points on Top Moor Side, a busy distributor road.
- 10.14 The alignment changes also mean some minor white lining road alterations at the Brown Lane East / Crosby Road junction are required to ensure highway safety is not compromised. The cost of this is approximately £2000, which the applicant has agreed to pay and this can be controlled through the section 106 obligation / highway conditions attached.
- 10.15 The plot positions have been set close to the highway edges as possible to achieve the design character sought through Design Review but with visibility protected.
- 10.16 Each house has two off street car parking spaces which is sufficient under both policy T2 and the Street Design Guide. The flats initially showed more parking but the 13 spaces shown were agreed in meetings with Officers to allow for more amenity space. As the flats feature unallocated spaces as conditioned (aside from the disabled spaces), these 2-bed flats (4 habitable rooms) only require between 9 – 16 spaces (rented – owner occupied) under method 2 of the Guide. This method is considered the more appropriate calculation given the tenure type and area location which is well served by public transport (number of bus services stop opposite the front of the flats).

For these reasons the 13 spaces (unallocated) are considered sufficient for the needs of this development.

- 10.17 Dedicated secured cycle parking is shown to each house (rear garden) and again to the flats adjacent to the bin storage. Further short stay cycle parking (i.e. visitors) is considered can be accommodated to the flats and conditions securing this and motorcycle parking have been recommended.
- 10.18 METRO has suggested that the bus stop opposite the site (no12104) would benefit from being upgraded to feature real time information displays. At a cost of £10,000 this is considered a desirable rather than essential requirement to appropriately deliver this development. Given the viability of the scheme as discussed below in the report this has not been sought from the applicant on this occasion.

Residential Design and Protection of Amenity

- 10.19 The scheme has been revised extensively through the assistance of Design Review Panel and on-going meetings with the applicant / architects. The improvements can be summarised as follows:
- Revision of initial house type J which showed a design which contained first floor link accommodation and a mono-pitch style roof format (now revised to show a more traditional gable fronting design in semi-detached blocks).
 - Removal of 'C' shaped B* / B1 house types opposite Runswick Street – replaced with type J properties (this required an extra dwelling to ensure the semi-detached blocks could be spaced equally)
 - Positioning of all plots closer to the corners of the scheme to better replicate the local character where the terraces are sited close to pavement and highway edges.
 - Removal of render from the scheme to ensure brick is used throughout – to better reflect the local character and knit the existing and new housing stock together more
 - Reduction in parking (agreed with Highways) to the flats block to make a softer landscaped setting at the rear and more scope for better amenity space / re-positioning of bin storage
 - Window design rationalised – better proportions, styles more representative of local character, better use of heads and cills
 - Fronts of Type B* properties set to face Brown Lane East (more principal and appropriate for front aspects).
- 10.20 This has retained the overall layout which has helped provide good levels of security (back to back gardens, enclosed boundaries etc) and natural surveillance.
- 10.21 The scheme is now considered to more closely resemble local character and this should be carefully controlled through materials submission. The provision of semi-detached and a flat block development with external rear space provides for a greater mix of property type in the area, something which is lacking in this pre-1919 area.
- 10.22 The long thin section of the site to the south of Brown Lane East is more difficult to make private given the context but through use of boundary treatment and orientation of properties this has been achieved to a reasonable degree.

- 10.23 The provision of soft landscaping will help to green the edges of the development in an area dominated by hard surfacing and hard landscaping.

Section 106 Matters

- 10.24 As a scheme over 10 units in size ordinarily provision on or off site of greenspace is sought under policies N2 and N4 and guidance in SPG4. The overall size of the site is considered limited to provide on-site green space provision and deliver an appropriate viable scheme for this social housing development.

- 10.25 Given the proximity of Holbeck Moor (designated N1 greenspace) opposite the site, in consultation with Local Plans, it was considered that an off-site contribution to greenspace improvements was instead acceptable. The full cost of this for the 42 units has been calculated at £97,130.84. This is broken down as follows below:

Laying out greenspace	48,183.13
Maintenance of greenspace	24,178.95
Equipped children's play contribution	16,914.91
Fees	7,853.85
Total	£97,130.84

- 10.26 The applicant from the outset has stated that viability of this scheme is extremely delicate and they do not have the funds to provide for the full contribution.
- 10.27 The HCA funding regime has changed since 2011 and now only around 25-30% of development costs can be secured by such means which leaves the applicant requiring a larger amount to be privately financed than in previous years.
- 10.28 The viability of the scheme has been investigated. Two such site valuation appraisal reports have been produced, one by the City Council and one on behalf of the applicant. These indicate clearly that the value of the land in current market conditions has a negative end value and that it would not be possible to bring forward the land privately. Indeed the present scheme is only able to proceed as the Council have agreed to release the land and the HCA have committed significant funding (over £1million) to help deliver the scheme. Under these circumstances it is considered there is good reason to reduce the greenspace requirement and so officers have negotiated that the equipped childrens play contribution of £16,914 is paid and this has been agreed by the applicants. Ward members have been briefed on this also.
- 10.29 Key to this approach is the location of the existing children's playground – directly opposite the site on Holbeck Moor. The LDF Site Allocations Plans are in the process of being released and Volume 2: 4 Inner is relevant (June 2013). In Beeston & Holbeck there is good provision of greenspace already for the ward. Through the LDF work, a surplus has been recorded in regards to Parks/Gardens, General Amenity, Children's Equipped Play and Allotments. Deficiencies are recorded in Outdoor Sports and Natural Greenspace. In comparison to some wards such as City & Hunslet the overall deficiencies are much less.
- 10.30 Due to the direct proximity of the playground and the introduction of family sized housing that the scheme brings it is considered appropriate to directly target play equipment improvements to this playground which will come under more usage from the development. Parks & Countryside do have aspirations to invest in play provision at Holbeck Moor.

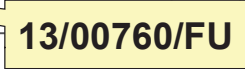
- 10.31 A scheme of this size (under 50 units or 2 Hectares) would not normally require an education contribution under the Councils policy and Supplementary Planning Guidance Note 11 - Section 106 Contributions for School Provision (2001). Members however will be aware that there are significant pressures on the City's schools. Education colleagues have therefore been contacted about this scheme but have confirmed that as there is a significant net reduction of family sized (i.e. 3-bed +) houses within the 113 demolished dwellings to the now proposed scheme involving just 24 houses of this size, a contribution would not be sought in this case.

11.0 CONCLUSION

- 11.1 This scheme will deliver a significant and welcome new investment and family sized affordable housing in this regeneration area, which is sustainably located. The provision of a lower figure of greenspace provision is considered justified in the merits of this particular case based on the viability of this scheme to ensure that it can be delivered. The shortfall on the greenspace contribution is more than outweighed by the delivery of a 100% affordable housing development which attracts Government funding. The scheme is considered to be compliant with the NPPF on principles of sustainability, housing mix, affordability and regenerative economic investment / development.

Background Papers:

File 13/00760/FU



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Originator: Mathias Franklin

Tel: 011322 77019

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 15th August 2013

Subject: APPLICATION 13/01931/FU- Change of use of barn to dwelling, extension to existing dwelling, restoration of and extension to former dwelling, erection of additional dwelling, and erection of livery stable block and ménage at Ling Bob Farm, Scotland Lane, Horsforth

APPLICATION 13/01932/LI - Listed Building Application for change of use of barn to dwelling, extension to existing dwelling and restoration of and extension to former dwelling at Ling Bob Farm, Scotland Lane, Horsforth

APPLICANT
Ling Bob Ltd.

DATE VALID
21.06.2013

TARGET DATE
16.08.2013

Electoral Wards Affected:

Horsforth

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

- 1. GRANT PLANNING PERMISSION and LISTED BUILDING CONSENT subject to conditions listed below.**

List of planning conditions 13/01931/FU:

1. Commencement of development within 3 years.
2. Approval of plans
3. The works shall be carried out in accordance with a phasing plan to be approved. The new-build dwelling shall not be occupied until all works to the listed buildings have been completed.
4. Samples of walling and roofing and windows frame materials to be approved.
5. Matching materials and making good of walls and roof to match existing

6. Sample of surfacing materials to be approved.
7. Development not to be occupied until all car parking, hardstanding and access roads completed
8. Access road to be constructed first. All construction traffic for dwellings and stables to access the site via Beech House track and new access road route only.
9. Landscaping scheme to be submitted and approved including implementation programme and maintenance.
10. Tree protection measures prior to commencement
11. Tree replacement conditions
12. Removal of PD rights for Dwellings and for agricultural and horticultural buildings and structures.
13. Drainage scheme and surface water strategy to be submitted and approved
14. Prior to commencement of development site investigation works to check for shallow mines to be undertaken and approved. Remedial works to be carried out where required.
15. No development, demolition or site clearance shall take place until a Detailed Great Crested Newt Mitigation and Monitoring Strategy (including all the recommendations in Section 6.1 of Ecology Survey report by Whitcher Wildlife Ltd. Ref. 1212181 dated 13th June 2013 and comments dated 19th June 2013 by the LCC Senior Nature Conservation Officer) has been submitted to and agreed by the LPA, and a copy of the Natural England licence issued in respect of Great Crested Newts has been submitted to the LPA.
16. Bat mitigation details to be approved prior to the commencement of development
17. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 February to 31 August inclusive unless otherwise agreed in writing with the LPA.
18. Prior to the commencement of development a method statement for the control and eradication of Himalayan balsam shall be submitted to and approved in writing by the LPA.
19. 3.7m wide mowed grass route identified on the approved plan to be open to the public and maintained for the lifetime of the development.
20. No development shall commence until a 5m buffer from the banks of all watercourses on or adjacent to the site has been protected in accordance with the approved details, or in the absence of such details with a barrier meeting the specification in section 6.2.2 of BS5837: 2012. The protective fencing shall be retained during the course of all site works and no vegetation or soils shall be disturbed and no equipment, machinery or any other materials shall be stored or fires burnt within the buffer zone.
21. forward sight lines shown on plan 101202-08 REV F to be retained and maintained to no greater than 1m in height for lifetime of development
22. Stables and riding arena to be operated as a managed private members livery only and no commercial equestrian events such as competitions to be held.
23. Maximum of 14 stables only
24. Visibility splays at 2.4m x 120m at the entrance to the residential development
25. Construction management plan to be approved prior to commencement of development
26. Land contamination conditions

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.

Listed Building Consent Conditions:

1. Commencement of development within 3 years.

- | |
|---|
| <ol style="list-style-type: none">2. Approval of plans3. Samples of walling and roofing and windows frame materials to be approved.4. Matching materials and making good of walls and roof to match existing5. Sample of surfacing materials to be approved. |
|---|

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillors Townsley, Cleasby and Collins.
- 1.2 Some Members may recall a similar development for 5 houses and a stable block for 10 horses which Plans Panel West approved in 2008. The 2008 permission has now expired. The current application is for 4 houses and a stable block for 14 horses. Members will be shown the plans from the 2008 planning permission to compare against the current scheme.
- 1.3 Members may be aware that that the Ling Bob Farm farmhouse and barns are grade II listed and are currently on the Council's 'Buildings at Risk' register and both are category B(A) for priority action and described as in a 'very bad' condition.

2.0 PROPOSAL:

- 2.1 The proposal involves the creation of 4 dwellings including the existing farmhouse which will be altered and extended. An abandoned former dwelling is restored, a barn is converted to a single and a new build two storey dwelling will also be constructed. The properties will be arranged around a courtyard. Any new build and any making good of existing walls and roof will be in natural stone and slate to match the existing.
- 2.3 Access to the dwellings will be provided by a new access route formed from the end of the drive serving Beech House (the initial length of drive will be shared with Beech House) and progressing around the south and east of the Beech House gardens. It is proposed to provide a pedestrian footpath in the field adjoining the existing access road that serves Beech House to separate vehicles from pedestrians. The proposed stables will be served from the existing access located to the north of Beech House.
- 2.4 The stable building would be a single storey livery with 14 stables created. A ménage is also proposed to the north of the stable building. This building would be arranged around a courtyard layout and would be clad in timber with pitched roof forms.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within the Green Belt off Scotland Lane. Ling Bob Farm and its associated buildings form an attractive but dilapidated ground of Grade II listed. Beech House which is the large detached villa located between Ling Bob Farm and Scotland Lane is also grade II listed. Ling Bob Farm is located approximately 320 metres to the east of Scotland Lane, Horsforth to the 'rear' of Beech House. The existing access to the farmstead is via an access to the north of the Beech House drive and this access will be retained for the use of the livery stables.

- 3.2 There is a pond located within the grounds of Beech House which has been identified as having Great Crested Newts in it. The trees within the grounds of Beech house are protected by a Tree Preservation Order.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/05610/FU & 06/05611/LI: Laying out of access road, extension to farmhouse, change of use of barns including alterations and extensions to form 3 dwellings, erection of new dwelling in place of outbuilding, garage blocks and erection of stable block and menage area. This application was approved in 2008. The permission has now expired. One of the main reasons why the permission was not implemented at the time related to the requirement to safely protect the Great Crested Newts from the development.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant had pre-application meetings with officers to address the issues around the creation of a new access in the green belt and the need for sensitive restoration of the listed buildings including the design and siting of the new build elements. The impact of the proposed development on the existing rights of way and claimed rights of way was discussed.
- 5.2 The applicant consulted the ward Members prior to the submission of the application. Councillors Townsley and Collins have also met with the applicant since the application was submitted to discuss the matters raised above.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been 85 representations received. There have been 42 objections and 38 letters of support. 5 letters making representations have also been received. The following main issues have been raised.

- Highway safety, pedestrian safety, equestrian safety from the use of the access roads for the development
- Farm track not suitable for horse boxes or any additional traffic
- Impact on neighbouring equestrian businesses in relation to noise and disturbance and harm to health of horses from the siting of the stables and ménage location
- Conflict with Rights of way. Disputes over claimed rights of way
- Horsforth Town Council considers the solution for the farm to be good with access that won't disturb neighbours. There is less clarity however regarding access to the new stables which will require neighbours concerns addressed
- Horsforth Civic Society (HCS) support the reduced number of dwellings than the 2008 permission. HCS acknowledges the need to build the stables to help pay for the restoration of the barns.
- Concerns over the lack of car parking for the stables
- HCS supports the new access to the dwellings as it avoids the Great Crested Newts.
- Support for the restoration of the listed buildings
- Visibility on to Scotland Lane is poor from the access

- Over development of rural site
- Adverse effect on wildlife
- Trees on the neighbouring land would be harmed to create the access
- Defra regulations require all livestock should be separated from public access.
- Concerns over rural security
- The proposed development includes the creation of new buildings on what is a green belt site; this can only be detrimental to the area.
- The proposal would harm the open character of the area and is contrary to NPPF
- There are enough problems with the numbers of stables on site already without adding further stables
- The new stables should be served off the new access road for highway safety
- Too much development in the area already for the roads to cope with.
- The new dwellings would come under the Leeds and Bradford Contour flight regulations which restricts new builds under the flight path.
- There should be access for horses retained between Brownberries and Scotland Lane.
- The development would affect recreation land
- The ramblers association request that the footpath should be segregated from the vehicular access route. Until this is provided they object to the application.
- This development will not only improve the local landscape, it will potentially provide a number of family homes, creating the opportunity to live in a very pleasant semi-rural environment and at the same time utilise and maintain the surrounding land for healthy recreational purposes.

6.2 Councillor Cleasby objects to the application:

"The proposals are a substantial development within the Green Belt and would be detrimental to the open aspects of this area of countryside. The proposal to increase the number of dwellings is contrary to both National and Council Policy regarding residential development in Green Belt. I have concerns that the proposed roadway/shared footpath configuration is not desirable on safety grounds. I object to the unnecessary and extensive use of Green Belt to provide access roadways. Scotland Lane is an already over used commuter route, being also used by articulated lorries and Airport traffic. Any increase should be avoided on safety grounds, Ward Members had to have the Lane traffic calmed and made 30mph, to reduce accidents. I also have concerns over the use of horse boxes on this lane, the proposals will exacerbate this"

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – no objections subject to conditions to control the stables use and the construction activities and to ensure footpaths are provided parallel to the residential access routes.
- 7.2 Mains Drainage – no objections subject to conditions for surface water drainage.
- 7.3 Environmental Health – No objections
- 7.4 Health and Safety Executive: No objections
- 7.5 Rights of Way Team: Horsforth Public Footpath No. 12 runs along the access track from Scotland Lane to the entrance to Beech House. It then heads north then east

and south east along the access track to the stables. It has a recorded width of 3.7 metres. The section from the entrance to Beech House heading north has had a claim for a bridleway based on user evidence made on it.

- 7.6 Horsforth Public Footpath No. 14 runs along the access track from the Beech House entrance south to Brownberrie Drive. It has a recorded width of 3.7 metres. A claim for a bridleway based on user evidence has also been made on this footpath. Horsforth Public Footpath No. 13 runs alongside the new access road to the housing, then continues east for a short distance before heading north along the eastern boundary of the site. It has a recorded width of 0.9 metres. A claim for a bridleway based on users evidence has also been made from Horsforth Footpath No. 12 to Scotland Lane along the access track to the stables.
- 7.7 The rights of way proposed diversion plan incorrectly shows a claimed footpath, the claim is for a bridleway. This Definitive Map Modification Order Application for a bridleway will be investigated in due course. The line of Horsforth Public Footpath No. 13 is also incorrectly shown on this map as the Definitive Map shows it on the north side of the stream.
- 7.8 The proposed diversion of Horsforth Public Footpath No. 12 is acceptable to the Public Rights of Way Section and would take pedestrians off the access track and stable area. The developer would be required to provide a new footpath route to a standard acceptable to the Public Rights of Way Section.
- 7.9 The section of Horsforth Public Footpath No. 12 off Scotland Lane already runs along the centre of the track and not through the side gate. Therefore, a diversion in this area is not required as shown on proposed diversion map.
- 7.10 Horsforth Public Footpath No. 13 would require diverting to the southern side of the stream as it is understood that culvert works will be required at the southern end as well as bank works. It would also enable the access road to be crossed at a more visible point. If the public footpath is to run between the stream and the access road a 3 metre width would be more acceptable than the 2 metres shown on the plan. Details of works to the bank would need to be provided to ensure that a footpath in this location would not collapse into the stream. Public consultation to any diversion may find that the public and user groups would prefer the footpath to be diverted to the south side of the road. An application to divert the paths would need to be made and would be subject to public consultation. The replacement of any existing stiles of the footpath with pedestrian gates would be welcome and approval will only be given for gates on the proposed diversions if any structures are required.
- 7.11 The Public Rights of Way Section understands that as part of the development drainage works would be undertaken and this is welcome as some sections of Horsforth Public footpath No. 13 can become waterlogged.
- 7.12 Temporary footpath closures may be required to ensure public safety during the development of the site. To ensure public access if available between Cookridge and Horsforth, Horsforth Public Footpath No. 12 (access to the stables) should not be closed at the same time as Horsforth Public Footpath No. 13 (access to the houses). This will ensure that an alternative route is always available.
- 7.13 Coal Authority: The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report submitted by the applicants; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site

investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

- 7.14 Land Contamination Unit: No objection subject to standard conditions.
- 7.15 Leeds Civic Trust: The new proposal to restore the listed buildings is particularly welcomed. The removal of the single storey extension to the barn and its replacement by a new dwelling set further back is also supported as 'enabling development' in the context of a Green Belt location. The new dwelling also contributes to the creation of a 'courtyard' arrangement for the whole scheme. The proposed access to the group of four dwellings via a shared driveway to Beech House, separate from the access to the proposed stable block, is also supported in principle. Reference is made to a king post roof truss in the listing description of the barn and its proposed retention as a feature in a double height space in the proposed conversion is welcomed. There are also significant roof trusses visible in the former farmhouse (with large coursed stone blocks to its main facade) which should also be made a feature of in any restoration. Overall, the application is supported.
- 7.16 Natural England: No objections to the development
- 7.17 Environment Agency: No objections.

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.
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.
- SP3 – new development within or adjoining main urban areas
 - GP5 - development control considerations
 - H4 – residential development of non allocated sites
 - N12, N13 – urban design
 - N14- N17 – listed buildings
 - N24 – assimilation into landscape abutting green belt
 - N33, GB3, GB4 and GB13 – green belt
 - N37A – all new development and change of use in the countryside
 - N49, N51 – protection and enhancement of wildlife
 - BD5 – building design amenity considerations
 - LD1 – landscape design
 - T2, T24 – access and parking requirements

Neighbourhoods for Living SPG.

- 8.3 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:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (para 14).

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

Emerging Core Strategy

The Draft Core Strategy has been submitted for examination by an Inspector. The Draft Core Strategy has passed its first requirement with regards the legal test on the Duty to Cooperate. As the draft Core Strategy is submitted for examination some limited weight can be afforded to it.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) Impact on the listed buildings and their settings
- (2) Impact on the green belt
- (3) Highway implications and effect on public rights of way
- (4) Landscape and nature issues
- (5) Impact on neighbours

10.0 APPRAISAL:

10.1 Impact on the listed buildings and their settings

10.2 The main benefit arising from these applications is the reuse of the buildings in a sensitive way and giving them a use which will guarantee their future. This is clearly in line with both central government and local policy in the adopted UDP notwithstanding their location in the Green belt on the edge of Horsforth. Whilst the location is not the most sustainable the listed buildings exist and are important in the locality. The policy context would support their reuse. Broadly all interested parties support the re-use of the listed buildings. Members may recall the 2008 approved scheme which was for 5 dwellings and a garage unit. This current application has reduced the number of dwellings relative to the 2008 approved scheme and has reviewed the design detailing of the proposed dwellings and has improved their appearance with the use of more sympathetic detailing to the elevations and the roofs. The details of the conversions and new build have now been looked at in detail to ensure that existing openings are reused wherever possible, new openings minimized and existing features retained and enhanced where possible. It is considered that the detail is acceptable and will result in a good group of 4 main buildings around a courtyard with the garaging in a subservient relationship but still contributing to the group and giving a sense of enclosure. The extension to the existing farmhouse is now narrower and the detail more sympathetic to the existing house making it a subservient element. The courtyard will be cobbled. Details of materials and windows, doors, guttering,

rainwater goods and rooflights and boundary walling will need to be conditioned given the sensitivity of the project. The details of the works to the listed buildings are considered fully acceptable and will result in a substantial improvement to their setting – particularly in relation to the arched barn.

10.3 Impact on the green belt

10.4 The new build dwelling and the creation of the new section of access road represent inappropriate development in the green belt. The need to construct a new section of access road is one of the main issues in the determination of this application. The applicant has reviewed alternative options for accessing the listed Ling Bob Farm. Members may recall that this issue was debated at length during the 2008 approved scheme. The alternatives reviewed including building a new access road parallel to Beech House's access drive, as per the 2008 approved scheme. This option was discounted as the applicant was willing to share the drive to Beech House and this would result in less new roadway having to be created in the green belt. The second option explored was using the existing access to Beech House and then creating the new road through the front garden of Beech House. This was discounted because of the impact this would have on the setting of the listed building, the impact on the pond with the Great Crested Newts and the loss of TPO trees. The proposed new section of road to create the access will have some impact on openness, however it is noted that the 2008 approved scheme would have required 440metres of access road. By utilising the existing Beech House access and adapting the footpath significantly less openness countryside is required for the extra short section of new road though the field to the south of Beech House. The current access proposals to the residential element of the scheme are considered the least harmful to the openness of the green belt and although resulting in an increase in vehicular activity should not result in any significant harm to highway safety. However it is considered in this case that there are very special circumstances which justify the access.

10.5 The new build house is justified in terms of the improvement to the setting of the arched barn and its siting and design has been carefully negotiated to ensure it compliments the group of building and is no higher than the arched barn. Members have previously supported this approach in the previous 2008 application. The new build dwelling is well contained visually given the setting of the site and adjoining trees and buildings and will not have a detrimental impact on openness or the wider landscape.

10.6 The proposed stables and ménage are considered essential facilities for outdoor sport and recreation and therefore are not inappropriate development in the green belt. Although the current proposed stables occupy a slightly larger footprint the design, siting and appearance of the ménage and stables has been carefully considered and amended to ensure that its impact on the openness of the green belt is minimised. In addition the appearance and materials of the stables is considered acceptable in relation to its effect upon the setting of the neighbouring listed buildings.

10.7 Highway implications and Public rights of way

10.8 Highway officers have advised on the entire access from Scotland Lane and the layout has been amended in the light of their advice to ensure the access can work in terms of maneuvering and passing of vehicles including delivery vehicles. The access to the residential element does interact with existing rights of way more than the 2008 approved scheme did the current proposal uses the existing track serving Beech House rather than building a large section of new road way in the green belt. However, the current proposals include creating a 3.7 metre wide footpath in the

fields adjoining the residential access way to provide an alternative footpath route for pedestrians. This new footpath will not replace the existing right of way. Rather it will compliment it as a safe and convenient alternative. This footpath will be retained and maintained for the lifetime of the development by condition. The detailed response of highway and public rights of way officers to the latest plans is that they have no objections to the proposals. Whilst the concerns of local residents about traffic on Scotland Lane is acknowledged Highways do not object to the level of development being proposed on this site – namely 4 dwellings (to be accessed via the Beech House track and then the new section of road around the south of Beech House) and the stables (to be accessed along the existing track further up Scotland Lane). The new section of access road is shown as simple 3.7metre wide track and the specification will need to be agreed in detail to ensure that it is robust, long lasting as well as visually acceptable. The proposed access arrangement to the residential element of the application complies with the adopted Street Design Guide SPD. Although vehicular activity will increase along the access road and the rights of way will be shared with vehicles the proposals are considered acceptable in relation to highway safety considerations.

- 10.9 The access arrangement for the proposed stable building has also created significant representations. The main concern relates to the impact that the new stables will have on the neighbouring equestrian business in relation to noise, disturbance, bio security, health and safety and the limited width of the existing access track that would be used to serve the stables. The applicants have confirmed the stables would be operated as a livery and would employ a full time stable manager. The proposed stables has an existing right of access to use the track to the north of Beech House. The applicants have a legal agreement outlining their right of access. This includes allowing for 1 dwelling and up to 18 stables to use the existing access route to the north of Beech House on to Scotland Lane. Historically Ling Bob Farm was used as stables up until the last couple of years. These stables utilised the same access as the current proposals. A similar number of horses were stabled as is now currently proposed. Although highways officers would have liked to have achieved some improvements to this existing access (traffic calming measures and passing places) it has not been possible to secure these improvements as they are outside the gift of the applicant. However, given this recent historic use of the access track it is considered that the current proposals are broadly similar to the level of activity previously seen on this track from Ling Bob Farm and as such it is not considered reasonable to resist the stabling element of the proposals on highway safety grounds given this recent historical use. However, in light of the limited width of the access track and also due to the lack of highway safety improvements that can be secured, planning conditions have been imposed to prevent further intensifications of the use of the stables until further improvements can be secured. In addition the proposed stabling car park is considered sufficient to meet the needs of the proposal but any intensification would likely need additional car parking.

10.10 Landscape and nature issues

- 10.11 Indicative planting around the development has been shown on the latest plans to give some landscape screen to the stables and ménage but also to strengthen the landscape structure within the control of the applicants in the wider landscape along existing hedgerows by additional tree planting and new hedgerows where appropriate. This will help to assimilate the development within the wider landscape. In carrying out the development it will be important to ensure that any existing wildlife interests including protected species and the pond are not disturbed or that any potential adverse impacts are properly mitigated.

- 10.12 The developer has produced an update of their original Great Crested Newt survey and bat survey. Natural England and the Council's Nature Conservation Officer are satisfied that the appropriate surveys have taken place. The presence of Great Crested Newts requires a detailed mitigation strategy in order to allow a licence to be granted from Natural England, and although no monitoring surveys are proposed this Officer report recommends planning permission be granted subject that monitoring is carried out during development and for a period of 2 years post-development which includes all 3 ponds in the locality. The applicant has agreed to the need to monitor the locality post completion.
- 10.13 The new access road will cross the water course to the south of the site and there is a strong possibility that Great Crested Newts use the banks of this water course to move from Sim's Pond (known former Great Crested Newts breeding pond to the east of this site) to the ponds within Beech House where they have most recently been found. Therefore, measures need to be put in place to ensure that the culverted section of water course is designed and installed in a way that minimises adverse impacts on Great Crested Newts and allows them to continue moving east-west. The 5 metre buffer along this water course should also be enhanced to provide better newt foraging and commuting habitat. These issues will all need to be included in the Great Crested Newt Mitigation and Monitoring Strategy which will be dealt with via condition.
- 10.14 Impact on neighbours
- 10.15 The main impact to be considered is the impact on the residents of Beech House which although the applicants property needs to be assessed for the long term impacts of this relationship. Whilst the distance to Beech House is considerable (about 60m to the arched barn) there is a line of trees to the west boundary adjoining the barn and farmhouse which are within the grounds of Beech House and overhang this site. The proposed new dwellings are not envisaged to result in any over looking or loss of privacy to the neighbours.
- 10.16 The relationship of the proposed stables building and ménage is not envisaged to have any significant impacts on the amenity of the neighbouring businesses. Although a significant amount of the objections refer to the impact of the comings and goings of the stables upon the neighbouring equestrian business it is considered that limited weight can be attached to these concerns as they are not directly related to the merits of the application and are largely dealt with under separate legislation to Planning. The proposed stable building and ménage are appropriate forms of development in the Green Belt. The design and appearance and siting of the stables and ménage are not envisaged to harm openness. Ling Bob Farm has up until recently been used for stabling and livery activities similar in scale and nature to the current proposals. The applicants have a right of access over the track to service the stables which is the same track that was used up until recently for the stables at Ling Bob Farm. Planning conditions have been attached to restrict the type of activities that can be carried out at the stables to prevent over intensification of use of the access.
- 10.17 Conclusions and Recommendation
- 10.18 It is considered that the scheme now has improved upon the previous 2008 approved application. The design, layout and appearance of the new buildings are considered sensitively thought out and will enable re-use of listed buildings which are at risk. The limited section of new access road will have some impact on the openness of the green belt but very special circumstances exist to justify this. The interaction of vehicles and pedestrians and horses have been carefully thought through in the design and layout of this application and officers have sought to

ameliorate as many of the concerns raised in the representations as possible in relation to highway safety considerations. Although the proposals are contentious they are considered the best outcome when assessing all the elements of the applications. In the balance of material considerations Members are asked to give greater weight to the reuse and redevelopment of this listed complex of buildings outweighing the harm from inappropriate development in the green belt and to recognize there are very special circumstances here to bear in mind. Members are also asked to grant approval of both applications.

Background Papers:

Application file;

Certificate of Ownership.

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