



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 30th January, 2014
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar	J Bentley	A Castle	R Finnigan
M Coulson		R Wood	
C Gruen			
J Hardy			
J McKenna (Chair)			
C Towler			
P Truswell			

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

A G E N D A

Item No	Ward	Item Not Open		Page No
1			DATE AND TIME OF FUTURE MEETINGS	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

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

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6			APOLOGIES FOR ABSENCE	
7	Bramley and Stanningley		<p>APPLICATION 12/02434/FU - MANOR PARK SURGERY, BELLMOUNT CLOSE, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for part two storey, part single storey front, rear and side extension including pharmacy and opticians and laying out of car park</p>	3 - 8
8	Bramley and Stanningley		<p>APPLICATION 13/03007/FU - LAND AND PREMISES OPPOSITE TO 60 TO 68 HALF MILE LANE, STANNINGLEY, PUDSEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a residential development for 6 pairs of semi-detached two storey dwellings (12 new dwellings in total)</p>	9 - 20
9	Farnley and Wortley		<p>APPLICATION 13/05787/FU - 9 LAWNS GREEN, NEW FARNLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a part two storey, part single storey extension to rear of detached house</p>	21 - 28
10	Weetwood		<p>APPLICATION 13/05106/FU - 74 WEETWOOD LANE, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a retrospective application for a detached double garage with storage area above to rear</p>	29 - 34
11	Headingley		<p>APPLICATION 13/05526/FU - ST MICHAEL'S LANE, HEADINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the installation of four floodlights, sub station and associated infrastructure to cricket ground.</p>	35 - 48

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12			DATE AND TIME OF NEXT MEETING Thursday, 6 March 2014 at 1.30 p.m.	

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

To:

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2014

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 30 JANUARY 2014

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

- 1 10:15 **Application 13/03007/FU - Residential development for 4 pairs of semi-detached dwellings** – Land and premises opposite 60-68, Half Mile Lane, Stanningley, Pudsey - **Leave 10.30** (if travelling independently meet on Half Mile Lane opposite junction with Fernbank Gardens).
- 2 10:45 **Application 13/05787/FU – Part Two Storey, Part Single Storey Extension to Rear of Detached House** – 9 Lawns Green, New Farnley – **Leave 10.55** (if travelling independently meet at entrance off property Lawns Green).
- 3 11:10 **Application 13/05526/FU – Installation of Four Floodlights, Sub Station and associated Infrastructure to Cricket Ground** – St Michaels Lane, Headingley. – **Leave 11.50** (if travelling independently meet at Car Park to Stadium off St Michaels Lane.

Return to Civic Hall at 12:00 p.m.

A minibus will leave the Civic Hall at 09.55 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.50 am

Yours sincerely

Andy Booth
Governance Officer

www.leeds.gov.uk

switchboard : 0113 222 4444
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INVESTOR IN PEOPLE



Originator: Steve Butler

Tel: 0113 2243421

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 30th January, 2014

Subject: HIGH COURT JUDGEMENT RELATED TO JUDICIAL REVIEW WHICH SOUGHT TO SECURE THE QUASHING OF PANELS DECISION TO APPROVE: APPLICATION 12/02434/FU – Part Two Storey, Part Single Storey Front, Side and Rear Extension and Laying Out of Car Park – Manor Park Surgery, Bellmount Close, Bramley.

APPLICANT
Manor Park Surgery.

DATE VALID
31/05/12

TARGET DATE
26/07/12

Electoral Wards Affected:

Bramley and Stanningley

Yes

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.

(Judicial Review Claim Seeking Quashing of Panel Decision REJECTED on all Grounds)

1.0 Introduction

- 1.1 This application sought full permission for the extension of an existing doctor's surgery to provide additional consultation rooms, waiting areas, an ancillary optician and 100-hour pharmacy. The application was originally brought before the South and West Plans Panel on the 11th of October 2012 due to the high level of interest from local residents and members of the public. Members of South and West Panel agreed with the officer recommendation and the application was unanimously approved by Panel following a site visit. A decision notice was subsequently issued dated 16th of October 2012.

2.0 History

- 2.1 On the 20th of November Leeds City Councils Legal Services received a letter from Pinsent Masons Solicitors acting on behalf of Lloyds Pharmacy. (Members will recall an unusual aspect of this application was that the proposal included not only extensions to the consulting facilities and an opticians but also an attached Pharmacy which would be in addition to an existing Pharmacy operated by Lloyds which is currently part of the Medical Practice building). The letter advised that Pinsent Masons had been instructed to challenge the decision made at Panel to grant planning permission. The formal challenge was duly made and related specifically to the Pharmacy element although; the outcome of any Judicial Review would be the quashing of all elements of the approval.
- 2.2 Following the submission of this judicial review discussions with Legal Services and Counsel were held, and the Council determined it could not successfully defend the claim as there were elements of the report that should have been more fully considered and that in view of this and the potential for additional costs to accrue the best course of action was to agree to a 'Consent Order' agreeing to the quashing of the decision and for officers to draft a re-determination report. The Consent Order was agreed and the decision quashed and the costs settled.
- 2.3 Subsequently the application was reported to South and West Plans Panel for a second time on the 28th of March 2013. A revised report was presented for the re-determination of the application which picked up the points made in the JR challenge to ensure that a safe decision was made.
- 2.4 Members again endorsed the Officer Recommendation and approved the application. On the 1st May 2013 however, a further letter was received from Solicitors acting on behalf of Lloyds Pharmacy advising the council that again their client intended to challenge the decision seeking a further Judicial review to quash the decision.
- 2.5 Further discussions with Legal services and Counsel were held, and the Council determined to vigorously defend the Challenge by Lloyds.
- 2.6 The Claim was heard in the High Court of Justice in Leeds on the 4th and 5th of December 2013, before his Honour Judge Behrens. Anthony Crean QC represented Lloyds Pharmacy Limited (Claimant) and Hugh Richards (Barrister) represented Leeds City Council (Defendant).

3.0 Grounds for Challenge and Judges Consideration

- 3.1 The grounds for challenge in summary are below with the Judges consideration in *italics* beneath. These were that Leeds City Council (Defendant) erred in Law as follows:-

3.2 **Ground 1**

Defendant failed to understand or apply s.38 (6) of the Planning and Compulsory Purchase Act 2004.

His Honour Judge Behrens considered that the officer report presented to Panel made it clear in the initial recommendation and in a number of subsequent paragraphs that it in the planning officers view Policy S9 was breached because

criterion i) was not met. Therefore the report was unequivocal in consideration of Policy S9 and the understanding and application of s38 (6) of the Planning and Compulsory Purchase Act 2004 in the related text was understood and properly applied and demonstrated.

Judge Behrens rejected ground 1.

3.3 Ground 2

The defendant failed in misapplying UDP Policy S9: The application was in conflict with Policy S9 which the report failed to bring to the attention of the Defendant's panel.

Judge Behrens concluded that the allegations in relation to Criterion i) of policy S9 have been fully canvassed and dealt with in relation to the discussion on Ground 1. In his view the Panel was told and aware when making their decision that the application was in conflict with S9.

Judge Behrens rejected ground 2.

3.4 Grounds 3 and 4

The defendant took account of an immaterial consideration when granting permission on the false premise that the interested party was required to have the pharmacy component of the application co-located with the surgery.

The defendant took account of an immaterial consideration when granting permission on the false premise that the interested party required the pharmacy component of the application co-located with the surgery to fund improvements to the surgery.

Judge Behrens considered that it was convenient to consider the aforementioned grounds together. He concluded that a fair reading of paragraphs 10.3 and 10.4 of the officer's report is that the need for integration was to assist in the funding of the expansion. In his mind this was not misleading and was a material consideration. Furthermore he thought that the Council was entitled to rely on the evidence in an email from the Surgery which explained the need to have 100 hrs. Pharmacy on site. He went further to say that he considered that this was not an error in law and did not require corroborative evidence.

Judge Behrens rejected grounds 3 and 4.

3.5 Grounds 5 to 8

Ground 5: The defendant took account of an immaterial consideration when giving weight to an ineffectual, and therefore irrelevant, condition. Specifically condition 9 of the permission which seeks but fails to limit the pharmacy use to an ancillary use to the surgery.

Ground 6: The defendant Council took account of an immaterial consideration when giving weight to a planning condition which unlawfully sought to nullify the benefit of the planning permission (condition 9).

Ground 7: The defendant took account of an immaterial consideration when giving weight to an unenforceable condition (condition 9).

Ground 8: The defendant took account of an immaterial consideration when giving weight to an ineffectual and therefore irrelevant condition. Specifically condition 9 of the permission which seeks, but fails to limit the Pharmacy use to only medical and healthcare products excluding A1Retail.

*Judge Behrens was referred to a number of cases of law by Anthony Crean QC and accepted the legal principles referred to. **He stated that conditions are to be construed benevolently and given a common sense meaning.** He did not therefore accept that as a matter of construction Condition 9 should be interpreted as permitting the sale of A1 retail goods.*

Judge Behrens accepted that there could be difficulties in enforcing the condition in that it would not be straightforward to police the sales from the pharmacy. However, it would not be impossible. Records would be available as to the prescriptions dispensed by the Pharmacy and the identity of the patients. Equally there would be records of other goods sold by the Pharmacy. Furthermore intelligence might well be available from rival retailers.

In the course of the submissions criticism was made by Anthony Crean QC of specific parts of the wording of the condition such as 'shall operate as shown on the approved plans' and 'be fully integrated as part of the surgery'. Judge Behrens noted that these phrases were fundamental parts of condition 9 and accepted that although some of the phrasing could have been better, the approved plans clearly show where the pharmacy is to be situated and that it is within the same building as the surgery.

Using the benevolent construction as referred to above, Judge Behrens stated that he would have little difficulty in interpreting the phrases as meaning that the pharmacy shall be constructed as indicated on the plans and be an integral part of the surgery. In his view therefore condition 9 is lawful.

Judge Behrens rejected grounds 5 to 8.

4.0 Conclusion

4.1 Judge Behrens dismissed the application for judicial review on the 19th of December.

In the view of his Honour Judge Behrens none of the Challenges to the grant of planning Permission succeeds.

5.0 Costs

5.1 The Defendants (Leeds City Council) application for costs was granted.

The Claimants application for costs was rejected.

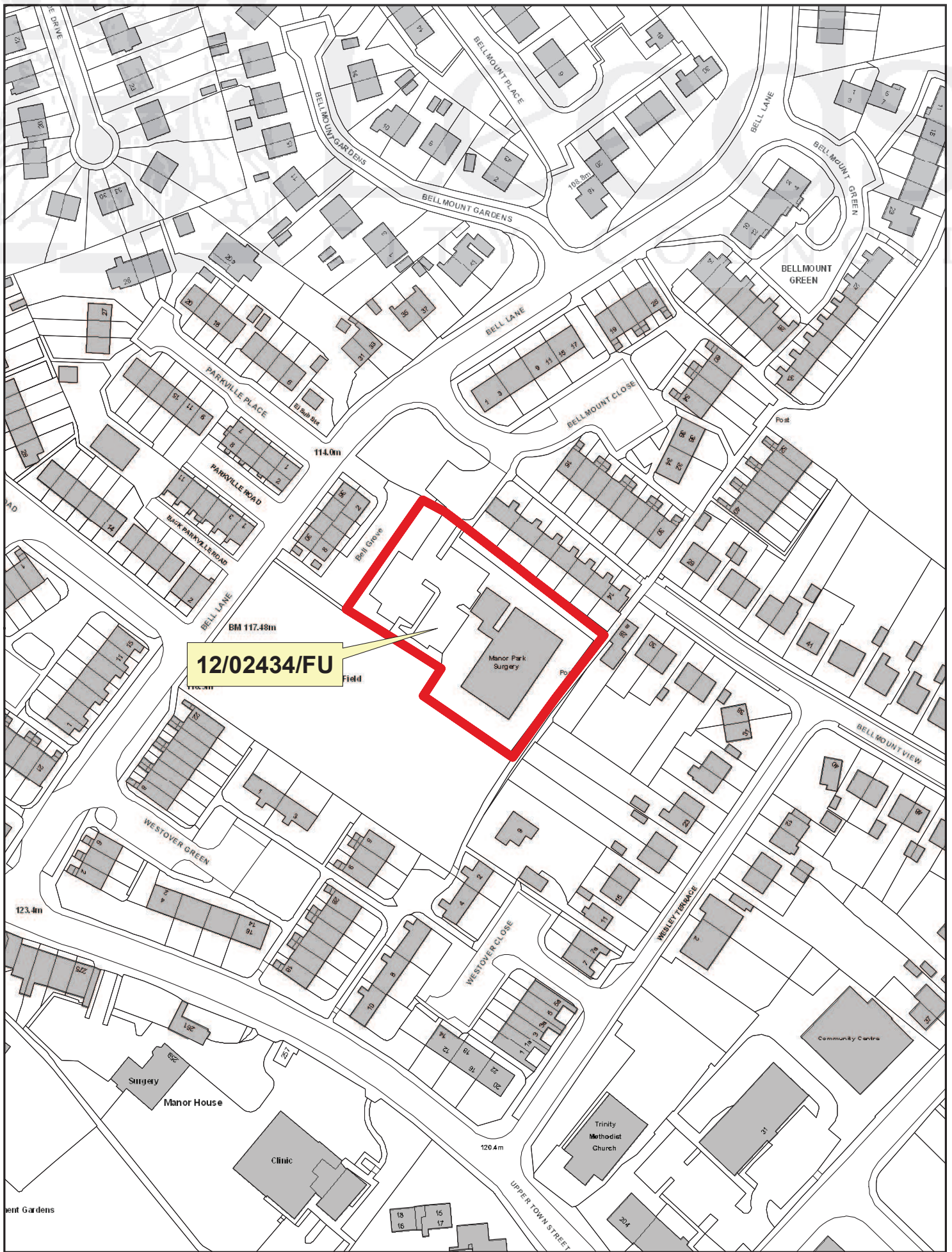
6.0 Current Position

6.1 Shortly after Christmas Judge Behrens denied an application by Lloyds Pharmacy's Limited seeking leave to appeal.

Subsequent to the issuing of the decision the Claimant, Lloyds Pharmacy's limited, has sought Leave to Appeal Judge Behrens decision. This has to be done within 21 days of the handing down of the decision. This has to be lodged initially with the determining Judge. This has been submitted and has been refused by Judge Behrens. Lloyds once denied permission by the judge can also seek leave to

appeal from the Court of Appeal in London. This has to be done within the 21 days referred to above. Legal Services have advised that on occasion a 7 day extension can be granted, but this would mean that the period in which an appeal can be lodged (with a 7 day extension) ran out on the 15th of January. At the time of drafting this report we are not aware of such an application being submitted.

- 6.2 As a result of lessons learned during the above process and advice provided by Mr. Hugh Richards, work is being carried to improve report formats to ensure as far as possible that Officer reports are robust enough to stand up to the level of scrutiny that the reports for this application were subjected to.



SOUTH AND WEST PLANS PANEL



Originator: Sarah Hellewell

Tel: 0113 222 4409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 30th January 2014

Subject: 13/03007/FU: Residential development for 6 pairs of semi-detached two storey dwellings (12 in total) at land and premises opposite 60 to 68 Half Mile Lane, Stanningley, Pudsey.

APPLICANT

Chartford Lunn LLP

DATE VALID

2nd July 2013

TARGET DATE

1st October 2013

Electoral Wards Affected:

Bramley and Stanningley

Yes

Bramley and Stanningley
(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 the completion of a S106 Agreement within three months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to cover the following obligations:

- 1. Greenspace contribution - £30,337.55**
- 2. Provision of parking restrictions on Half Mile**
- 3. Easement – details of location, restrictions and access for maintenance**
- 4. local employment in construction of housing**

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of all walling and roofing materials to be submitted.
4. Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority.
5. Areas used by vehicles to be laid out, surfaced and drained.
6. Existing trees on site to be retained shall be protected during the construction period.
7. 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.

8. Hard and soft landscaping works shall be carried out in accordance with the approved details.
9. If, within a period of five years any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.
10. Details of all new walls and fences shall be submitted.
11. Details of contractors parking and loading and unloading of materials and equipment shall be submitted.
12. Local Planning Authority to be notified in writing immediately where unexpected significant contamination is encountered during any development works.
13. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use.
14. Visibility splay to be provided as shown on approved plan
15. Details of proposed works at new access point to be submitted.
16. 17. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected or insertion of windows.
18. Full details of method of construction for house 4 regarding the wall and easement.
19. Restriction on what can be built and grown with the easement area.
20. Full details of section of wall to houses 11 and 12 to be submitted and to be built to eurocode standard
21. Surface water scheme and implementation.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as the last application was submitted to West Plans Panel on 7th August 2008 and also with regard to the local interest in the site.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for 6 pairs of semi-detached two-storey properties (12 in total). The application has been revised since it was originally submitted with the layout amended but the number of units proposed remains the same; they key change is the location of plots 5 – 12.
- 2.2 The revised scheme proposes the construction of 12 houses served by a single vehicular access, which joins Half Mile Lane at the northern end of the site close to the junction with Fernbank Avenue. The access road will then run southwards through the site adjacent to the western boundary ending in a cul-de-sac towards the southern end of the site.
- 2.3 The houses will be located to the northeast, east and south of the access road and all the dwellings proposed are 3 bedroom dwellings and two-storeys in height.
- 2.4 Four pairs of semi-detached properties plots 5 – 12 will run down the length of the site parallel to the eastern boundary. Plots 11 and 12 are L-shaped semi-detached property. The gardens are to the rear of the plots which go upto the back wall.
- 2.5 Two pairs of semi-detached properties plots 1 – 4 are proposed at the southern end of the site fronting onto Half Mile. These houses are two-storeys high with a two-storey front gable feature. These houses will have garden areas to both their front and rear.

Pedestrian access to these plots is off Half Mile lane with parking accessed off Half Mile for plots 1 and 3; Plots 2 and 4 would have vehicular access from the rear.

- 2.6 The proposed plots 1 – 10 are standard designed semi-detached properties with a projecting front gable.

3.0 SITE AND SURROUNDINGS:

- 3.1 Historical maps indicate that in the mid 19th century the application site was in use as a sandstone quarry. This use appeared have ceased by the late 19th century and the site was subsequently backfilled.
- 3.2 At present the land is disused and has an overgrown and unkempt appearance. However until recently the site was used as a paddock for grazing horses and formed an attractive visual amenity for surrounding residents. At the southern end of the site are a number of sheds; these appear to be largely disused.
- 3.3 Half Mile Lane bounds the site to the east and north, Half Mile to the south and a public footpath and private road serving existing residential properties to the west.
- 3.4 The site is flat but is at a considerably lower level than Half Mile Lane, which is retained by a high wall running the length of the eastern boundary.
- 3.5 The surrounding area is residential with varying house styles and building materials. To the east, two-storey brick semi detached houses along Half Mile Lane face onto the site from a higher level. Opposite the site to the south is a terrace of three brick two-storey houses. To the south west is a cluster of traditional two-storey stone houses. A new stone, detached house, 2A Half Mile, has a curtilage along a substantial part of the western boundary. This house is of substantial size and is two-storey with habitable rooms and dormer windows in the roof space. The side elevation faces directly onto the site.
- 3.6 The surrounding houses are largely two storeys with the adjacent new house to the west at 2A Half Mile being higher at 2.5 storeys.
- 3.7 There is a public right of way running along the western boundary of the site and is not owned by LCC. This is very overgrown and very hard to access. It does not form part site of red line boundary for the application.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/01386/FU: application was submitted to Plans Panel on 7th August 2008 but was withdrawn. Planning permission was sought for laying out of access road and erection of 9 three bedroom and 3 four bedroom houses, with landscaping. The key issues raised were the principle of development and the release of the site.
- 4.2 07/05553/FU: Planning permission refused on 21 December 2007 for laying out of access road and erection of 10 three bedroom and 4 four bedroom houses with landscaping. The six reasons for refusal concerned, firstly the principle of development given this is a Greenfield site, secondly the resulting substantial loss of a visual amenity and failure to demonstrate that this open space site is surplus to requirements, thirdly insufficient useable amenity space and public open space areas, fourthly dominance of hard surfaced areas, fifthly over-dominance of the proposed three storey houses and sixthly the scheme is an over-development of the site.

4.3 24/270/05/FU: Planning permission refused on 8 August 2006 for a part single and part two storey medical centre with pharmacy and 67 car parking spaces. The three reasons for refusal concerned sustainability given the proposed use and the distance from public transport, the loss of a Greenfield site and the resulting substantial loss of visual amenity and the proposed design of the development not being of sufficiently high quality.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The scheme as submitted originally was not supported predominantly from a highways point of view as an over engineered layout and there were considered to be some visual and residential amenity issues.

5.2 Following discussions with the agent, a revised scheme was submitted with the internal road relocated to the eastern boundary rather the over-engineered S style road and therefore handing plots 2 -12 to nearer the eastern and north eastern boundary rather than the western boundary with the rear gardens backing onto this boundary. Subject to some further minor alterations following further consultations the revised layout was considered acceptable.

5.3 During the consultation process the issue of the retaining wall on the eastern boundary arose. The maintenance of the wall is required in relation to the highway above and therefore access to the wall is required for its long term maintenance which has for the last 15+ years being carried out by LCC but LCC is not the owner of the wall. Following discussions with colleagues in bridge and structures, it was agreed that a 3m easement should be provided from the wall and that would result in restriction of what future occupiers could put or grow in this area and that a condition be imposed regarding the construction methodology for plot 4 to be carried out in agreement with LCC. The applicant accepted this and will form part of the S106 and conditions

5.4 An incident that occurred in early December where a car crashed through a newly built wall opposite the junction off Fernbank Avenue on the NE corner of the site onto the site and landed in the area where unit 12 is proposed. As a result of this and subsequent discussions with highways colleagues it was determined that there was a duty of care on the authority regarding road safety. The suggested solution is that the wall be built to a eurocode standard to be agreed by the LPA and it would be paid for by the developer.

PUBLIC/LOCAL RESPONSE:

6.1 Ward Members: Ward Members briefing have been held and they been kept informed on the application and related issues and they have also attended a site meeting with local residents.

6.2 The application has been advertised by site notice for a major development affecting a right of way on 19th July 2013. The application was also advertised in the press on 18th July 2013.

6.3 The layout as originally submitted received 18 letters of representation, 17 objecting, 5 of these letters from one household and one letter with general comments. The points raised are:-

- Why build on greenspace/Greenfield other sites available?
- Concerns regarding access to two houses on Half Mile
- Highway safety issues already exist and the development will have further accumulative impact upon highway safety
- site is in a poor state, never maintained
- too many houses on the site
- loss of vegetation on the site

6.4 Site meeting was held on 18th November with approximately 15 local residents and all three Ward Members. We walked around and discussed all issues raised and the following comments resulted from this meeting which were:-

- Can all the houses be accessed off the main access and not off Half Mile
- There are too many houses on the site
- Concern about highway safety on half mile lane, already bad and this will make the situation worse. Possible traffic calming and no right turn
- Bats have been seen on the site and in the locality
- Vegetation along the boundary of the site should be retained as a screen for amenity and visual amenity.
- Streetscene requested for Half Mile Lane to show the real streetscene (what will be seen from the half mile properties)
- It was suggested that a meeting may be held with Ward Members, officers and a representative of the local residents

6.5 Following further discussions, final revised plans and additional photomontages have been received and re-consultation and notification was sent out on Tuesday 14th January. Any further representations received will be updated verbally at Plans Panel.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways- No objection to revised scheme subject to conditions.

7.2 Land Contamination- No objection, subject to conditions.

7.3 Mains Drainage- No objections, subject to conditions.

7.4 Yorkshire Water – no objection subject to conditions.

7.5 Public Rights of Way – no objection.

7.6 Metro – commented that good pedestrian access to and from the site and to and from bus stops should be taken into consideration and provision of metrocards for residents.

7.7 Design - no objection to layout or design.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds

currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

Local Planning Policy

- 8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. The site is unallocated. The relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:
- Policy GP5 - refers to development proposals should seek to avoid loss of amenity.
 - Policy H4 - refers to housing on other sites not identified in the UDP.
 - Policy N12 - refers to urban design
 - Policy N13 - refers to the design of buildings having regard to the character and appearance of their surroundings
 - Policy BD5 – refers to design with regard to amenity issues.
 - Policy LD1 – refers to landscape provisions
 - Policy T2- New development should not adversely affect the highway network
 - Policy T24 – parking guidelines

Supplementary Planning Guidance/Documents

- 8.3 Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.
- 8.4 Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.

Emerging Local Development Framework Core Strategy

- 8.6 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.
- 8.7 The Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014).The Inspector is due to produce a schedule of Main Modifications by 31 January 2014.
- 8.8 The following draft policies from the Core Strategy are considered relevant to the application:

Spatial Policy 1: Location of new development

H2: New Housing Development on Non-Allocated Sites

P10: Design

P12: Landscape

T2: Accessibility Requirements and New Development

EN1: Climate Change

EN2: Sustainable Design and Construction

National Planning Policy

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

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

8.11 Paragraph 50 of the NPPF states that authorities should plan:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”

8.12 Para 49: Presumption in favour of sustainable residential development.

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

8.14 Para 58: Policies and decisions should aim to ensure developments:

- function to ensure 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).

9.0 MAIN ISSUES

9.1 The key issues to consider in determining this application and related policies are as follows and should be afforded significant weight in consideration of this application and are considered in section 10:-

- Principle of Development (H4, NPPF paras 49, 50)

- Layout, Design and Landscape (GP5, N12, N13, LD1, NPPF paras 56 and 58)
- Impact on Residential Amenity (GP5 and BD5)
- Highway Safety (T2, T24 and GP5)
- S106 Obligation

10.0 APPRAISAL

Principle of the Development

- 10.1 The site does not constitute previously developed land (Brownfield). Policy H4 of the Unitary Development Plan Review (2006) deals with residential development on unallocated sites and regards developments that lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies. The site is not allocated for greenspace and is privately owned land.
- 10.2 The application site does lie within the Main Urban Area with good public transport and road links to commercial centres including Bramley and Farsley. Therefore, it is considered that the application site is in a relatively sustainable location for residential development.
- 10.3 Given the fact that the site is in a sustainable location creating 12 family houses it is not considered that this particular proposal would be harmful to the overall housing policy of the Council in seeking to direct residential development to the main urban areas, brownfield sites and the regeneration areas in particular. In this respect the proposal is considered to comply with the initial parts of policy H4 and therefore the proposal is acceptable in principle provided that it also complies with all other relevant policies. Overall it is considered that the site can be supported for residential development given the housing demand for the city and the site is not protected as greenspace.

Layout, design and Landscape

- 10.4 Layout – the layout has been revised since the original submission and is in line with previous layouts which were considered acceptable with properties 1 – 4 creating a frontage onto Half Mile and then the remaining plots running alongside the eastern boundary with the access and road running along the western boundary.
- 10.5 Design – the house designs are considered to be acceptable which are standard designed semi-detached properties apart from an L-shaped semi which is to be located at the entrance of the site. The proposed materials are facing brick and some small areas of render, whilst it is accepted that surrounding residential development is of mixed design and materials the design of the properties has picked up local characteristic with their scale and use of projecting gable. It is considered appropriate to conditions this use of materials.
- 10.6 Landscape – the site has a number of trees and vegetation on and around the site. Some are self-seeded some are within the public right of way which does not form part of the application site. Some of the species are in poor health and would be removed as part of the application and some trees particularly on the N and NE

boundary and around the entrance to the site shall be retained. A landscape plan has been submitted showing trees to be lost, to be retained and replacement trees.

- 10.7 It is considered that the site presents certain constraints with its shape, difference in levels to the road and the retaining wall to the highway and therefore the revised scheme as submitted is considered on balance that the layout, design and landscaping is acceptable.
- 10.8 The application is over 10 units and an off-site greenspace contribution is required and this will be covered by a S106.

Impact on Residential Amenity

- 10.9 The semi-detached houses on plots 5 to 12 run along the eastern boundary, plots 7 and 8 are the nearest properties to 2A Half Mile of which the side elevation is approximately 13 metres that the new houses will not appear as significantly over-dominant when viewed from this property neither will they have a detrimental impact on the privacy and amenity of its occupants.
- 10.10 The new houses on plots 5 to 12 are approximately 24 metres away from the front boundaries of the houses opposite on Half Mile Lane and are set at a significantly lower level. The height to ridge level of the new houses will be approximately 2 metres lower than the ridge levels of the existing houses so this combined with the difference in ground levels and separation distances, means that the proposed houses should not significantly affect the amenity of occupiers of houses on Half Mile Lane.
- 10.11 At the southern end of the development, the proposed two storey houses on plots 1 to 4 mainly plots 3 and 4 are 15 metres away from the front boundaries with the properties opposite on Half Mile. The houses will be built up slightly but approximately 1 – 1.5m. However the separation distance between the existing and proposed houses is over 15 m and is considered to be acceptable and will not appear over-dominant.
- 10.12 Bathrooms windows are proposed on the side elevations of the proposed house; it is considered appropriate to obscure glaze these via a condition.
- 10.13 The proposed garden sizes for the dwellings are approximately 30 sq m and slightly below the guidance contained within Neighbourhoods for Living. However given the context and the nature of the site they are considered acceptable.

Highways Safety

- 10.14 The proposed access located at the north of the site is considered to provide adequate visibility on to Half Mile Lane. The wall will be set back and the footway will be widened in order to achieve an improved visibility splay.
- 10.15 The site provides two parking spaces per house plus visitor parking, in line with UDP policy. In addition each dwelling shows individual cycle storage provision.
- 10.16 The issue of traffic calming measure has been raised by local residents for Half Mile Lane. It is considered that the development of 12 dwellings would generate no more than approximately 9 vehicle movements in the AM and PM peak traffic periods. There have been just two recorded accidents (both classified as slight) in the last five year period and it would be difficult to justify the funding of extensive traffic calming

works from the proposed development on this evidence. If a 20mph limit or Zone was to be introduced on Half Mile Lane it would require the provision of approximately six traffic calming features. Highways have a programme for 20mph Zones for the next financial year and it is considered more appropriate to consider Half Mile Lane as part of this programme than to introduce an isolated scheme which may push traffic onto other less suitable routes as Half Mile Lane still retains a function as a local distributor route.

- 10.17 Parking to plot 4 is accessed via the proposed section of new highway although pedestrian access will still be available from Half Mile. There is some likelihood that occupants of plot 4 would wish to park in front of the property on occasion, it is considered necessary to prohibit parking on the radius of the junction adjacent to plot 4 in order to protect visibility from the junction of Half Mile and Half Mile Lane on the development side of the road. The development would need to fund a parking restriction at this junction and should be secured through obligations set out in the s106 Agreement that would be required as part of any approval.
- 10.18 An easement for maintenance is required adjacent to the retaining wall supporting the Half Mile Lane highway on the eastern boundary of the site. Therefore the details regarding the construction of the foundations to plot 4 in relation to the retaining wall is conditioned. Section 106 obligations will be required in order that the construction of plot 4 is agreed and that restrictions can be enforced on what can be placed within the easement, no structures will be permitted within the easement and roots of trees/vegetation which could have a negative impact on the foundations of the retaining wall or prevent access and any alterations to existing ground levels should be controlled:-
- Trees, shrubs or structures will not be placed in the easement strip, unless otherwise agreed with Leeds City Council Bridges Section.
 - Foundations for new buildings will not detrimentally affect the existing retaining wall abutting the highway. The developer will provide LCC Bridges Section with sufficient structural details of the development to agree in principle that the proposals are acceptable.
 - Consideration needs to be given to the choice and future availability of material used in the easement strip. It may not be possible to replace expensive and difficult to source materials on a like for like basis if they have to be removed for maintenance work. Leeds City Council will not be liable for carrying out any remedial works to make good any element in the easement strip other than the original surface finishing materials, subject to availability and cost.
 - The ground levels shall not be altered during the course of construction without prior consent of LCC Bridges section.
 - Finished ground levels at the back of the retaining wall abutting Half Mile Lane shall be approved by LCC Bridges section.

In addition, the retaining wall would also be affected by plot 4, conditions should be attached to any approval requiring details of the retaining wall to be agreed as set out below.

10.19 Below are the proposed planning obligations required and have been raised with the developer.

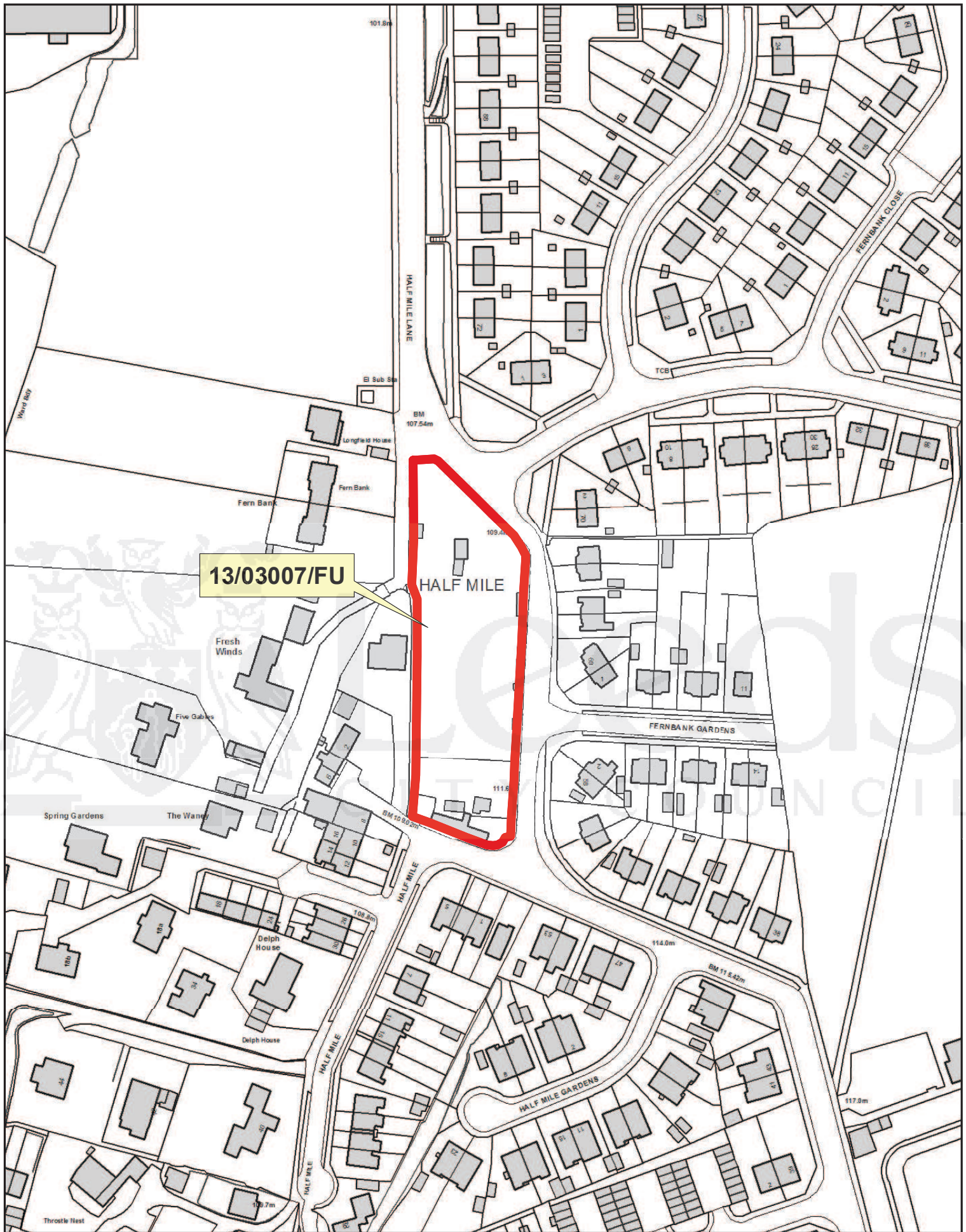
- Greenspace - £30,337.55
- Provision of parking restrictions on Half Mile
- Easement – detail of location, restriction and access for maintenance.

11.0 CONCLUSION

11.1 It is considered that the principle of housing development on this site is acceptable and that the proposed scheme is acceptable with regard to its layout and design, highways safety and its impact upon residential amenity. The application therefore is recommended for approval subject to the signing of the S106 and the attached conditions

Background Papers:

Application file and history files: 13/03007/FU and 07/05553/FU and 08/01386/FU
Certificate of Ownership: Signed by Agent Walker Morris Solicitors.



SOUTH AND WEST PLANS PANEL





Originator: Terry Moran

Tel: 0113 3952110

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 30^h January 2014

Subject: APPLICATION 13/05787/FU – Part Two Storey, Part Single Storey Extension to rear of detached House at 9 Lawns Green, New Farnley, Leeds.

APPLICANT

Mrs A Andrews

DATE VALID

17 December 2013

TARGET DATE

11 February 2014

Electoral Wards Affected:

Farnley & Wortley

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE PERMISSION for the following reasons.

- 1) The Local Planning Authority considers that the proposed rear extension would, due to its position on the boundary with Number 11 Lawns Green and its depth and height, have an overbearing and over-dominant impact on the occupants of that property, to the detriment of residential amenity, contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006), supplementary planning guidance within Policy HDG2 of the Householder Design Guide SPD, and the aims of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Hardy with regard to the potential impact on neighbours.

2.0 PROPOSAL:

2.1 This application is for a part two storey, part single storey extension to the rear of a detached house.

3.0 SITE AND SURROUNDINGS:

3.1 The site comprises a modern detached house of principally brick construction with a pitched roof. The house has a narrow driveway to the Northern side and directly abuts the boundary of the neighbouring property on the Southern side.

3.2 The house has a flat roofed single storey extension to the rear extending across part of the rear of the property. The house has a detached garage to the rear and a relatively spacious rear garden which extends by an average of 13 metres from the outermost rear elevation.

3.3 The house adjoins similar properties to either side. The house to the south, 11 Lawns Green, has a single storey extension across the full width of the rear of the house and the house to the north, 7 Lawns Green, has a small single storey flat roofed extension. . The house is typical in form and design of others within the street and is in a wholly residential area.

4.0 RELEVANT PLANNING HISTORY:

13/04534/FU – Part two storey, part single storey rear extension. Refused on 2 December 2013, Reason: Adverse impact on neighbouring property due to over dominance.

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application follows a 2013 proposal which was refused consent for the following reason:

The Local Planning Authority considers that the proposed two storey rear extension would, due to its position on the boundary with Number 11 Lawns Green and its depth and height, have an overbearing and over-dominant impact on the occupants of that property, to the detriment of residential amenity, being thereby contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006), supplementary planning guidance within Policy HDG2 of the Householder Design Guide SPD, and the aims of the National Planning Policy Framework.

5.2 During the application process for the previously refused application, a second site visit was carried out so as to allow a more detailed appraisal of the neighbouring properties and the potential impact on amenity of a rear first floor extension. Following this meeting, the agent for the application was advised that an application to extend the property at first floor would only be likely to receive Officer support if such an extension were inset from the site boundaries by at least 2 metres, in line with the recommendations of the Householder Design Guide SPD.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Two letters of representation have been received, which are

objections from the neighbouring properties at Number 7 and 11, on the grounds of over dominance, design and potential impact on property values.

7.0 CONSULTATION RESPONSES:

None

8.0 PLANNING POLICIES:

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). Relevant policies in the Local Development Framework must also be taken into account. Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 Local Policy

8.2 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.

- Householder Design Guide SPD:
 - This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. It helps to put into practice the policies from the Leeds Unitary Development Plan in order to protect and enhance the residential environment throughout the city.
 - Policy HDG1 of this document relates to design and appearance and states that alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
 - Policy HDG2 of this document states that development proposals should protect the amenity of neighbours.
 - This document was approved by LCC Planning Board in April 2012.

8.5 Draft Core Strategy

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

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the examination.

8.6 National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues.

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

9.0 MAIN ISSUES:

- Neighbouring residential amenity
- Design and character
- Comments submitted by the applicant
- Representations

10.0 APPRAISAL:

10.1 This application is a resubmission of an application which was refused under delegated powers in December last year. The applicant has amended the proposal to reduce the depth of the two-storey element of the extension by 0.85m on the side which abuts 11 Lawns Green, thus seeking to lessen the impact on the neighbour and overcome the previous reason for refusal.

10.2 What is now proposed is an extension which would be partly over the existing ground floor extension, partly two storey and partly single storey. The first floor element of the proposed extension projects by 2.75m on the side nearest number 7 and by 1.9m on the side nearest Number 11. There is a 2m gap between the side of the house and Number 7 but the house directly abuts the boundary with Number 11. On the boundary with number 11 there would therefore be a further rearwards projection of 1.9m for the first floor element and 2.75m for the single storey element. The impact on the neighbour is mitigated to an extent by the presence of a single storey extension to the rear of number 11, and the proposed 2 storey element of the proposed extension would project out no further than that existing extension. This means that there would be no impact of significance on the rear windows to that property. There would nonetheless be a significant area of 2 storey walling which would be directly on the neighbour’s boundary which it is considered would appear overbearing to those occupiers. The Council’s Householder Design Guide states (p29) (with regard to 2 storey extensions) that “If the site is level and the rear elevations are flush a 3.0m depth may be possible if the extension is set a minimum of 2.0m away from neighbouring boundaries. Two storey extensions must always be a minimum of 2.0m away from boundaries to qualify as Permitted Development – i.e. classes of development which can be carried out without planning permission.

10.3 With regard to potential overshadowing, the proposed extension faces due East, with a maximum 2.75 metre projection at first floor level. An assessment of shadows has been carried out which indicates that the extension would not cause

overshadowing to Number 11. The proposed extension would result in some limited increase in shading to the garden of Number 7 during the early afternoon. This would, however, be mitigated by the position of a single storey rear extension at Number 11 and further mitigated by the position and height of the garage at the host property which would already cast a shadow at that time. It is concluded that the additional shadowing would be fairly minimal and would not in itself amount to grounds for refusal of the application.

- 10.4 With regard to privacy, no windows are proposed which would result in direct overlooking of adjacent properties.
- 10.5 The proposed extension is at the rear, with matching materials proposed. As such, its design is not considered to raise any concerns with regard to design and appearance in the street scene.
- 10.6 The applicant has submitted additional supporting documentation which refers in depth to the Householder Design Guide SPD. The applicant states that the proposal complies with matters pertaining to the 45 degree rule, that its design is acceptable due to the extension being at the rear and further states that the extension is so positioned as to be more than 2 metres from the neighbouring property at Number 11 and thus will not be unduly harmful, and also states that similar developments have been approved in the locality.
- 10.7 It is agreed that the 45 degree rule (which is referred to in the Householder Design Guide as a means of assessing the impact of proposed extensions on neighbouring windows) is satisfied by this proposal but this is not the concern here. As described above, the concern is with regard to what is considered would be the overbearing impact on the neighbouring property of a two storey extension built on the party boundary.
- 10.8 Although other examples of large extensions exist in the locality, the examples quoted are of such an age as to pre-date the adopted Householder Design Guide SPD. The Householder Design Guide SPD has been formulated as a positive way forward, and to set a clear benchmark against which to assess new proposals, having been formally adopted as supplementary planning guidance in 2012. As such, it is considered that the requirements of the SPD carry significant weight and that current proposals which do not meet the criteria set out in that policy will not normally be acceptable notwithstanding that there may be historic extensions which would breach that policy.
- 10.9 Two letters of representation have been received. These are from the neighbouring properties at Numbers 7 and 11 Lawns Green. Both letters are objections on the grounds of over dominance, design and potential impact on property values. The issues of design and over dominance are discussed above. Issues relating to potential impact on property values are not a material planning consideration.

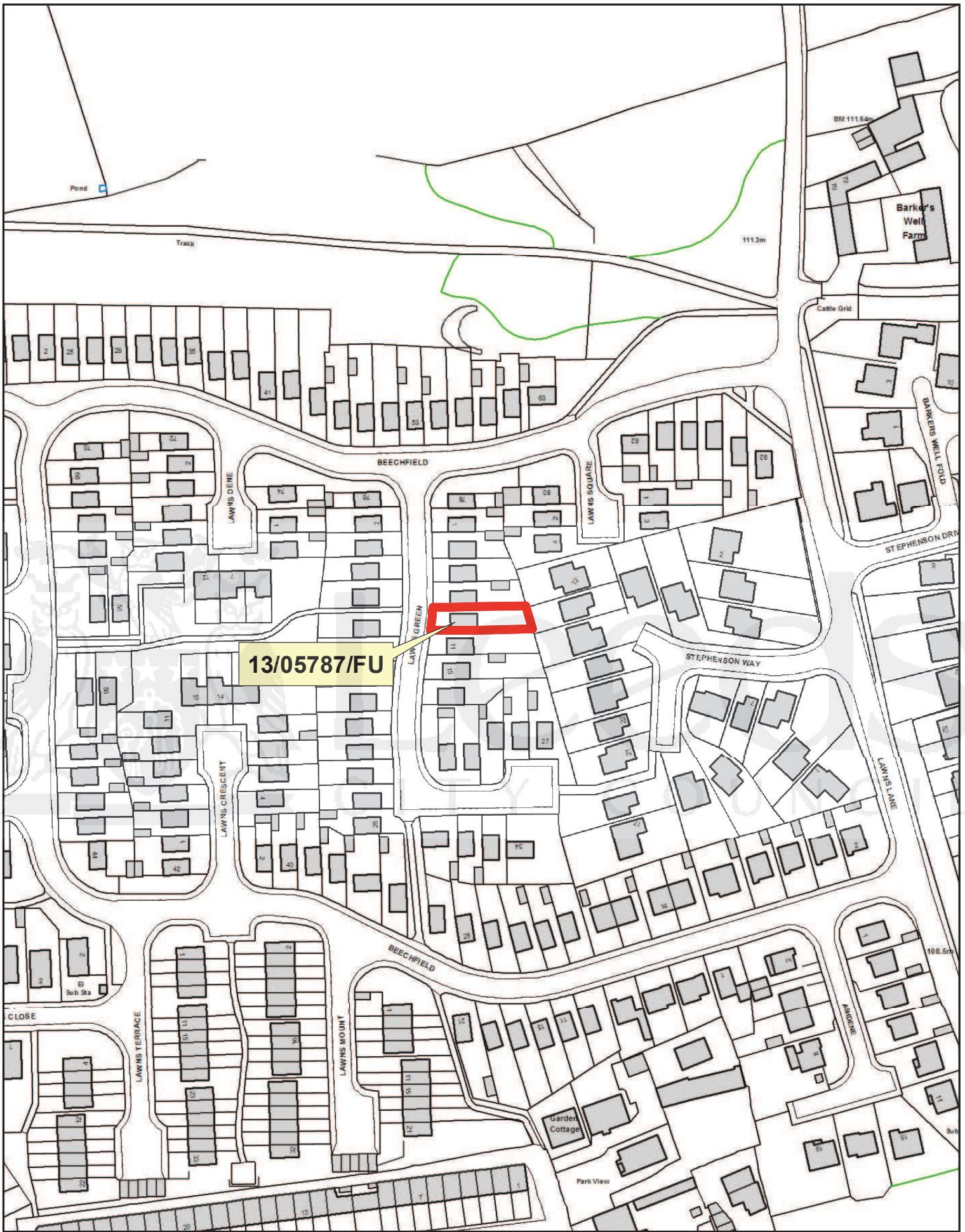
11.0 CONCLUSION:

- 11.1 It is concluded that the development would be harmful to the residential amenities of the occupiers of the adjacent property and would not accord with the provisions of the Unitary Development plan Review 2006, policy GP5, or the provisions of the Householder Design Guide SDP, and refusal is therefore recommended.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



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Originator: Alison Stockdale

Tel: 0113 2478000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 30th January 2014

Subject: APPLICATIONS 13/05106/FU – retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds LS16 5NR

APPLICANT

Mr T Hussain

DATE VALID

1 November 2013

TARGET DATE

14 February 2014

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions.

1. Development to be carried out in accordance with the approved plans.
2. The garage shall not be used other than for the storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation.

1.0 INTRODUCTION:

- 1.1 This application is brought to panel at the request of Ward Member Councillor Sue Bentley who has concerns that the garage has been substantially constructed without planning permission, and also considers that nearby neighbours should have the opportunity for the application to be considered by Plans Panel.

2.0 PROPOSAL:

- 2.1 The application is retrospective and is for a double garage with garden storage to the rear and additional storage above accessed via an internal staircase.
- 2.2 The garage is 9.4m long and 7.5m wide. The garage has a pitched roof and is 5.2m to the ridge and 2.8m to the eaves. It is sited 2.5m from the rear boundary. The materials are render on the walls and slate for the roof.
- 2.3 The proposed garage replaces a previous garage which measured 6.5m long and 5m wide and was sited 1m from the rear boundary.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application property comprises a substantial detached dwelling recently extended and divided into two houses set in a fairly spacious garden. The property is single storey to the Weetwood Lane frontage and two storey to the rear. External materials are principally render with a tiled roof. The property occupies a corner plot at the junction of Weetwood Lane with Weetwood Avenue and is located in a tree-lined mature residential street of mainly larger properties in substantial gardens. The properties have two vehicular entrances: from Weetwood Lane and at the corner junction on Weetwood Avenue. The boundary of the property comprises an attractive coursed stone wall topped with a low railing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/02975/FU – Change of use of house to two houses involving 1st and 2nd floor extensions, including raising the height of the roof – approved 9 July 2012. A condition of this permission requires that any further extensions or outbuildings will require planning permission.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 6 objections have been received, including from Ward Members Councillor Sue Bentley and Councillor Judith Chapman and the Weetwood Residents Association.
- 6.2 The ward councillors raise the following issues:
- Objections to the retrospective nature of the application – the applicant knew an application should be submitted
 - It is very large and out of keeping with other garages locally
 - Concerns that the upstairs could be used as living accommodation
 - The 2012 application was for extensions to the existing building; a new building has been built instead
 - Permitted development rights were removed by the 2012 application
- 6.3 The residents' association and a local resident have raised the following issues:
- The development has taken a long time to complete
 - Harm has been caused to pavements, verges and hedges during construction
 - Waste has been burnt on the site during construction
 - The applicant is attempting to bypass planning controls
 - The garage is large and out of keeping with other garages in the area

- It is bigger than the demolished structure
- It has windows in the roof and could be used as living accommodation
- Only a single garage door is provided and so the garage will only be accessible to a single vehicle

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations

7.1 None due to the nature of the application.

Non-Statutory Consultations:

7.2 Highway Authority – No objections

8.0 PLANNING POLICIES:

Local Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise

Leeds Unitary Development Plan (Review) 2006

This is the Statutory Development Plan for the Leeds District. Relevant policies are considered to be:

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

BD6 - requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.

T2 - states that development proposals should not create new, or exacerbate existing, highway problems.

Supplementary Planning Documents

Householder Design Guide

Policy HDG1 of the Householder Design Guide requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality with particular attention to be paid to the roof form and roof line, window details, architectural features, boundary treatments and materials.

Policy HDG2 of the Householder Design Guide requires development proposals to protect the amenity of neighbours and states that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

Core Strategy

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

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

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.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

9.0 MAIN ISSUES

1. Principle of development
2. Character and design
3. Amenity
4. Highways issues
5. Other issues

10.0 APPRAISAL

- 10.1 The application is a retrospective application for a detached garage built to the rear of the house on the site of a former garage now demolished.
- 10.2 Subject mainly to design, amenity and highway safety considerations the erection of ancillary domestic buildings within the curtilage of established dwellings such as garages should normally be acceptable.
- 10.3 The garage is fairly substantial being a generously proportioned double garage internally with storage space above reached by a staircase to the rear and being lit internally by roof lights. The garage is larger than the demolished one but the site is sufficiently large to accommodate this and retain an appropriate area of external amenity space for residents. It is also not highly visible in the street scene. As a result of the narrow drive, set back from the highway and significant hedge boundary treatment, the bulk of the garage is not apparent from Weetwood Lane or Weetwood Avenue. The design is considered to be appropriate to the locality and the character of the dwelling and materials are also appropriate being render to match the dwelling.
- 10.4 The garage is sited further from the property to the rear (No.1a Weetwood Avenue) than was the previous demolished garage which was sited here. Although it is larger than the previous garage, the boundary treatment is approximately 4.0m high and gives significant screening of the garage from the neighbouring property. The same is true to the side where the garage is screened from No.78 Weetwood Lane by a 4.0m high hedge boundary treatment. The garage has 3 roof lights and windows to the south elevation facing across the garden and the east elevation facing No.1a Weetwood Avenue. The roof lights and windows facing across the garden do not

result in any overlooking to neighbouring properties. The boundary treatment to the rear ensures the windows in the eastern elevation do not overlook No.1a Weetwood Avenue. It is concluded that there is no adverse impact on adjoining neighbours through overlooking or over dominance/overshadowing.

- 10.5 The garage provides parking for 2 vehicles. There is also parking to the side and front of the property and this is considered sufficient to ensure there is no increase in on-street parking as a result of the scheme.
- 10.6 Concern has been raised by objectors that the garage could be used as living accommodation. The applicant has confirmed that the building will be used for garaging and garden storage downstairs with general storage above. Windows are provided to allow natural light to the interior. A condition has been recommended to ensure that the garage continues only to be used for general storage and vehicle parking. Any proposal to use the garage as living accommodation would require planning permission.
- 10.7 The majority of the issues raised in the representations relate to non-planning considerations. It is acknowledged that the garage is retrospective and was built without the benefit of planning permission. Whilst this is clearly unsatisfactory an application has now been made and the obligation of the Planning Authority is to determine the application in accordance with the development plan and any other material considerations.

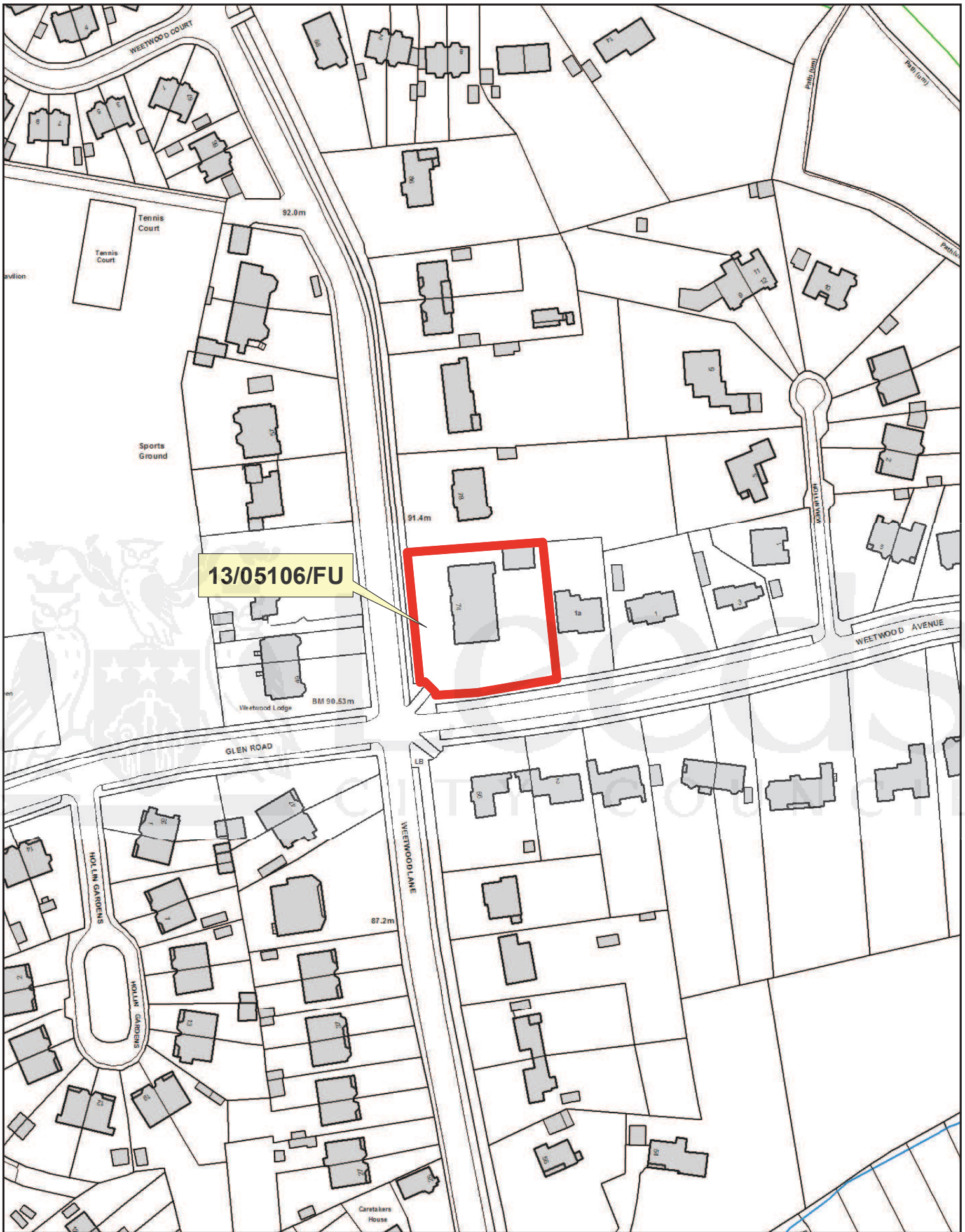
11.0 CONCLUSION

- 11.1 In conclusion, the proposal is considered to comply with relevant policies GP5, BD6 and T2 of the Leeds UDPR and policies HDG1 and HDG2 of the Householder Design Guide and is thus in accordance with the Development Plan. A restrictive condition is recommended to restrict future conversion to living accommodation.

12.0 Background Papers:

12/02975/FU

13/05106/FU



13/05106/FU

SOUTH AND WEST PLANS PANEL





Report of the Chief Planning Officer

Plans Panel West

Date: 30th January 2014

Subject: POSITION STATEMENT: APPLICATION NUMBER 13/05526/FU: Installation of four floodlights, sub station and associated infrastructure to cricket ground

At: Headingley Stadium, St Michaels Lane, Leeds

APPLICANT

Yorkshire County Cricket Club

DATE VALID

02.01.2014

TARGET DATE

27.02.2014

Electoral Wards Affected:

Headingley and Kirkstall

Yes

Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide comment/feedback on the questions raised at section 9 of this report paragraph, 9.28.

INTRODUCTION:

- 1.1 This report is brought to South and West Plans Panel for information. This planning application relates only to the Cricket Ground part of Headingley Stadium, which is conjoined with the Rugby Stadium by the Main Rugby Stand.
- 1.2 Yorkshire County Cricket Club is financially dependent upon the staging of international cricket, as domestic cricket currently only breaks even. The Club currently has the benefit of a Staging Agreement with the English and Wales Cricket Board ("ECB") until 2019 which guarantees eight unbroken years of one England Test Match and one England One Day International (ODI) each season. However, beyond 2019 the Club must plan to secure its future as an international cricket venue. In addition to new Test Match venues (Hampshire CCC's Ageas Bowl; Durham CCC's Riverside Ground; and Glamorgan's SWALEC Stadium), existing Test Match venues have undergone, or are currently undergoing, significant ground improvements,

including the installation of permanent floodlights. Edgbaston, Lords, Old Trafford, The Oval, SWALEC Stadium, Aegaeus Bowl and Trent Bridge all benefit from permanent floodlighting.

- 1.3 Headingley is one of the few remaining venues, which does not have the benefit of permanent floodlighting - the installation of which is soon to be a mandatory International Cricket Council ("ICC") requirement for grounds staging international matches. The use of temporary lights at cricket grounds is no longer pursued by the ECB due to the superior performance for the broadcaster and players from permanent floodlights since their existence has become more prevalent around the UK. Therefore the provision of permanent floodlighting is essential to ensure that International cricket, including Test Cricket continues at Headingley.
- 1.4 This report seeks to outline the emerging issues associated with the development, namely the impact of the floodlights on local resident and the effect upon the character and appearance of the adjacent Headingley Conservation Area. The report also seeks to outline the benefits associated with the development.

2.0 PROPOSAL:

- 2.1 The proposal seeks planning permission for the erection of 4 floodlights and an electricity sub station.
- 2.2 The overall height of each flood light would be 58metres. The column would be 50metres in height and the lighting element would be 8metres in height. The floodlight frames would be 14.5metres in width and would be illuminated to a level of 640 Lux each. The mast structure will be formed of steel construction with a galvanised finish. The mast foundations will be formed of reinforced concrete construction of a sufficient depth to resist the applied dead and wind loading.
- 2.3 The four masts would be located to the rear of the north stand, the bin store location of the east stand, the south end of the western terrace at the rear of the stand and immediately to the west of the Carnegie pavilion.
- 2.4 The existing infrastructure at the ground is insufficient to power the 640 luminaires proposed in this scheme as such there is a requirement for the installation of a new sub-station. It is proposed to locate this adjacent to the existing sub-station on the east of the ground behind the northern stand where there are currently parking spaces provided. This would be of similar size and form to the existing substation which is a single storey building.
- 2.5 The floodlights would be used between 15-20 per season for one day games, test matches, day night T20 games and to allow County Championship matches to play in bad light conditions. The floodlights would only be used for cricket match purposes. The lights would only be on full power until 10.00pm at the latest and then at reduced power (i.e. around 20%) until 10.45pm at the latest.
- 2.6 The applicant states there may be occasion, and only where a match is being broadcast on television, where the match start time is delayed and will therefore finish later than scheduled. This will most commonly be due to adverse weather conditions leading up to the start of the match. In these situations, an exceptional curfew (i.e. up to one hour later than the normal curfew) may need to operate but would be limited to no more than six times per season.

- 2.7 The Club has an opportunity to secure some funding from the ECB towards the cost of installing permanent floodlighting, however additional funding will be required. Should the planning application be approved and the funding secured, the Club would seek to install the lights as soon as possible with the aim to have the lights in place by the start of the 2015 season. However, should it take a longer period to secure the additional funding for the lights the Club is seeking approval for a five year period.

3.0 SITE AND SURROUNDINGS:

- 3.1 Headingley Cricket Ground is bound by mixed residential properties on Kirkstall Lane to the north, Cardigan Road to the east, St. Michaels Lane to the south-west, and Greysields Avenue to the west. The Cricket ground adjoins the rugby stadium and they share a stand. The rugby stadium has 4 permanent flood lights, dating back from the 1960s. They are estimated to be 30metres in height. Further clarification on their height is being sought and the progress on this will be brought to Panel.
- 3.2 Headingley town centre is located along North Lane to the north-east of the Ground. The site is adjacent to the Headingley Conservation Area and is also washed over by the Area of Housing Mix UDP designation. The ground is also designated within the UDP as Protected Playing Pitches under Policy N6.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 26/156/00/RM - Alterations & extension to pavilion new east stand new shop terracing and new raised roof to north/south stand. Approved 30.10.2000
- 4.2 26/12/01/FU - 4 storey stand with practice area bar restaurant and 36 bedroom/box hotel. Approved 01.05.2001
- 4.3 26/19/02/FU - New terracing to cricket ground. Approved 06.06.2002
- 4.4 08/02354/FU - Demolish existing winter shed stand, media centre and boundary wall to Kirkstall Lane, replace with 5 storey building for university teaching space and admin offices, new cricket facilities including changing and officials rooms, hospitality facilities, new media centre, replacement spectator seating and admin offices, associated landscaping and car parking off St Michael's Lane. Approved 16.03.2009
- 4.5 26/185/95: Outline application for new cricket and rugby stands and facilities – including a redevelopment of the existing winter shed and media centre. (Access and Siting approved) August 2000.

5 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant undertook a period of community consultation prior to the submission of the application. The applicant presented the scheme to affected ward councillors and then held two community drop in exhibitions for local residents to attend. The applicants statement of community involvement notes that 27 residents attended the drop in sessions. The statement notes that there was broad support to retain international cricket at Headingley and that the majority of respondent were in favour of the flood lights but there was some concerns over the size, siting and whether the flood lights could be mounted on telescopic columns.
- 5.2 Some Panel Members may recall that in June 2012 West Panel undertook a site visit to Trent Bridge to view Nottinghamshire CCC permanent flood lights in operations.

6 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by Site Notices and an advert has also been placed in the press. Thus far there have been 3 letters of objection received and 1 letter of support. The following matters have been raised:

- The floodlights are contrary to the Headingley and Hyde Park NDS paragraphs 15.2 and 15.4.4 of the NDS.
- The floodlights would add to the over dominance of the stadium already on the locality
- The value of floodlighting to the cricket ground is appreciated
- The stadium is already out of character with the surrounding area.
- The floodlights are too high
- Retractable floodlights should be used
- Welcome to Yorkshire have written in to support the application. They reference the importance of the economic impacts of the development and the importance of the stadium to attracting tourism.

CONSULTATION RESPONSES:

6.2 The consultation phase of the application expires on the 29th January. It is likely that a verbal update on any matters arising will be presented to Panel.

Statutory Consultees

Non Statutory Consultee

Leeds Bradford International Airport: State the proposals are unlikely to conflict with aviation interests

National Air Traffic Service has no objection to the application.

7 PLANNING POLICIES:

7.1 The Development Plan for the area consists of the adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Plan (Core Strategy and Site Allocations Plan) will eventually replace the UDP – the Core Strategy has been submitted to the Secretary of State and is currently undergoing Examination.

Development Plan:

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

Leeds Unitary Development Plan (Review 2006)

- GP5: General planning considerations.
- GP11: Development to meet sustainable development principles.

- SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
- N6: Protected Playing Pitches
- N12: Development proposals to respect fundamental priorities for urban design.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T24: Requires parking provision to reflect detailed guidelines.
- LD1: Criteria for landscape design.
- Policy N19: refers to all new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.
- Policy SA2: Encourages development in locations that will reduce the need for travel, promotes the use of public transport and other sustainable modes of transport.
- Policy SA6 – seeks to encourage the provision of facilities for leisure activities and promote tourist visits to Leeds.

Supplementary Planning Guidance

- Neighbourhoods for Living.
- Headingley and Hyde Park Neighbourhoods Design Statement SPD
- The Vision for Leeds II (2004-2020)
This document provides the strategic vision for Leeds and sets out the aspirations of the Leeds Initiative for the City. Two of the central aims are to move Leeds up a league as a city and make Leeds a major European City.

Emerging Core Strategy

- 7.3 Leeds City Council submitted its Core Strategy to the Secretary of State on the 29th April 2013. The document has now completed its hearing stages of the Examination and will now undergo a series of proposed modifications. Formal adoption of the document is anticipated in 2014.
- 7.4 The Core Strategy Submission document makes clear (paragraph 3.36) that professional sport, including cricket continues to be a source of local pride and gives the city an international profile.
- 7.5 Draft Spatial Policy 8 (Economic Development Priorities) gives support to Leeds' local economies by continuing to grow opportunities in the leisure and tourism sector. Paragraph 4.7.9 of the Submission Core Strategy (April 2013) also goes on to state that: "In principle the Council support improvement at its major sporting venues, such as Headingley Carnegie Stadium."

National planning policy

- 7.6 National Planning Policy Framework: Paragraphs 56 and 57 refer to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.
- 7.7 Paragraph 65 states LPA's should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

7.8 Paragraph 66 states Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

7.9 Paragraph 131 states In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8 MAIN ISSUES:

- Principle of the development
- Mast Design and Siting
- Impact on the setting of Headingley Conservation Area
- Impact on neighbours from the siting of the columns and the effect of the floodlights when in use.
- Highways Issues
- Other Issues including benefits

9 APPRAISAL:

Principle of the development

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The site is designated within the UDP as being Protected Playing Pitches, Policy N6. The proposed floodlighting scheme does not interfere with the defined boundaries of this protected pitch. The proposal seeks to enhance existing sporting facilities and in this context is in accordance with the aims of Policy N6 and also supported by the relevant paragraphs of the NPPF. Provision of permanent floodlighting for the cricket club will support the protection of the playing field and sporting use of the stadium as a whole. Adopted UDP Policy SA6 seeks to encourage the provision of facilities for leisure activities and promote tourist visits to Leeds in ways which secure positive benefit for all sections of the community. The proposed permanent floodlighting scheme which could help ensure that international and Test Match cricket is retained at Headingley would be in accordance with the aims of this strategic policy. In this context the proposed permanent floodlight scheme also meets the aims of The Vision For Leeds (2004-2020).

Mast Specifications

9.2 The ECB and ICC recommendations state that a minimum of six masts should be installed to prevent harsh shadows & improve uniformity. The ECB have placed constraints on the location of the masts, which state that no masts can be located within 15 degrees of the wicket. Yorkshire County Cricket Club have stated the masts must be located on land owned by the Club itself. This effectively disqualified

the optimum layout for a six floodlight configuration, due to the availability of land in optimum locations.

- 9.3 Therefore, a four mast solution has been developed by the applicant in an attempt to balance the requirements of the Club and the recommendations of the ECB and the ICC, both of whom accept four mast solutions where a six mast solution cannot be progressed. An engineered lighting scheme has had to be developed to prove that the four mast configuration can achieve the recommended lighting levels.
- 9.4 The ECB guidelines for flood lighting of cricket pitches specify that the height to the underside of the headframe should be greater than or equal to 25 degrees above the horizon when measured from the centre of the pitch to minimise glare for the players. In order to achieve this requirement, the mast height has been set at 50m above ground level to the underside of headframe, 58m above ground level to the top of the headframe. The applicants state the mast height has also been chosen to reduce light spill. Lower masts would result in greater spill light due to shallower luminaire aiming angles.
- 9.5 The applicant states the headframe design has been developed based on existing design at other stadiums, namely Lord's Cricket Ground, and the requirement to provide a lateral distribution of luminaires to achieve the lighting levels required. The concave design allows light to be spread laterally, which is especially important for a four mast solution.
- 9.6 The applicants have explored alternative options including telescopic columns and cranked columns, similar to those at Lords, The Oval and Edgbaston cricket grounds however, due to the costs associated with these options they are not considered viable by the applicant. The applicant has stated that the proposed fixed floodlights are likely to cost in the region of £1.8m for all 4 masts. 4 Telescopic floodlights would be in the region of £3m. The applicants also state this option would require significantly larger ground space to accommodate the foundations to support the structures which due to the locations available around the stadium for the columns cannot reasonably be accommodated. The telescopic masts would also require larger lighting elements than currently proposed. When retracted these lighting elements would likely generate their own impacts in relation to possible overbearing and dominance on neighbours and would also be significantly more visible in the street scene. Further information on the viability of different types of floodlights is being explored by the applicant and a verbal update will be brought to Panel on its progress.
- 9.7 The applicant has provided the following response in relation to the consideration of utilising Cranked masts similar to those used at Edgbaston in Birmingham:

“The current design proposal utilises the most efficient structural solution: 1500mm diameter vertical fixed masts and relatively shallow foundations formed of a mass concrete footing or mini-piles. The incorporation of a cranked mast solution would increase the stresses on the structural masts and foundations by a factor of approximately 50%, which in turn would lead to a corresponding increase in the mast diameter and foundation size. This presents implications regarding siting of the masts and overall project cost. Both of these factors, especially siting of masts has to be given careful consideration on a constrained site such as Headingley. The mast at the North East of the site has been located such that access and structural modifications to the north stand are kept to an absolute minimum whilst achieving a location that is acceptable from a complaint lighting design perspective. A larger diameter floodlight mast and associated foundation would not be feasible in or near

this location without significant structural alterations to the north stand and undertaking necessary earthworks adjacent to the boundary under the north stand. These considerations are also applicable to the mast adjacent to the East stand, which is located in a small pocket of land currently used as a bin store; the south west mast which is located within the Rugby circulation route; and the North West mast which already takes up much needed parking adjacent to the pavilion”.

Impact on the setting of Headingley Conservation Area

9.8 The proposal borders the Headingley Conservation Area. As such the proposal should preserve or enhance the setting to this part of the conservation area. Officers consider that the proposal represents a functional response to the ECB and ICC requirements for permanent floodlighting. Given the increase in height above the existing buildings in the locality (approximately 34.5m higher than the Carnegie Pavilion which is about 23.5m high from the pitch facing elevation) the proposal will be a significant feature within the street scene and adjoining the surrounding Conservation Area. The CGI images provided by the applicant show that the proposed floodlights will be very visible up North Lane from within the defined town centre both when in use and during daylight. The proposal will change the skyline around the ground and therefore will have an impact on the setting of the Headingley Conservation Area.

9.9 The columns are slim line in appearance and are likely to be assimilated into the townscape over time and they will relate to their host site which is a major international sporting arena. The rugby ground already has permanent floodlighting dating back to around the 1960s. This sets a precedent for the imposition of permanent floodlighting in Headingley. The height of the floodlight columns will mean that the 14.5m wide lighting element of the floodlight would not interfere with the street scene which could happen with a retractable floodlight column, however 58m height floodlights will be out of scale the locality, although not necessarily out of scale with the Stadium. The NPPF advises LPA's not to refuse applications because of concerns with the incompatibility of existing townscapes as long as the proposal is well designed (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Impact on the nearby residents from the floodlights

9.10 The impact on the neighbouring residents from the proposed development could arise from the size and siting of the columns ie over bearing and dominance. Secondly, when the lights are in operation nearby residents may be affected by light spillage from the columns, especially those who adjoin the cricket ground next to the proposed floodlights. The third impact on neighbouring residents may result in the extra amount of night time activity from spectators leaving the ground.

9.11 To reduce obtrusive light from the floodlighting the applicants state that the design follows the recommendations suggested in:

- Institute of Lighting Engineers (ILE) - Guidance Notes for the Reduction of Obtrusive Lights
- England and Wales Cricket Board (ECB) – Guidance for Floodlighting at Cricket Grounds

9.12 The applicant state that the proposed scheme has applied the following principles to minimise the impact of light spill:

- Designing a lighting scheme that does not exceed light levels to satisfactorily undertake the task involved
- Reducing many of the negative effects of lighting through proper design and planning.
- Adjusting light fittings to direct the light to where it is required. Light will be directed downwards to illuminate its target, not upwards. In most cases lowering the angle of the beam will stop light projecting to the sky.
- Minimising glare by aiming the main beam of all floodlights lights, the higher the column the lower the tilt of the main beam angle will be.
- The use of shields, reflectors and baffles to help reduce light spill to a minimum. Lighting will be specifically designed so that once installed will minimise the spread of light above the horizontal.

9.13 However, the applicant has identified that due to the high light levels required for the cricket pitch, some of the target obtrusive levels suggested in these documents may not be achieved. The drawings supplied by the applicant illustrate the level of light spill predicted during de-rigging of broadcaster equipment. This is expected between 10:00pm and 10:45pm during televised events. After that time the floodlights will be turned off. The spill light has been illustrated to be limited to 10 Lux in the immediate vicinity of the ground in locations along Cardigan Road, Turnways, Kirkstall Lane and Greysbiels Avenue which is the same Lux level as street lighting.

9.14 The Light Spill Vertical and Horizontal drawings supplied illustrate the level of light spill predicted during normal operation (ie during match time). The cricket matches played would occur in the summer when ambient lighting levels would exceed the amount of spill light for all but the last one to two hours of play. The spill light is limited to 25 Lux horizontally and 50 Lux vertically in the immediate vicinity of the ground in locations along Cardigan Road, Turnways, Kirkstall Lane and Greysbiels Avenue. These values are almost within ECB guidelines, but it is anticipated by the applicant that this detailed design will further reduce the spill lighting below that which is indicated in the preliminary spill lighting drawings submitted. In addition the lighting information submitted by the applicant does not show the situation with the existing street lights in operation. When the street lights are in operation the effect of the floodlights would be reduced in terms of the perception of light spillage. Typically, an urban area such as this part of Headingley would be limited to 25 Lux pre-curfew for street lighting. The design exceeds this level in isolated locations during normal operation and would only be experienced after sunset. As the majority of matches played that would require use of the lights would occur in the summer when ambient lighting levels would exceed the amount of spill light for all but the last one or two hours of play. Further investigations on the extent of any light spill is currently being undertaken and officers will bring a verbal update to Panel.

9.15 As has been identified by the applicants the optimum number of flood light columns would be 6 but due to the constraints identified a 4 column proposal has been applied for. The location of the columns has been selected to provide the best lighting solution for the cricket ground. A five mast solution was considered by the applicants but they state this offered minimal improvement in lighting levels. A four mast solution is most financially viable for the Club. Land constraints and the proximity of housing have also determined mast locations and consequently their distance from the centre of the pitch. In all mast locations, the distance from the centre of the pitch was such that the masts would need to be 50m to meet ECB Guidelines.

- 9.16 The four masts would be located to the rear of the north stand, the bin store location of the east stand, the south end of the western terrace at the rear of the stand and immediately to the west of the Carnegie pavilion. Taking each one in turn and assessing its impact on neighbours amenity.
- 9.17 The floodlight proposed adjacent to the East Stand is set away from St Michaels Lane. The Cricket ground gate house separates the location of the mast from St Michaels Lane and partially obscures the lower section of the column. This column is not envisaged to cause any demonstrable harm to the living conditions of residents of St Michaels Lane or Cardigan Road in relation to over bearing or dominance or significant light spill.
- 9.18 The floodlight column located next to the Carnegie Pavilion will have the most impact on the Conservation Area but is not envisaged to result in significant light spill to the properties on Kirkstall Lane that face the floodlight. This column is also sited next to a large building which helps mitigate the overall impact of the column in relation to any concerns over dominance or over bearing considerations.
- 9.19 The floodlight column located mid way between the Carnegie Pavilion and the East Stand at the rear of the properties on St Michaels Lane will have the greatest impact on the outlook of the residents in the dwellings located on Cardigan Road. The properties in question are 20 and 22 Cardigan Road which directly face the column and to a lesser extent 18 and 24 Cardigan Road that will have angled views from their rear elevations. These properties are sub divided into flats. The rear curtilage of the properties is given over to hard standing for car parking. These properties may experience a degree of a loss of outlook and may also suffer some over bearing and dominance from this column. Properties along Cardigan Road adjoining the ground from the junction with Kirkstall Lane down to the junction with St Michaels Lane are likely to also experience the greatest amount of light spillage from the operation of the floodlight.
- 9.20 The column proposed between the Western Terrace and the western end of the shared cricket and rugby North/South stand would have a limited impact on the outlook of residents on the Turnways and Greysheils Avenue that adjoin the ground. In particular, 31 Greysheils Avenue that due to their siting would face the proposed column. Though it is noted there is a significant boundary treatment between the properties and the proposed column that helps reduce the overall impact of the column on the residents. The residents on the Turnways that are closest to this part of the ground would benefit in part from the screening afforded by the two storey building located between the rugby and cricket grounds.
- 9.21 It is acknowledged that the installation of permanent floodlighting will result in a change to the outlook of neighbouring residents and that some residents will suffer a loss of outlook as a result. It is also noted that the use of permanent floodlights is due to become a requirement of the ECB and the ICC and requires this development in order to maintain international cricket at Headingley. Furthermore it is noted that the current situation of the use of temporary mobile floodlights does result in significant light spill and disturbance to neighbouring residents when in operation. In considering the benefits of permanent flood lighting the light spillage for neighbours should be significantly reduced over the current arrangements of temporary mobile floodlights.

Highways Issues

- 9.22 The Local Highway Authority is yet to comment upon the planning application. The Applicant has reviewed the existing Stadium Travel Plan and obligations under the

Section 106 Agreement for Major Match days at the Stadium. The Section 106 Agreement states at paragraph 14.6 that only one major event (described in the Agreement as an event at which attendance is anticipated to be in excess of 5,000) can take place at any time at Headingley Stadium. The applicants state that they do not intend to amend this agreement. There will not be a situation therefore whereby a floodlit cricket match clashes with an event at the Rugby Ground.

- 9.23 The applicant has stated that the floodlights would not be used more than 20 times per seasons. It is not envisaged that the introduction of permanent floodlights will result in any significant changes to the amount of late night activity at the ground or in relation to the departure of spectators from the ground.

Other Issues including the benefits of the scheme

- 9.24 The site is an international sporting arena that has been a part of Headingley for over 110 years. Evidence has been submitted by the applicants to demonstrate the benefits that retaining international cricket at Headingley brings to the City and to the wider Region.

- 9.25 As well as the economic benefits the Ground brings to the City and wider region, the Cricket Ground also provides is also a key cultural asset to the City. For example, an economic impact assessment carried out by Amion Consulting for Yorkshire Forward on the ODI between England and Pakistan on 12 September 2010 concluded that:

- of the 15,669 spectators that attended the game, 11,968 were visitors to Leeds and 4,833 were additional visitors to the region;
- the total additional visitor expenditure generated by the ODI is estimated to have amounted to £792k at the Leeds level and £470k at the regional level;
- a further £488k and £211k at the Leeds and regional level respectively was associated with additional organisational spend, giving a combined additional spend of £1.226m within Leeds and £640k within Yorkshire; and
- the net additional employment impact was estimated to be 16 person years of employment at the Leeds level and 15 person years at the regional level.

CONCLUSION:

- 9.26 The benefits to the City and the Region of retaining international cricket are well established and acknowledged. The current UDP strategic policy SA6 and the emerging Core Strategy support the retention and enhancement of the City's major sports arena's and promoting tourists to Leeds.
- 9.27 It is considered the scheme needs to be thoroughly appraised in relation to the effect on the living conditions of existing residents by reason of the size, siting and light spill associated with the floodlights and in order to preserve or enhance the setting of the adjacent Headingley Conservation Area. Further investigations are being undertaken to explore the costs and implications of telescopic and cranked floodlight columns and technical guidance will be provided on the lighting specifications and reports submitted with the application.

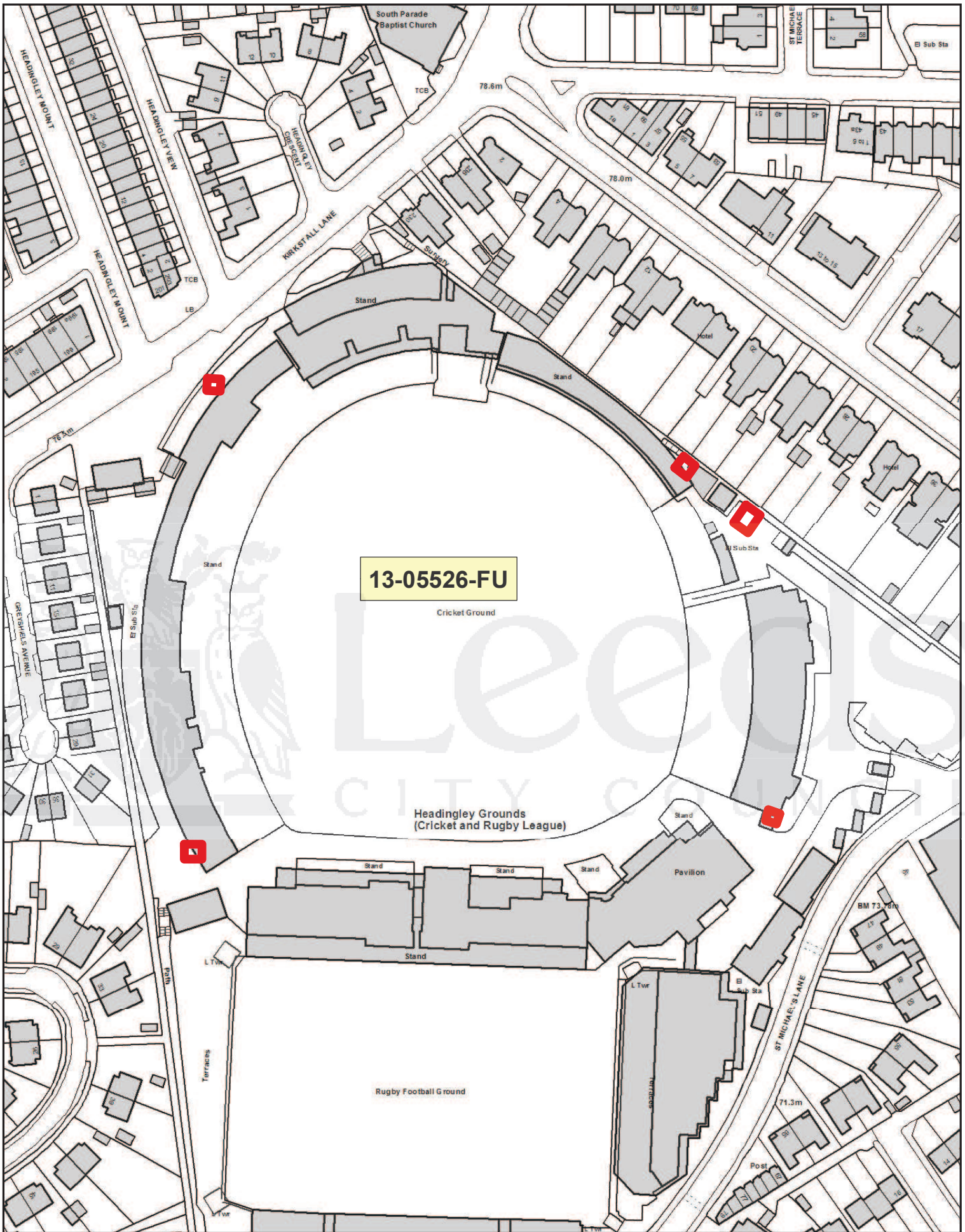
- 9.28 Members are asked to provide comments to the following question:**

- 1. Members are asked to comment on the importance of retaining international and Test Match cricket at Headingley.**

2. **Members are asked to comment on the use of fixed floodlight columns rather than telescopic or cranked columns.**
3. **Members views on the impact on the setting of the adjacent Conservation Area are requested.**
4. **Do Members require any further information to assess the application.**

Background Papers:

Application and history files.



SOUTH AND WEST PLANS PANEL



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