



SOUTH AND WEST PLANS PANEL

Meeting to be held in the Civic Hall on
Thursday, 3rd April, 2014
at 1.30 p.m.

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:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 2474325**

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
 - 2 Information which is likely to reveal the identity of an individual.
 - 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
 - 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
 - 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="673 427 1406 495">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p data-bbox="673 539 1382 680">To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="673 725 1386 866">(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES - 6 MARCH 2014 To confirm as a correct record, the minutes of the meeting held on 6 March 2014	3 - 10
7	Headingley	10.4(5)	APPLICATION 13/00868/OT - VICTORIA ROAD, HEADINGLEY To receive and consider the attached report of the Chief Planning Officer regarding an outline application for residential development and retail store.	11 - 26
8	Kirkstall		APPLICATION 13/05700/FU - 56 EDEN CRESCENT, KIRKSTALL, LEEDS To receive and consider the attached report of the Chief Planning Officer regarding an application for a first floor side extension.	27 - 36
9	Beeston and Holbeck		APPLICATION 13/05650/FU - 1 SYDENHAM STREET, HOLBECK, LEEDS To receive and consider the attached report of the chief Planning Officer regarding the change of use from residential care takers home (Use class C3) to a mixed use of office use and counselling and educational/training support services (Use classes B1A and D1)	37 - 46
10	Morley North		APPLICATION 13/05511/FU - DEANHURST, GELDERD ROAD, GILDERSOME, LEEDS To receive and consider the attached report of the Chief Planning Officer for the variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to rear yard area and additional parking provision)	47 - 62

Item No	Ward	Item Not Open		Page No
11	Horsforth		<p>APPLICATION 14/00477/FU - AIREDALE INTERNATIONAL AIR CONDITIONING LTD, PARK MILLS, LEEDS ROAD, RAWDON</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the re-build of existing factory facility on similar footprint with service yard and internal access road, replacement car parking, widening of existing entrance road, demolition of cottages with hard and soft landscaping.</p>	63 - 74
12	Bramley and Stanningley		<p>APPLICATION 12/03580/FU - LAND OFF POLLARD LANE, BRAMLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of 59 dwellings and associated works.</p>	75 - 86
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 1 May 2014 at 1.30 p.m.</p>	

Item No	Ward	Item Not Open		Page No
			<p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

Third Party Recording

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

Use of Recordings by Third Parties– code of practice

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

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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/

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 3 APRIL 2014

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

- 1 09:35 Application 14/00477/FU – Re-build of existing factory facility on similar footprint with service yard and internal access road, replacement car parking, widening of existing road, demolition of cottages with hard and soft landscaping – Airedale International Airconditioning Limited, Park Mills, Leeds Road, Rawdon – Leave 9.50 (if travelling independently meet at entrance to site off Leeds Road).
- 2 10:05 Application 12/03580/FU Erection of 59 dwellings and associated works – Land off Pollard Lane, Bramley – Leave 10.25 (if travelling independently meet at entrance to site off Pollard Lane).
- 3 10:40 Application 13/005700/FU – First floor side extension – 56 Eden Crescent, Kirkstall – Leave 11.00 (if travelling independently meet at front of 56 Eden Crescent).
- 4 11:10 Application 13/05650/FU – Change of use from residential car takers house (use class C3) to a mixed use of office use and counselling and educational/training support services (use classes B1A and D1) – 1 Sydenham Street, Holbeck – Leave 11.20 (if travelling independently meet at front of 1 Sydenham Street).
- 5 11:35 Application 13/05511/FU – Variation of condition number 5 (external storage) of Planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with

ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision) - Deanhurst, Gelderd Road, Gildersome – Leave 11.45 (if travelling independently meet at entrance to site).

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 9.10 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 9.00am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 6TH MARCH, 2014

PRESENT: Councillor D Congreve in the Chair

Councillors J Akhtar, J Bentley, A Castle,
M Coulson, J Hardy, T Leadley, E Nash,
C Towler, P Truswell and R Wood

97 Election of Chair

Due to the absence of the Chair, a nomination was sought for a Chair of the meeting. Councillor D Congreve was nominated.

RESOLVED – That Councillor D Congreve be elected as Chair for the meeting.

98 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

99 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J McKenna, C Gruen and R Finnigan.

Councillors D Congreve, E Nash and T Leadley were in attendance as substitutes.

100 Minutes - 30 January 2014

RESOLVED – That the minutes of the meeting held on 30 January 2014 be confirmed as a correct record.

101 Application 13/05573/FU - 9 Coach Road, Guiseley, Leeds

The report of the Chief Planning Officer introduced an application for a detached house to the garden at 9 Coach Road, Guiseley, Leeds.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The application had been brought to Panel at the request of a Ward Member.
- Members' attention was brought to the poor condition of the unadopted road, poor lighting and lack of a footway.

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to be held on Thursday, 3rd April, 2014

- The site was immediately opposite the Guiseley Conservation Area.
- The site was allocated as allotment land in the UDP – although as there was already a house and garden on the site it was unlikely to be used for allotments.
- The proposal was contrary to the street design guide.
- The application was recommended for refusal.

A Ward Councillor addressed the Panel in support of the application. The following issues were highlighted:

- It was not felt that there would be a problem due to the road – vehicles could not travel at speed due to the poor condition of the surface.
- The road narrowed due to a hedge along the side of the site. The applicant would remove this to create extra width.
- The site was accessed by others and there were alternative routes.
- Only a small part of the road was unmade.
- There was some street lighting.
- The site had not been used for an allotment for over forty years.

In response to Members comments and questions, the following was discussed:

- The owner of the allotment land was hoping to sell it for development.
- Concern regarding the consistency of allowing development on unadopted roads.
- Use of the road by works/commercial traffic.

Members voted against the officer recommendation to refuse the application and further motion was moved to recommend the application for approval.

RESOLVED – That the application be approved in principle subject to detailed drafting of conditions related to:

- Standard Time Limit
- Submission and approval of materials
- No addition of side windows
- Boundary treatment
- Levels
- Drainage
- Site lines of 2.4 x

102 Application 13/05700/FU - 56 Eden Crescent, Kirkstall. Leeds

The report of the Chief Planning Officer referred to an application for a first floor side extension at 56 Eden Crescent, Kirkstall, Leeds.

Site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The application had been referred to Panel by local Ward Councillors with regard to potential impact on the streetscene.
- A previous application had been approved and was not built in accordance with the approved plans. The first floor had subsequently been demolished.
- Rear windows to the extension would be obscurely glazed.
- Proposed materials for the extension.
- A further representation had been received that had concern regarding the scale of the development and potential use as a HMO.

A local resident spoke with objections to the application. These included the following:

- The proposed extension would amount to over development.
- The proposals would not provide any improvement to the area.
- Loss of light to neighbouring property.
- Occupants of the property could see straight into the neighbouring property.

Members requested that this item be deferred to allow for a site visit.

RESOLVED – That the application be deferred to allow Panel Members to visit the site.

103 Application 13/05581/FU - St Michael's Court, Shire Oak Street, Headingley, Leeds

The report of the Chief Planning Officer presented an application seeking the variation of conditions to a previous application for the change of use of part of ground floor and extension to side of medical centre to form a restaurant at St Michaels Court, Shire Oak Street, Headingley. The changes to the conditions were to allow increase in servicing vehicles to 10 metres from 7.5 metres and to increase the number of covers for the site to 88 inside and 20 outside from 60 inside and 26 outside.

Members were reminded of the previous application that had been approved by the Panel and it was reported that Highways had no concerns regarding the increase in space for servicing vehicles.

Further issues discussed regarding the application and in response to Members comments and questions included the following:

- Proximity of the proposed New Generation Transport scheme.
- Changes to internal and external floor plans.
- Previous concern regarding car parking and the effect of having extra covers – it was reported that since the original application, the Arndale Centre had changed ownership and the new operator was aware of parking needs. There was cycle parking provided and it was anticipated that many users of the premises would use public transport.

RESOLVED – That the application be granted as per the officer recommendation and conditions outlined in the report.

104 Application 13/05106/FU - 74 Weetwood Lane Leeds

The report of the Chief Planning Officer brought back a retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds. The application had been considered at the previous Panel meeting when it had been deferred for further negotiation with the applicant due to concerns regarding potential future use.

It was reported that the applicant had agreed to reduce the height, have fewer window and install a double garage door to the building.

In response to Members questions, it was reported that the building would have a rendered finish and that the driveway was sufficient for vehicular access.

RESOLVED – That the application be approved as per the office recommendation and conditions outlined in the report.

105 Application 13/05685/FU - Otley Road, Guiseley, Leeds

The report of the Chief Planning Officer presented an application for a first floor and single storey front extension to a warehouse at Otley Road, Guiseley.

Members visited the site prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The building was within the Guiseley conservation area.
- Concern due to limited space for parking.
- It was recommended to refuse the application on the grounds that it was not compatible within the conservation area and would restrict views.

An objector to the application addressed the panel. Concerns raised included the following:

- The proposals would be domineering and have a negative impact on views.
- The proposals would obscure historic parts of the conservation area.
- The increase in size on a small site was of concern and would amount to over development.
- Issues relating to car parking.

The applicant addressed the panel and raised the following:

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- The property was used for a small family business that employed local people. Turnover of the business had increased and there was a need to be able to store more stock.
- The proposals would update an old and tired looking building.
- It was not felt that the proposals would cause harm to the conservation area.
- The design had been made following discussions with planning officers and a Ward Councillor.
- In response to Members questions, car parking and service vehicle arrangements were explained.

In response to Members comments and questions, the following was discussed:

- It was accepted that the applicant required more space for storage and it was reported that the proposed height of the extension was necessary for this purpose.
- The applicant reported that he would be open to suggestions to modify the proposals.
- Concern regarding the materials to be used.
- Members broadly showed support for the application.

Members voted against the officer recommendation to refuse and a further motion was made to defer and delegate the application.

RESOLVED – That the application be deferred and delegated to officers subject to the use of natural stone to external elevations and slate to roof and to explore detailed alterations to the design with particular regard to dual roof pitch to remove if possible the ‘cat slide’ effect.

106 POSITION STATEMENT - Application 13/02604/FU - St Bernard's Mills, Gelderd Road, Gildersome, Morley, Leeds

97 POSITION STATEMENT - Application 13/02604/FU - St Bernard's Mills, Gelderd Road, Gildersome, Morley, Leeds

The report of the Chief Planning Officer presented a position statement for changes to an existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping at St Bernard’s Mill, Gildersome.

Members visited the site prior to the meeting and photographs and site plans were displayed and referred to throughout consideration of this item.

Issues highlighted from the report included the following:

- The site was currently operating as materials recycling facility (MRF) and had been since 2011.
- The site was within a greenbelt area and was a safeguarded waste management site within the adopted development plan.
- Members were shown proposals for an extension to the office block. This would replace portakabin accommodation currently on site.
- Storage facility – waste bales were currently stored within the ‘lean-to’ section of building nearest the access and were loaded outside – it was proposed to move this storage and loading indoors within the proposed extension.
- Proposed design of the extensions and materials to be used were shown.
- Views of the site from the nearest residential properties were shown.
- Reference to Environment Agency requirements.

In response to comments and questions from Members, the following was discussed:

- Concern regarding odour from the site – it was reported that following a problem with this last summer and subsequent notices issued by the Environment Agency, new units had been installed to reduce this and that there had been no further permit breaches. The operator had an obligation to provide reports to the Environment Agency.
- There had been public consultation but none aimed specifically at the nearby travellers site. This could be arranged if Members required.

Members were asked a series of questions outlined in the report and gave the following views:

- The principle of the development and whether the proposals were regarded as appropriate – Members supported this.
- There were no concerns regarding the impact of the proposals on the greenbelt.
- It was agreed that the proposals would make an improvement to the site but it was requested that further information and attendance from the Environment Agency be available when the application came back to Panel.
- Members felt that the proposals would assist in mitigating noise from the site.
- There were no concerns raised regarding the visual impact of the proposals.
- There were no concerns regarding the regularisation of the ‘as built’ scheme.

RESOLVED – That the report and Members views and comments be noted.

98 PRE-APPLICATION - Preapp/13/01022 - Former Green Lane Dyeworks, Green Lane, Yeadon, Leeds

The report of the Chief Planning Officer presented a pre-application for partial demolition of the former dyeworks buildings and conversion and new build residential development of 171 dwellings at Green Lane, Yeadon.

Site plans and photographs were displayed.

Members were reminded of the previous report that was considered by the Panel and issues raised regarding the retention of historic buildings and access to the site. The site fell entirely within a conservation area.

The applicant's representatives were invited to address the Panel and the following issues were highlighted:

- There were still viability issues to be resolved.
- Consultation regarding design and conservation issues with Ward Councillors.
- Details of design and materials to be used had not yet been decided.
- The dwellings would consist of approximately 100 new builds and 70 conversions.
- There was an intention to keep the earlier built stone chimney on the site.
- Reference to the historical development of the site including the reservoirs.
- Access to Green Lane.
- Since the last presentation to panel there was now a greater emphasis on the retention of original buildings on the site and this was highlighted on one of the site plans.

In response to Members comments and questions, the following was discussed:

- The mill ponds would not be retained.
- There could be some kind of presentation board to recognise the historical and industrial heritage of the site.
- Re-use of materials and use of natural stone.
- Retention of the water tower.
- There would be further public consultation prior to the submission of an application.

Objectors to the proposal addressed the Panel. The following issues were raised:

- The amendments since the last presentation were welcomed.
- Consultation with the Aireborough Civic Society and Aireborough Neighbourhood Forum was requested. It was felt that the local knowledge would be valuable

- Retention of both chimneys on the site and the water tower would be preferred.
- There was a preference if possible to still keep some kind of employment at this site. Concern was expressed regarding the lack of employment sites in Outer North West Leeds
- Importance of access to Green Lane and Focus Way.
- Community infrastructure – provision of walkways and cycle routes.
- Concern regarding surface water and the need to ensure that the site would not be susceptible to flooding.

In response to Members comments and questions, the following was discussed:

- The proposals were an improvement on the previous presented and the re-use of existing buildings was welcomed.
- Provision of affordable housing – it was preferred if this was situated throughout the site.
- Retention of the water tower.
- Concern regarding the impact on the local road network

RESOLVED – That the report be noted.

99 Date and Time of Next Meeting

Thursday, 3 April 2014 at 1.30 p.m.



Originator: Mathias Franklin

Tel: 0113 2477019

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3rd April 2014

Subject: APPLICATION 13/00868/OT- Outline application for residential development and retail store at Victoria Road, Headingley

APPLICANT	DATE VALID	TARGET DATE
Chartford Homes And Holbeck Land	12.03.2013	11.06.2013

Electoral Wards Affected:

Headingley and Hyde Park & Woodhouse

yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to consider the contents of this report and the advice contained within the confidential report provided, and in the light of this Members are asked to re-assess their resolution of the 5th December 2013 South and West Plans Panel that the officer recommendation to approve be not accepted and the application be refused.

Officers continue to recommend that that the application be deferred and delegated for approval to the Chief Planning Officer subject to the conditions specified in the Report to Panel from Chief Planning Officer of the 10th October 2013 and subject to the completion of a Legal Agreement within 3 months of the date of resolution of Panel as updated below:

1. 5% affordable housing contribution (on site 100% Sub Market or an off-site contribution to go towards bringing vacant properties back into family use in the Headingley/Hyde Park area),
2. On site Greenspace provision and maintenance.
3. Off site Greenspace contribution for children's equipped play equipment- £19,950.14.
4. Residential MetroCard Scheme A – Bus Only. £11,088.00.

5. **Contribution towards improving and enhancing sports facilities in the locality £26,777.00**
6. **Local employment scheme.**

In addition to the above required Section 106 Package the applicant has offered a voluntary contribution of £23,223.00 to contribute towards providing sport equipment in the locality. This contribution does not form part of the determination of this application.

Members are also recommended to request that in light of this report the Director of City Development be asked to bring forward proposals for the creation of an area of public open space on the site of the former Royal Park Primary School to connect into the existing public open space adjoining the for primary school for the benefit and enjoyment of the local community in consultation with local ward members and community groups.

1.0 INTRODUCTION

Members will recall that at the Plans Panel South and West meeting of the 5th December 2013 the Panel voted not to accept the Officer recommendation to approve the application but resolved to refuse on the grounds that the loss of the site would be detrimental to health, that the development was contrary to policy N6 of the adopted Revised Unitary Development Plan (RUDP), paragraphs 69 to 74 of the NPPF, the Health and Social Care Act and the aims and objectives of the emerging Core Strategy in that it relates to promoting Health considerations. Officers have spent considerable time considering this resolution and have also gained a further legal opinion on the suggested reasons for refusal from Vincent Fraser QC.

- 1.2 Discussions have been held with ward members for both Headingley and Hyde Park & Woodhouse wards in relation to the desire to improve public open space facilities in the locality. The importance of providing access to outdoor recreation and sports facilities is recognised in order to improve the health and well being of the local community. In seeking to provide these facilities the Council is exercising the duty placed upon it by Section 12 of the Health and Social Care Act 2012. The former Royal Park Primary School which is currently being demolished presents an opportunity to create a new area of public open space. The former primary school site adjoins an existing area of public open space and it would be possible to link a new area of public open space to this existing site. Members are advised to request that the Director of City Development bring forward plans and proposals, in conjunction with ward member and the local community to enable this scheme. There are Section 106 monies available within the wards that can help deliver this project.

Further representations received since the Panel Report of the 5th December 2013 was presented to Panel

- 1.3 The applicant has submitted written representations to rebut the claims made by some members of Panel and Councillor Walshaw that the local residents had public access to the land and buildings either authorised or unauthorised. The applicant

has sought to clarify the position regarding the claims of use of the field by members of the public. The 2metre high palisade fencing was erected in the mid 1990s. The applicant states “Former Heads, Bursars and Staff confirm that for security and insurance reasons access to the field without agreement was strictly prohibited. There is evidence of trespass by use of a mattress against the palisade fence followed by damage to property with records of individuals being chased off. Before the introduction of the palisade fence illegal dog walking resulted in staff and pupils clearing dog waste before matches and competitions.

- 1.4 The School allowed Kings Camp, a private operator to use the field as a summer holiday camp principally for children attending the Leeds Grammar School and the Leeds Girls High School. There was a daily charge for attending the camp and during consultation local residents have confirmed that local children did not attend. Following closure The Kings Camp has relocated with the School to Alwoodley”.
- 1.5 With regards to the now redundant pool; Former LGHS staff have confirmed that the School assisted a request from a group of Asian Women to use the pool on certain evenings as they were unable to use public pools at Westgate (now demolished) and Kirkstall due to reasons of privacy. The School assisted further by covering over two top windows to ensure complete privacy. A toddler’s private swimming club did access the pool predominantly for siblings of pupils at the school. This club has been relocated to the Schools facilities at Alwoodley”.
- 1.6 The applicants have additionally expressed a wish to voluntarily contribute a further £23,223.00 towards sports equipment to be spent in the locality, possibly on the proposals to create an area of public open space on the site of the former Royal Park Primary School. This contribution is in addition to the already committed £26,777.00 for sport equipment as set out in the December 5th Chief Officer Panel Report. The £26,777.00 contribution is required as part of the original recommendation as detailed in the Panel report of the 5th December 2013. This extra contribution, the applicants have confirmed is not put forward in order to justify the development in planning terms, but that it is intended to voluntarily make provision for funding for sports proposal in accordance with the recommendations from Sport England. Officers are also of the view that such a contribution is not necessary to address any planning consequences associated with the development and accordingly the provision of such a contribution should not be taken into account when it comes to determining the planning application.
- 1.7 The Hyde Park Olympic Legacy (HPOL) group has also written to add further representations. They are concerned that the report of the Chief Planning Officer of the 10th October and 5th December respectively has not filled in the boxes on the front pages of the reports describing Specific Implications For: “Equality and Diversity”, “Community Cohesion” and “Narrowing the Gap”. The HPOL consider that “It seems to us that the loss of a playing field and modern sports centre to the community in the Hyde Park area of Leeds would have a hugely deleterious effect on all of the above and that these three boxes should all have a “yes” placed in them”.
- 1.8 The letter goes on to raise concerns about paragraph 11.2 of the report of the Chief Planning Officer dated 10th October 2013 as they disagree that the impact upon the South Asian local population from the proposed development would have a ‘limited impact’ as referred to in the report. The HPOL state “It seems clear to us that the reverse is true and that the loss of the only playing field and sports centre in this vicinity would have a considerable, deleterious effect on the local population which contains a number of ethnic minorities”.

- 1.9 The HPOL conclude in their letter that “The fact that a “yes” has not been placed in the “Specific Implications For” boxes on the first page of your reports implies that no proper account has been taken of these factors and that, therefore, there must be some doubt as to the validity of the conclusions reached”.

Comments on proposed reasons for refusal

- 2.0 By way of background Members will recall the main school site of the LGHS was the subject of a planning appeal in 2011. That appeal considered a number of issues including a central element of the Council’s case that the loss of the tennis courts allocated as N6 Protected Playing Pitches conflict with policy N6. The inspector rejected this argument. He concluded that the last five words of sub-paragraph (i) were critical; the tennis courts were part of the school and had never been open to the public; the former LGHS is now part of Grammar School at Leeds GSAL where the facilities were an improvement over those at the LGHS and consequently there had been a demonstrable net gain to overall pitch quality and provision so that the requirements of policy N6 had been satisfied. He arrived at a similar conclusion with respect to paragraph 10 of PPG 17 on the basis that the tennis courts were not of public value as a sports or recreational facility because there was no public access to them. Furthermore he found that there was in any event no reasonable likelihood of the tennis courts being acquired for use by the public so that even if there had been a case with respect to policy N6 or PPG 17 it would not have been appropriate to refuse permission on those grounds.
- 2.1 Members took the view at the meeting of the 5th December 2013 that a distinction can be drawn between the main site and the Victoria Road site on the basis that there has been community use of the Victoria Road site. There appears to be some dispute as to precisely what community use has occurred at the Victoria Road site and whether it has been relocated. The issue is considered from paragraph 10.5 of the Panel report where it is stated that –
- i) There had been limited formal use of the facilities and most of the community groups who used them and still operate have relocated to new facilities.
 - ii) That there are formal community access arrangements to use the facilities at Alwoodley Gates which is an improvement over the situation at Victoria Road where the limited community use was essentially ad hoc and not regulated by any formal agreement although these facilities are not readily available to residents in the locality of Victoria Road because of the distance involved.
- 2.3 The matter was further considered in the Report of the Director of City Development as a result of the listing of the Victoria Road site as an Asset of Community Value. It appears from the Report that there was a limited amount of formal community use of the facilities which was suggested to amount to no more than 4 hours per week. In addition informal use was identified. The Director of City Development concluded that informal use did take place on a regular basis over a prolonged period of time but that this was without the consent of the senior management of the school, although possibly with the knowledge of local ground staff. One of the members of the public said that she had spoken to the groundsman and been told that it was alright for the public to use the land as long as they left if asked. The impression

gained from the submitted evidence by the local community representations is that use essentially consisted of informal play by children. Given the further representations submitted by the applicant post December Panel to rebut the informal community use of the playing fields it is likely that at any appeal there is a risk that the extent of community use could be found to be less than outlined here.

- 2.3 Sport England was re-consulted on this information and it advised that it did not consider that there is sufficient robust new evidence to change its position which had been outlined in its original consultation response of the 25th April 2013. It particularly drew attention to the top of the fourth page of the letter. Sport England stated “The applicant still maintains that there was never any formal open community access to the playing field and sports hall at the Victoria road site, e.g. it was not open fully to the public regularly at evenings and weekends. What some members of public describe outside this appears to be informal access, either by trespass or perhaps ad hoc use enabled by relaxed caretaking. Given this was not formal and secured community use Sport England cannot give weight to this in considering E4”. The relevant passages explain that Sport England only deals with formal sports provision and that informal and insecure provision is not something to which it can give any weight when considering applications such as at Victoria Road.
- 2.4 The Director of Public Health and Public Health England have also been re-consulted in light of the views expressed by the Director of City Development that the extent of informal use of the site could lead the community to consider the site was a community asset. The Director of Public Health and Public Health England responded that the availability of sports facilities and exercise are important for public health and that the Victoria Road site is in a residential area with residents living with greater socio-economic disadvantage than the average for Leeds. However, they stated that they have neither the remit nor the capacity to become involved in the detail of planning applications. Furthermore with respect to section 12 of the Health and Social Care Act 2012 they advised that whilst this is relevant to planning decisions it does not alter the requirement to determine planning applications in accordance with the development plan unless material considerations (including the NPPF) indicate otherwise.

Non-compliance with policy N6

- 2.5 The Revised Leeds Unitary Development Plan (RLUDP) is an “old style” development plan (i.e. it was not produced under the 2004 Act). Paragraph 215 of NPPF provides that due weight should be given to relevant policies in such plans according to their degree of consistency with the NPPF; the closer the policies in the plan to policies in the NPPF the greater the weight that they may be given. On an appeal any inspector will apply the NPPF and accordingly will adopt this approach. Whilst the NPPF does not alter the statutory requirement to determine applications in accordance with the development plan, unless material considerations indicate otherwise, the NPPF can affect the weight given to policies in the development plan. In practical terms it can be expected that any inspector would determine an appeal on the basis of the policies in paragraphs 69 to 74 of NPPF and if it were concluded that policy N6 goes beyond the requirements of those paragraphs it is unlikely to be given much weight.
- 2.6 Officers would advise Members that it is likely an inspector on appeal would take the same approach to the interpretation of UDP policy N6 as the 2011 Inspector. In other words he can be expected to apply the policy by considering what use was made of the site by the public and whether that has been provided for elsewhere.

- 2.7 It appears from the evidence that any formal public use of the site was limited. Some at least of the formal public use is now accommodated at other locations and in so far as it has relocated to GSAL those facilities are superior. In the circumstances it is likely that an inspector can be expected to conclude that with respect to any formal public use the requirements of policy N6 have been satisfied.
- 2.8 That leaves the informal public use. The impression obtained from the evidence to date is that this use arose either from trespassing or because the groundsmen tolerated it on the basis that if requested the public left the land although this is contested by the applicant. Furthermore the use appears to have involved casual play by children. Whilst the casual play may have involved team games such as football it does not appear to have involved any degree of organisation. Furthermore it would appear that the use would have been limited to the open area rather than the buildings. A key test at appeal would be whether there is any realistic prospect of that use continuing in the future. On this issue there is a very clear finding from the Director of City Development that it is not realistic to expect the site to be brought back into community use in the next five years. This view is further reinforced by the applicants confirmation that they are contractual obligated with the landowner. In the light of this finding and on the basis of the previous appeal decision any refusal of planning permission on the basis of UDP policy N6 could be likely to be overturned on appeal.

Non-compliance with paragraphs 69 to 74 NPPF

- 2.9 Paragraph 69 NPPF emphasises the important role the planning system can play in creating healthy communities. Promoting social objectives such as healthy lifestyles is a material planning consideration. Planning decisions should guard against the unnecessary loss of valued facilities. Paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and gives advice in this regard about plan-making. The relevant development control policy is paragraph 74 which provides –

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

- 2.10 NPPF paragraph 74 is widely drawn so as to apply to sport and recreational buildings as well as to land. Accordingly, unlike policy N6, there is no question as to whether it could apply to all of the site. However, NPPF was not intended to bring about a change in the substance of planning policy generally and it can be noted in any event that there are considerable similarities between paragraph 74 of NPPF and paragraphs 10 and 15 of the previous PPG 17. In practical terms an inspector on appeal can be expected to approach paragraph 74 NPPF in the same manner as the 2011 Inspector approached PPG 17.

- 2.11 The absence of any reasonable likelihood of the land being acquired for recreational uses was one of the reasons the previous inspector rejected the arguments based

upon PPG 17 in the 2011 appeal. A similar approach can be expected with respect to the Victoria Road site and the application of NPPF. For the reasons already considered it appears at present that there is no realistic prospect of the land being acquired or used for recreational purposes in the future and accordingly a refusal of permission on the basis of NPPF paragraphs 69 to 74 is unlikely to succeed on appeal.

- 2.12 Furthermore there is a strong prospect that a similar approach would be taken to the weight to be given to informal use of the land when considering paragraph 74 of NPPF. It is therefore likely that an inspector would not attach any real significance to the informal use of the land and accordingly would conclude that paragraph 74 was satisfied in the circumstances of this case.

Health and Social Care Act 2012

- 2.13 Section 12 of the Health and Social Care Act 2012 inserts a new section 2B into the National Health Service Act 2006. The new section provides that each local authority must take such steps as it considers appropriate for improving the health of the people in its area. The steps that may be taken include providing information and advice, services or facilities for promoting healthy living or preventing and treating illness, providing financial incentives, providing assistance to help individuals to minimise risks to health, providing training, and making available the services of any person or any facilities. It can be seen that none of the steps identified apply directly to the determination of planning applications.

- 2.14 Given that the section states that the steps that may be taken “include” those identified steps, that list of steps would not normally be considered to be definitive or to exclude other appropriate steps for improving the health of the people of the area. However, there is nothing in the section to suggest that it requires the Council to take a different approach to determining planning applications, or even provides justification for a different approach. As set out above promoting healthy lifestyles is already recognised as a material planning consideration and in the circumstances Officers do not consider that section 12 of the Health and Social Care Act 2012 materially alters the position.

- 2.15 Essentially the Council must still determine the application in accordance with the requirements of the planning legislation. Coincidentally the Act became law on the same day as NPPF was published (27th March 2012). Officers do not consider that the Act supercedes or qualifies in any material respect the proper approach set out in NPPF and discussed above. In particular Officers do not consider that the Act provides any way around the difficulties already identified arising from (a) the absence of any realistic proposals for securing future public use of the site and (b) the limited informal nature of the use relied upon.

Core Strategy

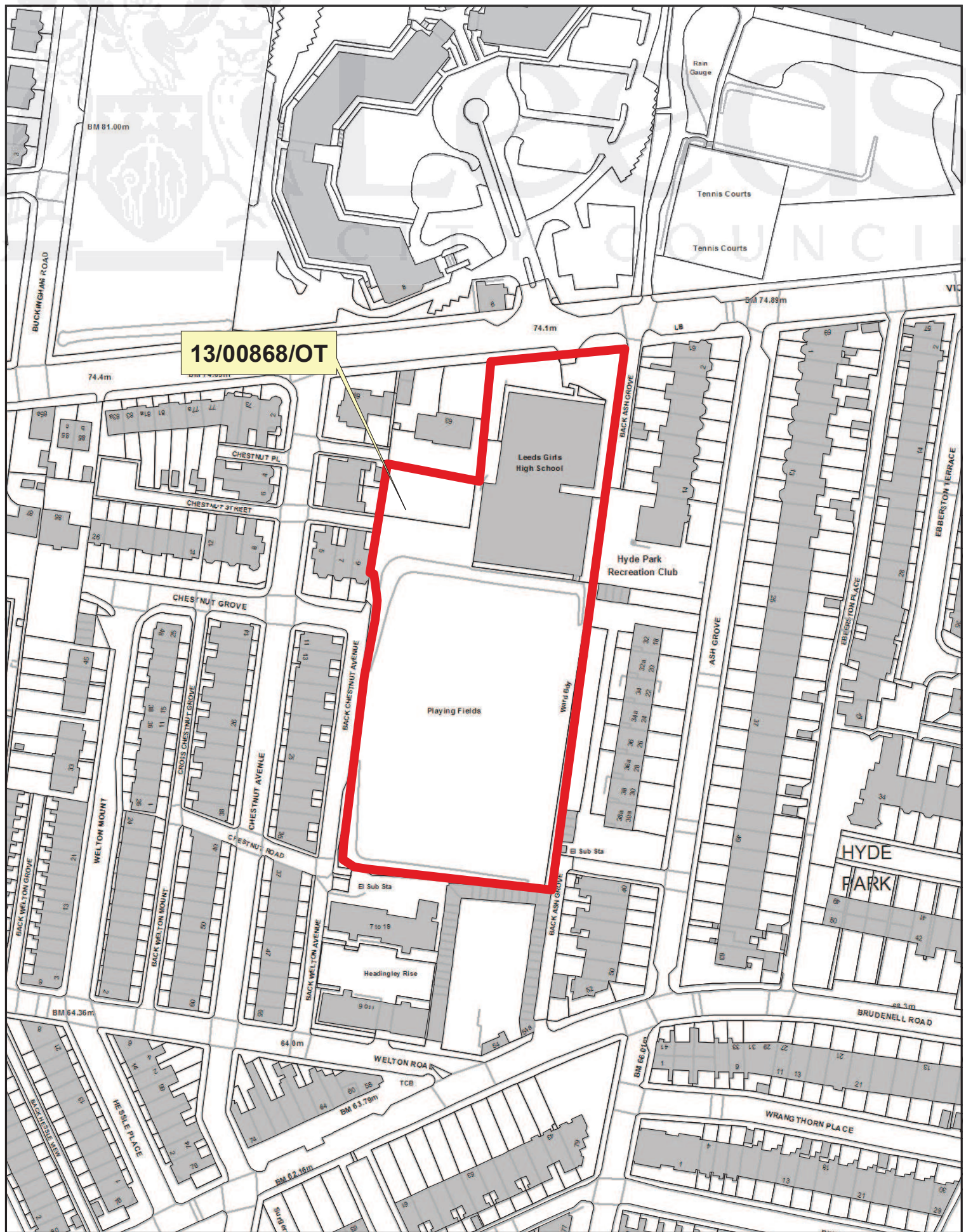
- 2.16 The Panel suggested that the emerging Core Strategy could be used to assist in refusing the application. The Inspector’s main modifications were published on the 13th March 2014 for six weeks public consultation. Officers consider significant weight can now be attached to the Draft Core Strategy as amended by the main modifications. The emerging Core Strategy at page 97 states “In areas of deficiency, the priority is provision of new greenspace and improved green links to existing greenspace”. The application scheme includes the creation of a new area of public open space on site. The application in the S106 package makes a contribution towards improving greenspace and sports equipment in the locality. There is an opportunity to use the monies secured through the Section 106 Agreement to assist in the delivery of a greenspace scheme in the locality.

- 2.17 Officers have explored Panels suggestion to use the emerging Core Strategy and do not consider the Core Strategy provides anything further to support a reason for refusal given the assessment carried out in this report and set out in paragraph 8.17 of the Panel Report of the 5th December 2013. The draft Core Strategy submitted for examination in October 2013 was updated to ensure it reflects the requirements of the Health and Social Care Act 2012.
- 2.18 Response to additional representations raised. The Hyde Park Olympic Legacy are concerned that the report of the Chief Planning Officer of the 10th October and 5th December respectively has not filled in the boxes on the front pages of the reports describing Specific Implications For: “Equality and Diversity”, “Community Cohesion” and “Narrowing the Gap”. It is clear that the planning application and the redevelopment of the site means a great deal to the local community. The Council recognize the sensitivities around the application and has spent considerable time examining the matters raised by all parties. The findings of the Panel reports of the 10th October and 5th December clearly identify the material planning considerations along with the sensitivities associated with the application proposals. Although the application has generated significant local interest as the site is private land with very limited public access officers consider the redevelopment of the site would have a neutral impact on matters of ‘community cohesion’, ‘equality and diversity’ and the aim to ‘Narrow the Gap’.

Conclusion

- 2.19 The applicants have additionally expressed a wish to voluntarily contribute a further £23,223.00 towards sports equipment to be spent in the locality, possibly on the proposals to create an area of public open space on the site of the former Royal Park Primary School. This contribution is in addition to the already committed £26,777.00 for sport equipment as set out in the December 5th Chief Officer Panel Report. This extra contribution, the applicants have confirmed is not put forward in order to justify the development in planning terms, but that it is intended to voluntarily make provision for funding for sports proposal in accordance with the recommendations from Sport England. Officers are also of the view that such a contribution is not necessary to address any planning consequences associated with the development and consequently the provision of such a contribution should not be taken into account when it comes to determining the planning application. However, it would be possible to incorporate a mechanism within the legal agreement to ensure that the contribution was delivered.
- 2.20 Members may be aware that the demolition of the former Royal Park Primary School site has commenced. The Council is promoting this site to be brought forward to create a new area of public open space that can be linked to the existing greenspace adjoining the primary school site. There is Section 106 money available both in Headingley ward and Hyde Park & Woodhouse ward that could be used to deliver a new area of public open space. The detail of what this open space would look like and how it would be laid out is a matter for the local community in combination with ward councilors and the Councils Parks and Countryside section to draw up. Delivering new public open space can be seen as an example of the Council carrying out its duty placed upon it by section 12 of the Health and Social Care Act 2012 .
- 2.21 In light of the unchanged position that Sport England, Public Health England and the Director of Public Health have adopted, Officers consider there are no new significant material planning considerations that result in a change to the

recommendation of this application as outlined in the October and December 2013 Panel Reports. The suggested reasons for refusal requested by Panel have been explored in detail and legal advice has been sought. Members are asked to consider the content of this report and confidential advice provided and if minded, to re-assess the original recommendation of the December 2013 Panel report attached at appendix 1.



SOUTH AND WEST PLANS PANEL



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Originator: Terry Moran

Tel: 0113 3952110

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3rd April, 2014

Subject: APPLICATION 13/05700/FU – First floor side extension at 56 Eden Crescent, Kirkstall, Leeds. LS4 2TW

APPLICANT

Mr M Zaffer

DATE VALID

11 December 2013

TARGET DATE

05 February 2014

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the following conditions:

- 1) Standard three year time limit.
- 2) Development to be carried out in accordance with the approved plans.
- 3) Materials to match the existing.
- 4) Rear facing bedroom window to be obscurely glazed.
- 5) No new side windows.
- 6) Car parking area to have permeable surface and to be laid out prior to the first occupation of the first floor extension.
- 7) Front boundary wall to be retained and maintained thereafter.
- 8) PD Rights removed for extensions and outbuildings

1.0 INTRODUCTION:

- 1.1 This application is brought back to Plans Panel after being deferred by Members of the Plans Panel in March 2014.

1.2 The application was deferred to agree a Site Visit and to ensure that a more detailed history of the site is provided in relation to the timing of construction of extensions to the property.

2.0 BACKGROUND:

2.1 The application property was originally erected as a three-bedroomed semi-detached house in the early part of the 20th Century.

2.2 A single storey kitchen extension was added to the side of the property in 1984.

2.3 Planning permission was granted in 2012 for a first floor extension, which resulted in the addition of a further bedroom.

2.4 The owner of the property extended the roof of the property in 2012 using Permitted Development Rights as granted by Class "B" of the GPDO, to change the hipped roof into a gable and add a new rear dormer.

2.5 Planning permission was granted in 2013 for a part two storey, part single storey side extension. This resulted in a total of five bedrooms within the property, taking into account the additional roof extensions.

2.6 Enforcement action was taken in 2013 following the above approval, as the first floor side extension and rear dormer were not built in accordance with the approved plans. The first floor side extension has subsequently been demolished.

2.7 The property has since been extended at ground floor to form a full-length single storey side extension, using Permitted Development Rights as granted by Class "A" of the GPDO.

2.8 It should be noted that the approval from 2013 is still extant for a part two, part single storey side extension, but that in order to comply with the extant permission it would be necessary to remove that part of the ground floor side extension which projects towards the front elevation so as to restore the property to its former state.

3.0 SUMMARY AND RECOMMENDATION:

3.1 Officers have reviewed the history of the site following detailed representations from the owner or the adjacent property. Although a number of additions and enlargements have been made to the property, all of these are compliant with the requirements of the GPDO. The applicant has previously been granted planning permission for a first floor side extension of the same size and appearance as shown on the current submission, with that approval remaining extant until 2016.

3.2 The proposed first floor extension complies with the recommendations of the Adopted Householder Design Guide SPS, as the extension is set back by at least 2 metres from the front elevation and incorporates obscure glazing so as to overcome any potential loss of privacy.

3.3 Officers consider, therefore, that the overall increase in size at ground floor is such as to not significantly impact on amenity and that the application should therefore be supported in line with the previously submitted report.

3.4 A copy of the original Panel report is appended for the information of Members.



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 6th March, 2014

Subject: APPLICATION 13/05700/FU – First floor side extension at 56 Eden Crescent, Kirkstall, Leeds. LS4 2TW

APPLICANT

Mr M Zaffer

DATE VALID

11 December 2013

TARGET DATE

05 February 2014

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the following conditions:

- 9) Standard three year time limit.
- 10) Development to be carried out in accordance with the approved plans.
- 11) Materials to match the existing.
- 12) Rear facing bedroom window to be obscurely glazed.
- 13) No new side windows.
- 14) Car parking area to have permeable surface and to be laid out prior to the first occupation of the first floor extension.
- 15) Front boundary wall to be retained and maintained thereafter.
- 16) PD Rights removed for extensions and outbuildings

3.0 INTRODUCTION:

- 3.1 This application is presented to Plans Panel at the request of Councillors Illingworth and Atha with regard to the potential impact on the streetscene.

3.2 Members may recall that a similar application was approved by Plans Panel in 2013 for a part single storey, part two storey side extension at this address, reference 13/01654/FU. That application was subject to Enforcement Action as the extension was not built in accordance with the approved plans, resulting in the first floor extension being demolished.

4.0 PROPOSAL:

4.1 This application is for a first floor extension to the side of a semi-detached house. The extension will be erected above an existing single storey side extension, resulting in a part two-storey, part single storey addition. The first floor element will measure approximately 5.7m in length and be set back 2.0m from the front corner of the dwelling. The proposed set-back produces a staggered appearance to the front elevation. The first floor will have a matching eaves line and subordinate roof form set below the apex of the main roof.

4.2 The first floor element of this application is identical in form to the previous consent granted in 2013, but the application differs in that the ground floor of the property has subsequently been extended forward under current Permitted Development guidelines. Although, therefore, the plans differ in layout, the end result is that the first floor is therefore the same as that which was approved in 2013 by the Plans Panel. Consent for a larger two storey side extension was previously refused by Officers under delegated powers in early 2013.

4.3 The proposal includes two car parking spaces to the side and front of the dwelling, each measuring 5.0m x 2.5m.

3.0 SITE AND SURROUNDINGS:

3.1 The site comprises a semi-detached dwelling dating from the mid-twentieth century. It occupies a corner plot position which narrows to the rear. The dwelling is orientated at an approximate angle of 90 degrees to the adjacent neighbouring dwelling.

3.2 The property is elevated relative to the highway with conifers providing some screening above the existing front boundary wall. The rear garden is quite small and fairly well-screened by boundary treatments. The side garden is also relatively private with screening provided by hedges.

3.3 There is an existing flat roofed single storey extension to the side of the dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 ENQ/13/00550: Single storey side extension. (Permitted Development).

4.2 13/01654/FU: Part two storey, part single storey side extension. (Approved).

4.3 13/00524/FU: Part two storey, part single storey side extension (Refused on the grounds of design and lack of off-street parking).

4.4 12/04972/FU: First floor side extension (Approved).

4.5 ENQ/12/00779: Side and rear dormer, single storey rear extension (Permitted Development).

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application follows a 2013 proposal which was approved subject to conditions but which was subsequently erected so as to fail to comply with the approved plans,

as the two storey extension was not set down from the original roof line and was therefore not subservient. The applicant also erected a large rear dormer attached to the side extension, which was unauthorised.

5.2 Compliance Officers subsequently took Enforcement Action which required the demolition of the first floor extension and rear dormer. The demolition of the unauthorised works has now been completed.

5.3 Following the demolition of the unauthorised extensions, the applicant has completed a single storey side extension under current Permitted Development guidelines. This has resulted in a full length extension with a flat roof to the side of the dwelling.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Eight letters of representation have been received, of which two are objections from Ward Councillors Illingworth and Atha, five are objections from neighbouring properties and one is a letter of comment from Rachel Reeves MP. Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. The letters from local residents are objections which refer to design, parking and overdevelopment of the site, state that certain elements should not have been allowed under "Permitted Development" and also express concern regarding the precedent that would be set. The letter from Rachel Reeves MP requests that she be appraised of the outcome on behalf of one of her constituents.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objection to car parking layout

8.0 PLANNING POLICIES:

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). 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.
- H15 relates to the Area of Housing Mix and seeks to redress the existing imbalance between family and student housing.

- 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. In February 2014 the Inspector set out a series of modifications required by the Council in order to ensure the soundness of the Core Strategy. 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.

- 8.7 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".

9.0 **MAIN ISSUES:**

- Design
- Residential amenity
- Area of Housing Mix
- Highway Safety
- Permitted Development
- Representations

10.0 **APPRAISAL:**

Design

- 10.1 This extension is set down from the ridge and subordinate to the main dwelling. This is achieved through its compliance with the standard guidance for this type of extension contained within the Householder Design Guide. It is inset by the

required 2.0m from the front corner of the dwelling and retains a 1.0m gap to the shared side boundary save for the very rear corner which is 0.5m from the boundary but in mitigation, for the most part the distance to the side boundary is well in excess of 1m due to the splayed nature of the boundary.

10.2 The first floor extension is less than two-thirds the width of the host dwelling and is set back. It will therefore retain an adequate visual break to the adjacent dwelling and will not significantly impinge on the visual gaps between dwellings which form part of the character of the Crescent. It has a gabled roof form reflecting the existing form of the host property where the roof has been altered through works that did not require the express consent of the Local Planning Authority as the gable was created under Permitted Development legislation. The setback of 2.0m thus ensures a subordinate roof form with the apex of the extension roof being approximately 0.8m below that of the main roof. The materials as proposed will be conditioned to match the existing and the window detailing is considered appropriate to the design of the original dwelling. The extension will be erected above an existing single storey extension of flat-roofed design and result in a larger extension of better design quality and matching roof form. As it occupies a wider than usual corner plot the extension will not set a significant precedent. The 2.0m setback from the front elevation has addressed an issue which resulted in an earlier design-based reason for refusal on a previous application.

10.3 In design terms the extension is therefore considered to comply with Policies GP5 and BD6 of the UDP, Policy HDG:1 of the Householder Design Guide and the guidance on 'good' design appropriate to the local context contained within the NPPF.

Residential Amenity

10.4 In terms of potential overshadowing, the extension is set well back from the properties on the other side of the highway and for the most part maintains good separation to the boundary and dwelling adjacent to it. Although the splayed boundary does create a pinch-point towards the rear corner, the orientation of the host dwelling relative to the adjacent neighbour and the general orientation of the site means that any potential for overshadowing is very limited and falls only in areas with limited amenity value for a small proportion of the day. The effects in this respect are further mitigated by the subordinate nature of the design meaning that much of the extension will sit within the shadow cast by the host dwelling.

10.5 In terms of dominance, such effects are considered to have been addressed through the relatively subordinate design and generally good separation to the side boundary combined with the orientation of the dwelling opposite, such that the extension is therefore not considered overbearing in its relationship to neighbouring properties.

10.6 In terms of loss of privacy, the front windows overlook the public highway and are well separated from the dwellings opposite which have limited privacy as they face the public highway. No windows are proposed to the side elevation, with future window insertion to be controlled by condition. A condition requiring that the rear bedroom window be obscurely glazed and non-opening has been recommended to prevent harmful overlooking of the adjacent dwelling due to the extension being only 5m from the adjoining boundary. It should be noted that such a condition is considered acceptable as the new bedroom has a front window and thus provides a reasonable outlook for future occupants. The application is therefore considered to comply with Policy GP5 of the RUDP and Policy HDG2 of the Householder Design Guide.

Area of Housing Mix

10.7 The property is occupied as a single family dwelling, with the layout of the submitted plans being in accordance with the existing occupancy. As such Policy H15 does not apply as the house will not be occupied as a student property.

Highway Safety

10.8 The parking area as laid out and shown on the submitted block plan will provide capacity to park at least two standard sized domestic vehicles off the street. On balance, this is considered to represent adequate provision for the size of dwelling proposed given the suburban location which is well served by public transport. It also compares favourably with other off-street parking provision within the locality. No significant on-street parking issues were observed when the site was visited. The application is therefore considered to comply with Policy T2 of the RUDP and guidance within the Street Design Guide SPD.

Permitted Development

10.9 The applicant has carried out a number of alterations and extensions to the property, including a new gabled roof, a rear dormer, a single storey extension to the side and a single storey extension to the rear. Although these extensions have significantly altered the appearance and form of the dwelling, these extensions have been carefully assessed against the criteria of the GPDO and have been determined as not requiring formal approval. This is on the basis that a semi-detached house may erect single storey extensions not exceeding 3.0m deep to the side and the rear provided that the two extensions do not adjoin each other, and may also add dormer and roof extensions up to a maximum of 50 cubic metres.

It is, however, considered appropriate to remove future PD rights in respect of extensions and outbuildings due to the restricted nature of the plot, so that the Local Planning Authority may subsequently monitor and control future development within the site.

Representations

10.10 Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. Five letters of objection have been received from local residents, which refer to design, parking and overdevelopment of the site, and also state that certain elements should not have been allowed under "Permitted Development". The letters also express concern regarding the precedent that would be set. These issues are addressed in the preceding sections. One further letter has been received from Rachel Reeves MP, requesting that she be appraised of the outcome on behalf of one of her constituents.

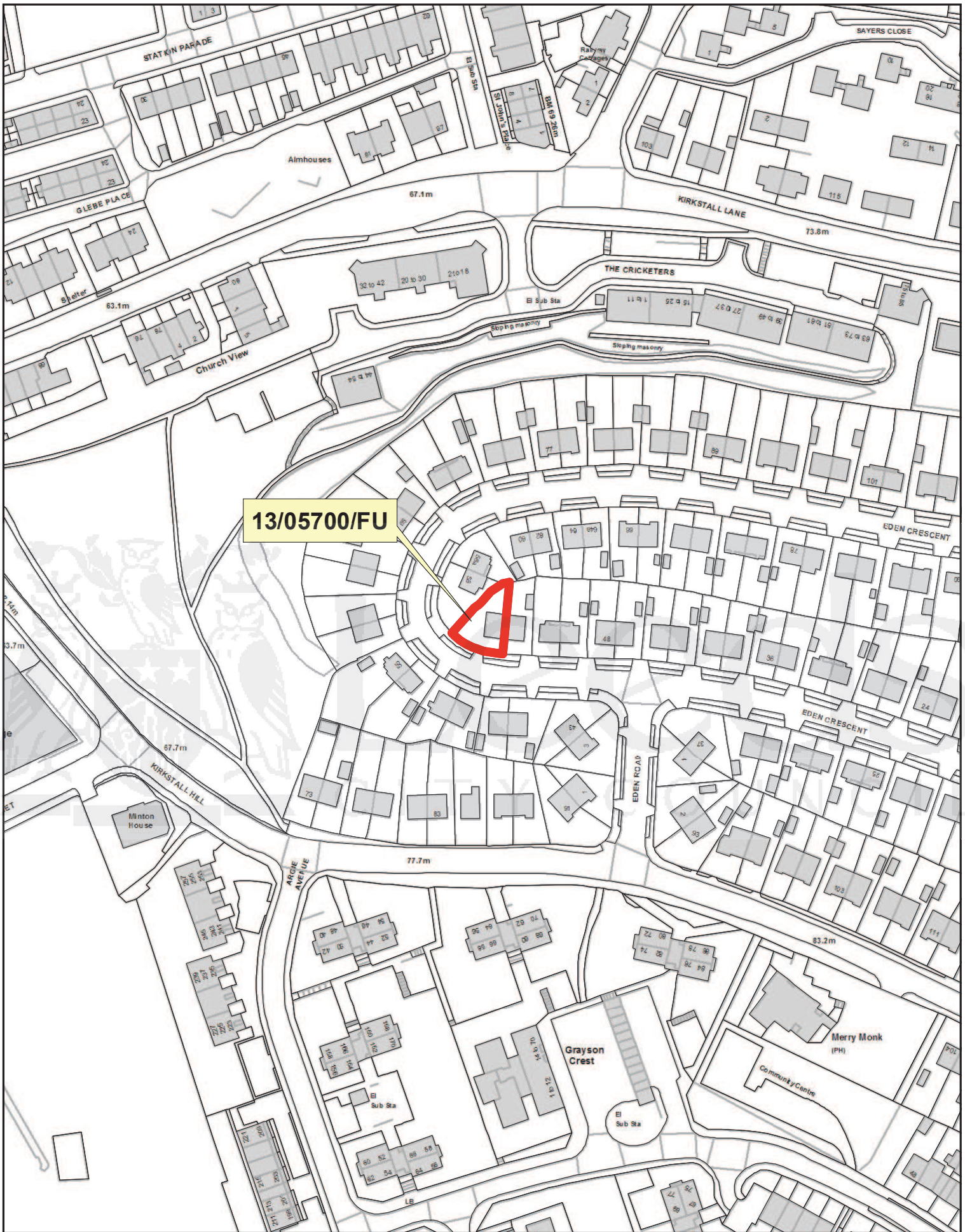
11.0 CONCLUSION

The proposal is considered to comply with adopted Design Policies and to accord with the relevant national Planning Policies and guidance. It is further considered that there are no other material considerations that would outweigh the above. The Officer recommendation is that the application should be approved

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

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Originator: Amanda Stone

Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 6TH March 2014

Subject:

APPLICATION 13/05650/FU: APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL CARE TAKERS HOME (USE CLASS C3) TO A MIXED USE OF OFFICE USE AND COUNSELLING EDUCATIONAL/TRAINING SUPPORT SERVICES (USE CLASSES B1A AND D1) AT 1 SYDENHAM STREET, HOLBECK, LEEDS, LS11 9RR .

APPLICANT
JOANNA 'PROJECT'

DATE VALID
13 DECEMBER 2013

TARGET DATE
07 FERUARY 2014

Electoral Wards Affected:

Beeston Holbeck

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE, subject to the specified conditions.

1. Time Limit on Permission.
2. Plans to be approved.
3. Restrict use to as specified on application form.
4. Restriction of hours of use.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (West and South) at the request of Councillor Congreve due to the amount of local interest generated.

2.0 PROPOSAL:

- 2.1 The applicants are a Leeds based charity (Joanna) that are an outreach and support project that work with vulnerable and hard to reach women who are trapped in street prostitution. They are 1 of 50 agencies across the UK who shares resources and

good practice. They are part of the 'Safer Leeds Prostitution Case Conference' (multi agency joint working forum) and liaise with WYP, Probation Services, Crime and Reduction Services and community drugs services

2.2 The centre would provide practical and emotional support by befriending and mentoring vulnerable women, the aim being to empower them to exit prostitution and sustain a new life. As well as offering services such as housing and harm reduction, they provide long term (6-12 months) holistic support and refer clients onto specialist agencies for specific support needs.

2.3 The operation will employ seven part-time employees (equivalent of three full time positions).

Opening hours are as follows:

Office: 09.00 – 18.00 Monday to Friday, and drop-in service: 11.00 - 15.00 Monday to Friday. Five parking spaces are shown to be provided on-site.

2.4 External alterations consist of the replacement of the existing back door with a new door compliant with building regulations and the disability act. It is also proposed to replace two wooden windows with UPVC windows. The garden is also proposed to be cleared of the overgrown bushes and rubbish to provide an attractive garden space.

2.5 Internal alterations consist of upgrading the existing ground floor toilets and kitchen. Ground floor accommodation consists of two offices bathroom, kitchen, garage and lobby. First floor accommodation would consist of two further offices, lobby, bathroom and meeting room.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located on the edge of Domestic Street Industrial Estate on the corner of Sydenham Street and Domestic Street. Its current use is a care takers accommodation for the Industrial Estate. The two storey building is a Council owned property which is currently vacant and has been for some time. The site is served by a wide forecourt to the front which borders Domestic Street and a garden area to the south which is bound by a 2m high wall. Five parking spaces are provided to the south west side of the site which are accessed off Croyden Street.

3.2 The Industrial Estate is located approximately 1m from Leeds City Centre and close to the M61/M621 (M62) junction. The immediate area is predominantly industrial in character. To the west is a raised section of the A58 and a disused railway viaduct which separates the predominantly residential area of Holbeck from the more commercial area of Holbeck.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 CONSULTATION RESPONSES:

5.1 Statutory Consultations: None

5.2 Non Statutory Consultations:

Local Plans – No objections raised to the principle of the change of use

Highways – No objections

ALO - No detrimental comments received, recommendations given with the intention of reducing opportunities for future criminal and anti-social activity.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice on 24 December 2013. Overall 13 letters of objection and 7 letters of support have been received to the development.

6.2 Three representations were made by the Neighbourhood Planning Steering Group and Residents Groups, from Anne Hopper – Gaitskills Residents Group; Ian Pickup, Dennis Kitchen – Voice of Holbeck; and Steve Peacock – Cross Ingram Residents Association, objecting to the proposal on the following grounds:

- Centre too close to residential properties;
- local residents subjected to anti-social behaviour and abuse;
- hypodermic needles and used condoms littering streets;
- provision of free hand-outs and other services is likely to attract more prostitutes into the area rather than the reverse;
- the centre would service the whole of Leeds, therefore should be situated in the city centre;
- no consultation with local people likely to be affected by the proposal;
- timing of submission of application at Christmas – deemed to be deliberate to reduce consultation response time for residents;
- concerns raised about the handling of the application by council officers prior to submission of application;
- general consensus from local residents is no to prostitution and/or related services.

6.3 9 letters of objection received from local residents expressing the following concerns:

- centre would increase prostitution and invite prostitutes to the area;
- drop-in centre will make the residents more vulnerable and it is unfair;
- the centre would highlight that the area is notorious for this type of activity and would become unsafe for women to walk out on the streets;
- would encourage prostitutes rather than discourage them;
- lack of consideration for law abiding people;
- Centre would portray Holbeck as an urban ghetto opposed to an urban village and undo all the positive steps made through the development of new houses, and refurbishment of the tower blocks;
- Nearby bus stop used by children.

6.4 Overall six letters of support have been received to the scheme – 3 from local residents and the others from Superintendent Hussain from West Yorkshire Police, Rev Mitton from St Luke's Church, Holbeck, John Walsh representing Leeds Community Healthcare NHS Trust and Dr R Flint local GP.

6.5 Supportive comments received from West Yorkshire Police are as follows:

- The Joanna project is a key third sector partner in the multi-agency approach to the issues of street prostitution in the area;
- Law enforcement alone has not and will not result in diverting vulnerable women away from prostitution;
- The key to success is for law enforcement to be used in conjunction with partnership interventions and for that to succeed the women need access to the welfare and support services that would be provided at this drop in centre;
- WYP are not aware of any evidence that similar centres have resulted in an increase in the number of women working as prostitutes in the areas covered;
- The drop in centre would be a valuable asset and key part of the strategy to tackle street prostitution.

6.6 Supportive comments received from Rev Mitton of St Luke's Church in Beeston are as follows:

- The Joanna project has consistently provided an outstanding ministry among women working in the sex industry in Leeds;
- They endeavour to build relationships with these ladies, providing support, mentoring and friendship with the direct hope of helping them exit prostitution;
- Their work in no way condones prostitution, rather recognises the complex social and economic factors that contribute to decisions to enter this lifestyle;
- They give individual long term holistic support which is built on a lot of experience;
- Their work should be lauded rather than opposed;
- The proposed premises will provide an accessible base within the local area which will aid deliver an efficient consistent service;
- The centre aims to provide experienced workers which will help women leave the sex industry;
- These women are caricatured as perpetrators of social problems and law breakers by local opposition. These views may be understandable however are ill-informed and fail to recognise an element of victimhood and the complex reasons for entering the sex industry in the first place and the subsequent difficulty in leaving it;
- Blocking the application on the fear that it may increase prostitution in Holbeck is to misunderstand the experience of women in this industry and underestimate the track record of the Joanna project as well as over-estimating the facility this small scale building can afford and the lack of advertising;
- It would also block an organisation that has proven to effectively support women leave the sex industry.

6.7 Supporting comments received from Leeds Community HealthCare NHS Trust (York Street Health Practice) are as follows:

- The Joanna Project is a respected service in the city of Leeds which defines itself as an 'outreach and support agency working with women, at risk or involved in prostitution. They seek a small premise to offer support and care to those involved in prostitution which involves safeguarding and practical support.
- We as a service are interested in seeing what Health can do to develop this therapeutic presence in the area where those involved in prostitution operate. This would take the form of discussions of what already exists, is needed and can be provided.
- The 2013 Department of Health paper 'A Framework for Sexual Health Improvement in England' says, 'Some prostitutes are at higher risk of poor sexual health outcomes.

- Prostitutes also experience vulnerabilities such as violence, rape and sexual assault, homelessness, and drug and alcohol problems that may impact on their sexual health needs.
- There is a strong need for specialist services to be available because of the barriers prostitutes face in accessing mainstream services'.
- The health inequalities and untreated health conditions of those involved in prostitution is a real challenge. The opening of this centre offers a real possibility for an answer.

6.8 Supporting comments received from Dr Flint local GP are as follows:

- The Joanna Project does important work supporting sex workers with the aim of exiting prostitution, find hope and rebuilding their lives;
- The building would help their scope and ability to help these women;
- I am a local inner city GP with an interest in treating addiction and know that social support and daytime activities are crucial in overcoming addiction.

6.9 3 letters of support received from local residents have made the following comments:

- The Joanna Project is a charity working to support and give value to women who are sex workers and to help those that wish to leave this work do so
- It is a detached property on a non-residential street, close enough to the city centre and public transport links to enable women to access this centre fairly easily. It is hard to imagine a better location for this project.
- The day centre will be a place of safety for women, where they can be treated with value and respect and where they can get counselling and support.
- You would never know that it was a day centre for vulnerable women in the sex industry.
- Sometimes people make objections based on fear of the unknown. I hope that if the objectors have an opportunity to hear and listen with compassion to what the Joanna project is hoping to achieve and if they meet some of the women who have been supported through the project they will find their fears diminish.
- the work that Joanna already does in this area is vitally important, and that opening such a sanctuary would significantly reduce the problem of street prostitution as well as providing much needed care and support for the women involved.
- Joanna project are tackling the problem head on by trying to bring the women out of prostitution rather than simply moving them on;
- this is exactly what Holbeck needs to address the challenges in our community rather ignore them;
- Fully support their initiative as they are seeking to aid women to find a way out by offering alternatives in a safe and warm environment. This drop-in will not draw more prostitutes into the area, rather it will draw women away from the streets near our homes as they choose to go here instead of 'work' on the streets.

7.0 PLANNING POLICIES:

7.1 The Development Plan includes the adopted Leeds Unitary Development Plan - Review 2006 (UDP), Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents. The emerging local plan will eventually replace the UDP.

7.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. 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. The provision of health care facilities is a key objective of the Core Strategy.

7.3 The following policies are considered to be of relevance:

GP5 requires development proposals to resolve detailed planning considerations, including access, drainage, contamination.... landscaping and design to avoid environmental intrusion, loss of amenity... highway congestion and safety...and prevention of crime.

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

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

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

7.4 National Planning Policy Framework (2012)

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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8.0 MAIN ISSUES:

1. The principle of development.
2. Impact on residential amenity.
3. Highways
4. Representations
5. Conclusion

9.0 APPRAISAL:

The principle of development

- 9.1 The change of use of premises from C3 to B1a/D1 requires an assessment of the application in relation to planning principle. In reaching a view the following considerations have been taken into account:
- 9.2 Firstly, the site is not located in a Town Centre and B1a/D1 is a type of use encouraged to be located in Town Centres within the NPPF to ensure the vitality of town centres. That said, the NPPF also states that planning authorities should demonstrate flexibility on issues such as format and scale. In this instance the development is below the level at which the local authority would apply a sequential or impact assessment as its modest scale is considered unlikely to have a harmful impact on the vitality and/or viability of town centres.
- 9.3 Furthermore the site is located within a sustainable location which is provided with excellent pedestrian and public transport access links whilst also contributing to sustainability by providing economic, social and environmental benefits for the local area in accordance with the aims and objectives of the NPPF.
- 9.4 The economic benefit would bring back into use a building which has been vacant for a number of years, whilst also providing employment and volunteering opportunities in an identified employment zone.
- 9.5 The social benefits would be the provision of much needed support (counselling, health, education and training) for vulnerable woman in the local area to help them exit the sex industry. The centre aims are to educate and provide an accessible front line service which aims to break down the current barriers these women face in accessing mainstream services which is a factor believed to facilitate the growth of the sex industry. The centre also seeks to tackle health inequalities and untreated health conditions of these women which include violence, rape, sexual assault, homelessness, as well as drug and alcohol problems. Its aim is also to tackle the complex social and economic factors that contribute to women entering the sex industry and in doing so deter vulnerable women away from prostitution.
- 9.6 The social benefits to the community would be to reduce the anti-social problems linked to street prostitution in this area of Holbeck. Comments received from West Yorkshire Police recognise that law enforcement alone 'has and will not result in diverting vulnerable women away from prostitution'. They have advised that the key to success is for law enforcement to be used in conjunction with partnership

interventions that provide women access to welfare and support services in order to effectively tackle street prostitution.

- 9.7 The environmental benefits would be the refurbishment upgrade of existing facilities through both external and internal alterations, rejuvenating an existing vacant dilapidated building and the clean-up of the garden by the removal of rubbish and overgrown vegetation to create a more attractive space.
- 9.8 In summary the project would bring a vacant property back into use and provide an accessible counselling and educational facility for vulnerable women the aim being to help them exit the sex industry and in turn address identified local problems which is compatible with the aims and objectives of the NPPF. Accordingly, the merits of this development are considered to significantly outweigh any harm caused by its out of centre location. The proposal is therefore supported in principle subject to satisfying other detailed planning considerations.

Impact on residential amenity

- 9.9 The property is situated on the south east edge of Domestic Street Industrial Estate, on the corner of the junction of Sydenham Street and Domestic Street, 1 mile south of Leeds City Centre. The immediate area is characterized predominantly by industrial/commercial buildings. Bordering the south side of the estate is the (A58) and a disused railway viaduct, beyond which approximately 150m away from the premises is a residential estate. The residential and commercial sectors are therefore afforded a degree of separation and isolation from each other both in terms of distance and physical barriers.
- 9.10 The proposed use will operate during the conventional working day (09.00 -18.00hrs Mon to Fri), with a drop-in service available between the hours of 11.00 and 15.00hrs Mon to Fri. Accordingly, it is anticipated that the proposed use will be low key considering the times in which it will be open. The site is also located within walking distance of the areas perceived to be affected by street prostitution and as such visitors to the unit would likely arrive on foot opposed to car thus it is considered unlikely that the use would cause detriment to nearby neighbour's in terms of noise associated with comings and goings. Distances involved and the surrounding infrastructure also make noise unlikely to pose a significant threat to residential amenity.
- 9.11 With regard to whether this would result in an increase in street solicitation, comments received from WYP suggest that such centres decrease street prostitution by helping women exit street prostitution rather than increasing it. In turn benefit's the local community by decreasing anti-social behaviour linked to the sex industry.

Highway Issues

- 9.12 No objections have been received from the Highways consultation. The site is accessible via alternative transport modes and has adequate parking provision for the proposed use. That said, the D1 class use is very broad and allows other uses such as Crèche, Day Nursery, School, College, Art Gallery, (Museum, Public Library or Reading Room, Church, Mosque etc. which if employed in the future may pose a threat to highway safety and as such needs to be controlled. The proposal is therefore considered unlikely to pose a threat to highway safety, subject to a condition restricting the use to that specified on the planning application.

Representations

- 9.13 Twenty letters of representation have been received to-date. Thirteen of which are letters of objection received from local residents and representatives of community groups. These letters object to the proposal on the grounds that the proposal should be located in the city centre, is too close to residential properties, and the services on offer would increase street prostitution in the area rather than deterring it and in turn increase the current anti-social issues linked to street prostitution in the area. All of the concerns have been addressed in the appraisal section of the report.
- 9.14 With regard to concerns raised in relation to lack of consultation with local people Pre-consultation by applicants with local people on sensitive schemes whilst not a statutory obligation is promoted as good practice by the LPA through the pre-application process which is a service offered to applicants. In this instance however, no pre-application advice was sought prior to the submission of the application.
- 9.15 Following the submission of the application the applicant was advised by officers to undertaken public consultation. Following this request the applicant has undertaken a number of consultations with various representatives of Area Management, Local Councillors and Holbeck representatives. The applicant has also recently spoken at Holbeck Christian Fellowship and invited other residents to attend.
- 9.16 Timing of submission of application at Christmas deemed to be deliberate to reduce consultation response time for residents_– The timing of the submission of the application is the applicant’s decision. The consultation process allows 21 days for representations to be submitted. However, representations can be made and considered up to the date of decision.
- 9.17 The centre would highlight that the area is notorious for this type of activity and would become unsafe for women to walk out on the streets – there is no evidence to suggest that the proposed use would result in an increase in criminal activity of soliciting. The purpose of the unit is to reduce this type of activity by offering long term support by facilitating the women to exit prostitution and sustain a new life.

Conclusion

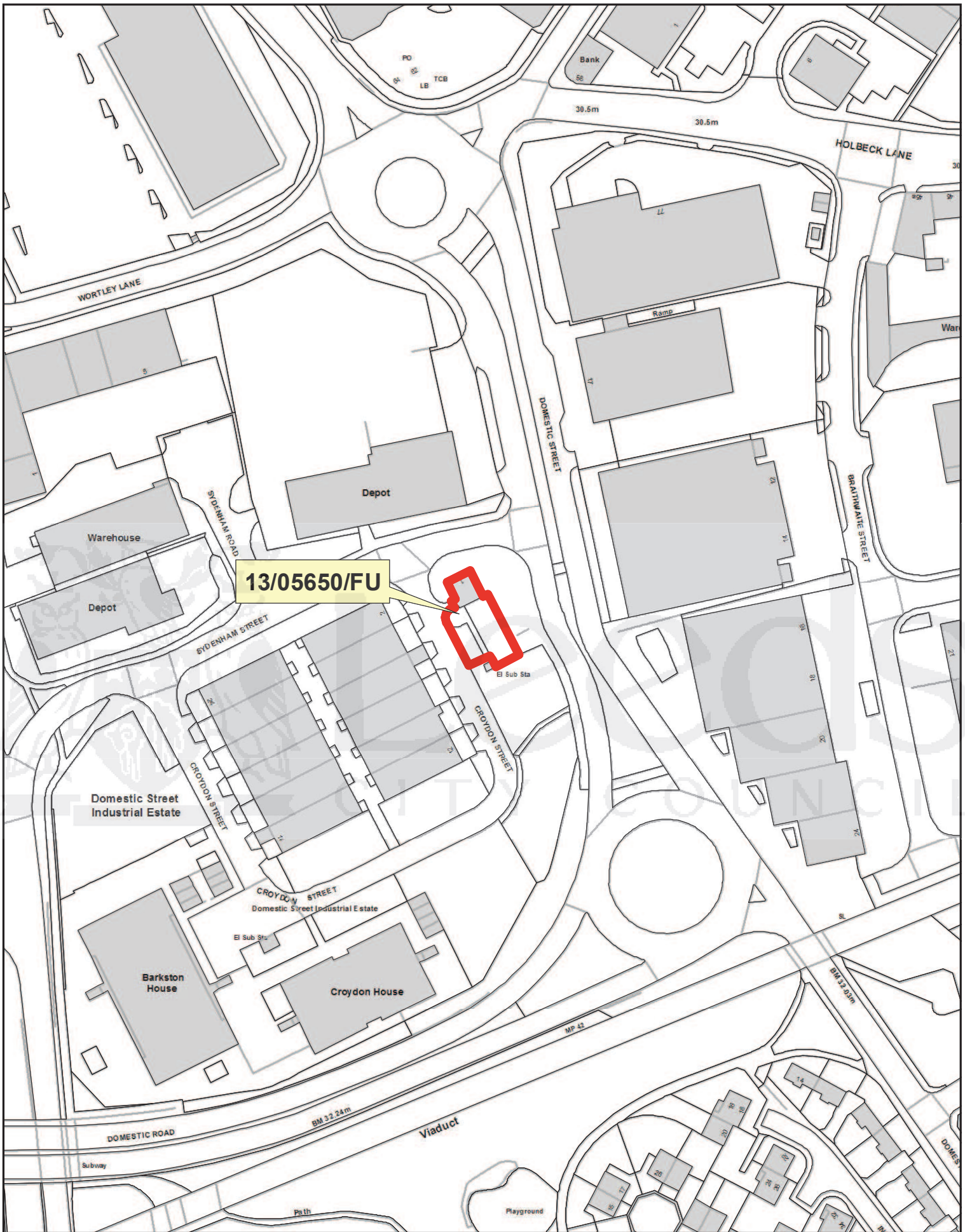
- 9.18 The development would bring a vacant property back into use and provide an accessible counselling and educational facility for vulnerable women the aim being to help them exit the sex industry and in turn address identified local problems which are compatible with the aims and objectives of the NPPF. Accordingly, the proposal is considered also to comply with relevant local policies GP5, BD6, T2 and T24 of the Leeds UDP. The merits of this development are considered to outweigh any material harm caused to residential amenity or highway safety subject to conditions restricting its use and hours of opening. The proposal is therefore recommended for approval.

Background Papers:

Application files 13/05650/FU

Certificate of ownership:

LCC



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SCALE : 1/1500





Originator: Michael Howitt

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3rd April 2014

Subject: APPLICATION 13/05511/FU – Variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision) – Deanhurst, Gelderd Road, Gildersome, Leeds, LS27 7LG

APPLICANT

Innergy LPG Ltd

DATE VALID

29th November 2013

TARGET DATE

24th January 2014

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

GRANT PERMISSION subject to the conditions referred to in the report below:

Conditions

1. Plans to be approved
2. Opening hours restrictions
3. Hours of delivery
4. Areas to which palletised external storage is restricted
5. Areas to which trailer storage is restricted

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (South and West) at the request of Ward Councillor Robert Finnegan as he considers that the proposal raises issues of noise and environmental intrusion to local residents. A Members site visit is requested.

2.0 PROPOSAL:

- 2.1 The proposal is to allow for a variation of a condition of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision) restricting the areas available for external storage so that areas on the Western, Northern and Eastern boundaries can also be used for this purpose. The original permission allowed only for storage along the Southern boundary of the yard and also on trailers located centrally within the yard. The application is retrospective as the business has been operating in this manner, ever since opening in 2012.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located on the northern side of Gelderd Road on a small employment site known as Deanhurst Park, which contains a couple of small office blocks and the application site. The application site comprises of a brick built single storey building (with basement) that is set back slightly from Gelderd Road but runs parallel to it, with a storage yard located to the rear. The site was formally used as a haulage office and HGV parking area but has been used by the current user for around 18 months.
- 3.2 There are residential properties situated opposite the site, immediately north (to the rear) and east. The site is situated on the outer edge of the built up-limits of development (Gildersome) with open land located on the southern side of Gelderd Road in the vicinity. This open land is designated as E4 land (employment use) in the UDP.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There have been a number of planning applications relating to this site with the most recent / relevant as follows.
12/01608/FU - Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade

counter/showroom with external storage to the rear yard area and additional parking provision. Approved 1 June 2012.

11/01427/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away. Refused 1 June 2011. Subsequent appeal dismissed.

09/04919/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away with associated car parking. Refused 14 May 2010. Subsequent appeal dismissed.

23/63/97/FU - Use of cleared site as commercial vehicle parking area. Approved 9 May 1997.

23/64/96/RE - Extension of permission for use of cleared site as commercial vehicle parking area. Approved 26 April 1996.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There were no pre-application enquiries prior to the submission but the application was submitted following a compliance investigation which found that storage of gas canisters was taking place outside of areas that were designated on the approved plan of planning application 12/01608/FU.

6.0 CONSULTATION RESPONSES:

Statutory Consultations:

- 6.1 None.

Non Statutory Consultations:

- 6.2 Neighbourhoods and Housing – No objection to the areas requested being used for the storage of gas cylinder pallets, but given that it is trailer storage that they perceive to be the issue in terms of noise generation, they request that no trailer loads be located in these areas.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour notification letters on 9 December 2013 and by site notice on 13 December 2013. 17 letters of objection from 15 separate addresses have been received with one letter of support and the remainder objecting.
- 7.2 The issues raised are
- a) The noise from moving the cylinders severely harms residential amenity and prevents the usage of garden areas particularly in summer.
 - b) There is a health and safety risk of storing such cylinders close to residential properties.

c) The business has been operating in this manner ever since it was first opened in 2012.

8.0 PLANNING POLICIES:

8.1 Emerging 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.

8.2 Unitary Development Plan Policies:

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

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

8.3 National Planning Policy Framework

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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people.

9.0 MAIN ISSUES:

1. Overview of previous approval
2. Residential Amenity
3. Visual Amenity
4. Hazardous Substances

10.0 APPRAISAL:

1. Overview of previous approval.

- 10.1 The change of use to the current use as a B8 storage and distribution depot was granted on 1st June 2012 and the delegated report dealing with the issues considered at the time is attached to this report.

2. Residential Amenity

- 10.2 The proposal has been considered by Neighbourhoods and Housing (Environmental Health) and the response was that the majority of the noise generated from the site, was emanating from the loading and unloading of canisters and cylinders that are located within the central part of the yard. It is considered that the palletised gas cylinder storage areas, which are the subject of this revision of the condition, do not contribute to the noise nuisance that is raised by the residents adjacent to the site. The applicant has informed the Council that the noise on the site emanates from the collisions of loose gas bottles that are contained on the trailers for individual collection, rather than from removal of the bottles from the trailers. The cylinders are removed by forklift, rather than dropped for obvious safety reasons. As such, the variation of this condition is not objected to by Neighbourhoods and Housing, subject to the areas being used for palletised cylinder storage and not trailer storage.

3. Visual Amenity

- 10.3 At the time of the original permission, a condition was applied, to restrict the area available for external storage. The reason for this condition was stated on the decision notice was to protect visual amenity, preventing the storage of gas cylinders in areas that would be visually detrimental. This application proposes to use areas that are all contained within the yard that is well screened with fencing, landscaping and is located behind the main building. It is therefore considered that any visual intrusion will be minimal and certainly not harmful from any public vantage point and would therefore remain acceptable in terms of visual amenity.

4. Hazardous Substances

- 10.4 This matter was considered at the time of the previous application but to reinforce the issue and to respond to public concerns, the matter is addressed again here
- 10.5 Whilst the concerns of local residents are appreciated and understood it is not considered that planning can get involved in the issue of what exactly is to be stored on this site from a safety point of view because, in this instance, it is a duplication of powers contained in other legislation, namely the Planning (Hazardous Substances) Act 1990.
- 10.6 During the processing of the original application, the Fire Service, Health and Safety Authority and the Health and Safety Executive (HSE) were all contacted with regard to the proposals. The HSE advised that the HSE's role in providing land use planning advice is as a statutory consultee on proposed developments in the vicinity of major hazard sites and major accident hazard pipelines, and on applications for hazardous substances consent. That application involved neither of those. As planning permission was granted, the site is subject to the HSW Act and associated legislation, which is enforced by HSE. HSE had no comment to make on the proposed change of use which was a planning legislation matter.
- 10.7 The HSE went on to advise that hazardous substances consent legislation (Planning (Hazardous Substances) Act 1990) is a matter for Leeds City Council, acting in their capacity as the Hazardous Substances Authority. If the site stores less than 25 tonnes of LPG then it is HSE's understanding that they do not require hazardous substances consent.
- 10.8 It was also noted that both the Fire Service and the Health and Safety Authority advised that it was not within their remit to comment on the proposals.

11.0 CONCLUSION:

- 11.1 On balance, it is considered that as discussed above, the application is acceptable. The proposal complies with the relevant provisions of the Development Plan and there are no other material considerations that outweigh this finding.

Background Papers:

Application files 13/05511/FU

Certificate of ownership:

Signed as applicant

DELEGATION REPORT

REPORT OF THE CHIEF PLANNING OFFICER

WARD: Morley North
Address: Deanhurst Park
Gelderd Road
Gildersome
Leeds
LS27 7LG

Application: 12/01608/FU
Applicant: C/O Agent

Proposal: Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision

RECOMMENDATION:

Approve subject to the following condition(s):-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) The opening hours of the premises shall be restricted 0800 hours to 1730 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays with no opening on Sundays and Bank Holidays.

In the interests of the amenity of nearby residents.

- 4) The hours of delivery, including loading and unloading, to and from the premises shall be restricted to 0800 hours to 1730 hours Monday to Friday, 0900 hours to 1200 hours Saturday with no such operations on Sundays or Bank Holidays

In the interests of amenity.

- 5) There shall be no external storage within the site other than in the areas identified for LPG storage and for caged, palletised gas cylinder storage on drawing number A859.2009.SD.04 Rev A.

In the interests of visual amenity.

- 6) In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5 and T2

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

For information:-

This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council's Leeds Environment Department, Department of Highways and Transportation (Highways Maintenance and Main Drainage Divisions), and Department of Housing Services; the West Yorkshire Fire Officer or the Health and Safety Executive.

All reports addressing land contamination should be compiled in accordance with best practice, taking into account national and Leeds City Council's planning guidance.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:

The Blue Leaflet (CL2) - Reports in Support of Planning Applications

The Green Leaflet (CL3) - Human Health Quantitative Risk Assessment
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

These leaflets can be obtained from the council at the Leonardo Building Reception, 2 Rossington Street, Leeds, LS2 8HD or from our website www.leeds.gov.uk/contaminatedland.

The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use pursuant to national and Leeds City Council's planning guidance. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

This recommendation relates to the following Approved Plans

Plan Type	Plan Reference	Version	Received
Block Plan/Layout Plan	A859.2009.SD.04	A	30.05.2012
Site Location Plan/Red Line/OS Plan			10.04.2012
Other	VEHICLE MOVEMENTS		10.04.2012

Introduction:

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report. The application is suitable for determination under delegated powers.

Proposal:

Planning permission is sought for a change of use of a site located at Deanhurst Park, Gelderd Road to a Use Class B8 unit with ancillary offices and trade counter / showroom with storage to the rear yard area.

The site will be occupied by Innergy LPG a company involved in the storage and distribution of Liquid Petroleum Gas (LPG). The amount to be stored on the site at any one time will be less than 25 tonnes (in accordance with the Hazardous Consent Regulations) and no LPG will be stored inside the building. Most of the product will be kept on one of 3 trailers in the rear yard until loaded onto a vehicle for delivery to customers. Some gas cylinders will be stored externally along the southern side of the yard, adjacent to the existing building.

The submitted information explains that the company currently operates from Ashfield Way in Leeds but has outgrown the premises and requires a new site with good access to the principal highway network as they serve a customer base which extends throughout the north of England.

There are no works to the building proposed other than some slight internal alterations to create a trade counter. The submitted information states that only 5% of the company's turnover is from the trade counter.

The intended opening hours are 0800 hours to 1730 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays with no use on Sundays and Bank Holidays.

The existing car parking area at the entrance to the site will be extended to provide 3 additional parking spaces, including one disabled space.

Site and Surroundings:

The application site is located on the northern side of Gelderd Road on a small employment site known as Deanhurst Park, which contains a couple of small office blocks and the application site. The application site comprises of a brick built single storey building (with basement) that is set back slightly from Gelderd Road but runs parallel to it, with a storage yard located to the rear.

The site was formally used as a haulage office and HGV parking area but is currently vacant.

There are residential properties situated opposite the site, immediately north (to the rear) and east. The site is situated on the outer edge of the built up-limits of development (Gildersome) with open land located on the southern side of Gelderd Road in the vicinity. This open land is designated as E4 land (employment use) in the UDP.

Relevant Planning History:

There have been a number of planning applications relating to this site with the most recent / relevant as follows.

11/01427/FU - change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away – refused 1 June 2011. Subsequent appeal dismissed.

09/04919/FU - change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away with associated car parking – refused 14 May 2010. Subsequent appeal dismissed.

23/63/97/FU - use of cleared site as commercial vehicle parking area – approved 9 May 1997.

23/64/96/RE - extension of permission for use of cleared site as commercial vehicle parking area – approved 26 April 1996.

Statutory Consultations:

None due to the nature of the application.

Non Statutory Consultations:

Highways raise no objections commenting that the access is sufficient to accommodate the size of vehicles proposed to visit the site, parking is provided to UDP requirements and the larger sized bays are adequate for light van and car parking.

Environmental Health has no objections but recommends a condition restricting delivery hours.

The Coal Authority does not object to the application but requests the addition of an informative requiring the applicant to report to them any coal mining features found during development.

Public/Local Response:

The application was advertised by site notices posted on 27 April 2012 and by neighbour notification letters dated 18 April 2012. To date (23 May 2012) 9 letters have been received from local residents who object to the application on the following grounds.

- Concerns that chemicals will be stored on the site.
- Surrounding area is residential and chemicals present a fire and explosion risk.
- Gas storage is highly dangerous.
- It is too close to residential properties.
- Concerns on safety and environmental grounds.
- The application fails to deal adequately with means of storage and safe distances.
- The proximity to residential properties fails to meet the minimum separation distances laid down by the HSE.
- HSE guidance states that from buildings, boundary, property line or fixed source of ignition there should be a minimum separation distance of 7.5m for an LPG capacity of 12.5 tonnes.
- Double this volume is proposed.
- Despite the indicative layout the applicant will be able to store LPG cylinders anywhere in the site area.

Gildersome Parish Council has also commented on the scheme stating that the plans may be a good use of the site however there are concerns regarding the safety of the storage area of gas canisters so close to a residential area. It is assumed that this aspect will be looked at carefully prior to any decision being taken on the application. A number of local residents are anxious about the risk of fire or explosion and these concerns are shared.

Planning Policies:

The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006). Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

The application site has no UDP designation and the following are the relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- T2 states that development proposals should not create new, or exacerbate existing, highway problems.

MAIN ISSUES

Visual amenity.

Residential amenity.

Highway safety.

APPRAISAL

Visual amenity.

The proposal will have no additional impact on visual amenity as the application relates to primarily to a change of use of the site. There will be some storage within the external yard area but given this will be located in the area directly adjacent to the existing building it will not be prominent in views from the public domain. In the interests of visual amenity a condition is recommended to ensure that external storage only takes place in the area identified on the submitted plans.

Similarly, the creation of additional car parking spaces adjacent to existing areas of hard standing will not be visually intrusive. Some existing planting will be removed to allow for this but this is low level and has no real value in terms of visual amenity. The plans also indicate that it will be replaced to the rear of the proposed parking spaces.

In light of the above, there are no concerns with regard to visual amenity.

Residential amenity.

The premises were last in use as a haulage office and HGV parking area. Given the nature of this previous use and the intended use for B8 purposes it is not considered that there will be any significant or additional impact on the amenity or living conditions of nearby properties as a result of the proposals. B8 uses relate to storage and distribution (including open air storage) and the application site is considered to be appropriate for such a use.

Similarly, the ancillary office use with associated trade counter is not considered to have any additional impact to the previous use when the existing building on the site was also used for offices. The trade counter does introduce an element of retail sales but given this accounts for approximately 5% of the business it is considered to be ancillary and not significant enough to warrant concerns in respect of neighbouring impact.

There are residential properties to the north and east of the site as well as directly opposite but, given their location in relation to the application site, the degree of spatial separation, the nature of existing boundaries, the nature of the former use, how the proposed business will operate (see proposals section above) and the intended hours of use it is considered that the living conditions of nearby properties and the amenity of nearby office users will not be adversely affected.

Highway safety.

Given Highways comments (above) it is considered that the proposal will not have any adverse impact on highway safety in the vicinity of the site and adequate parking will be provided.

Other matters – response to neighbour comments.

Whilst the concerns of local residents are appreciated and understood it is not considered that planning can get involved in the issue of what exactly is to be stored on this site from a safety point of view because, in this instance, it is a duplication of powers contained in other legislation, namely the Planning (Hazardous Substances) Act 1990. .

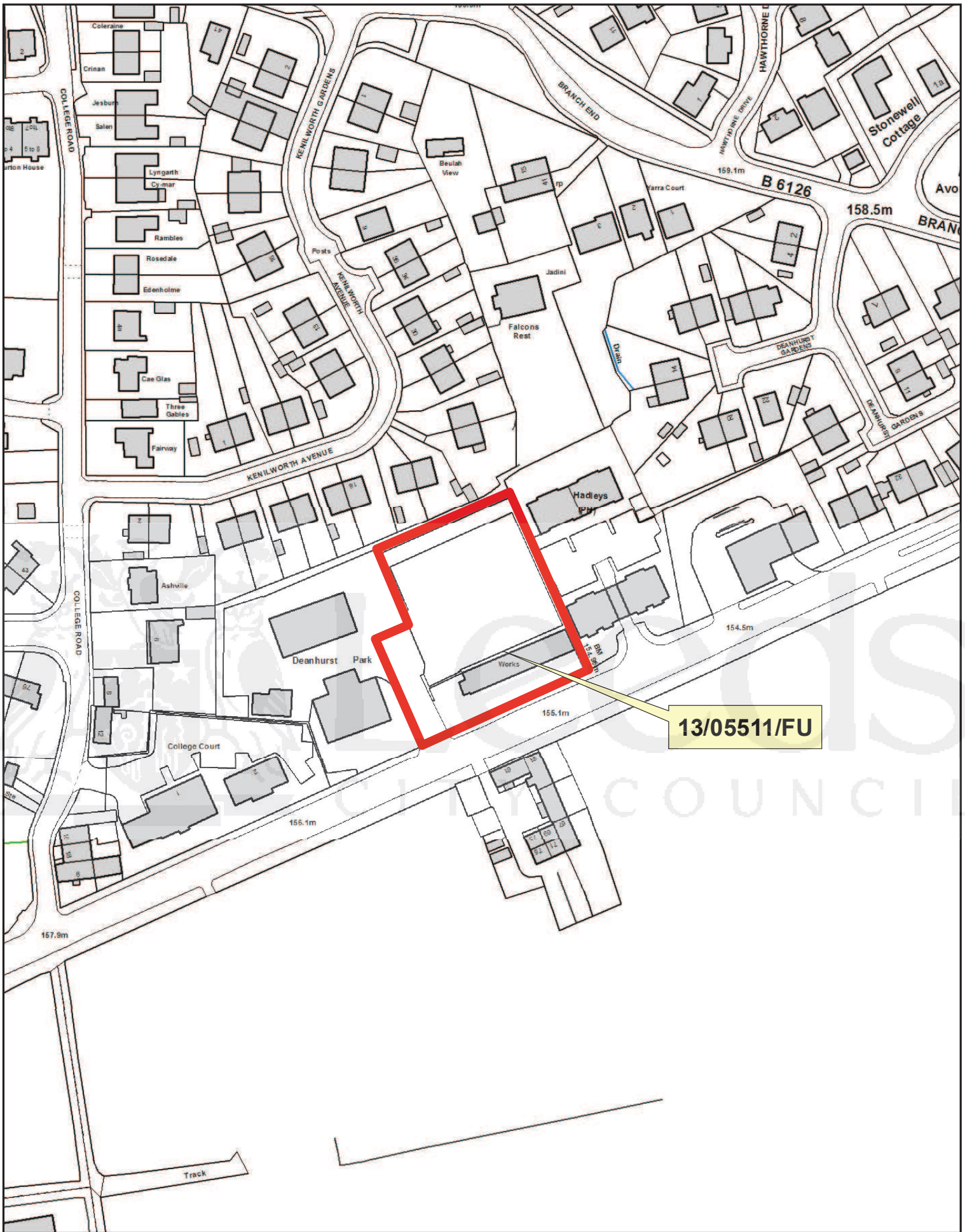
During the processing of the application the Fire Service, Health and Safety Authority and the Health and Safety Executive (HSE) have all been contacted with regard to the proposals. The HSE have advised that the HSE's role in providing land use planning advice is as a statutory consultee on proposed developments in the vicinity of major hazard sites and major accident hazard pipelines, and on applications for hazardous substances consent. This application involves neither of those. Should planning permission be granted, the site will be subject to the HSW Act and associated legislation, which will be enforced by HSE. HSE has no comment to make on the proposed change of use which is a planning legislation matter.

The HSE goes on to advise that hazardous substances consent legislation (Planning (Hazardous Substances) Act 1990) is a matter for Leeds City Council, acting in their capacity as the Hazardous Substances Authority. If the site proposes to store less than 25 tonnes of LPG then it is HSE's understanding that they will not require hazardous substances consent.

It should be noted that both the Fire Service and the Health and Safety Authority have advised that it is not within their remit to comment on the proposals.

Conclusion.

In light of the above the proposal complies with Policies GP5 and T2 of the Leeds Unitary Development Plan (review 2006) and the application is therefore considered to be acceptable and approval is recommended.



SOUTH AND WEST PLANS PANEL



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Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 3rd April 2014

Subject: Application number 14/00477/FU – Rebuild of existing factory facility on similar footprint with service yard and internal access road, replacement car parking, widening of existing entrance road, demolition of cottages with hard and soft landscaping at Park Mills, Leeds Road, Rawdon

APPLICANT

Airedale International

DATE VALID

28 January 2014

TARGET DATE

29 April 2014

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

GRANT PERMISSION subject to the following conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Plan showing proposed measures to control access to the site comprising any gates/bollards at the Leeds Road access for pedestrian and cycle route
5. Details of cycle/motorcycle provision
6. Vehicle spaces to be laid out
7. Provision for contractors during construction
8. Travel plan
9. Specified activity and delivery hours
10. Hours of construction
11. Construction practice
12. Sound insulation scheme including plant room
13. Details of fencing and walls to be provided
14. Details of bin storage and waste disposal
15. Details of foul and surface water disposal
16. Construction Environmental Management Plan (Biodiversity)

17. **Biodiversity Enhancement and Management Plan**
18. **Lighting design strategy for bats**
19. **Details of BREEAM to achieve a 'very good' standard**
20. **Submission of remediation statement**
21. **Amendments to remediation statement**
22. **Submission of verification reports**
23. **Reporting unexpected contamination**

1.0 INTRODUCTION

- 1.1 The original factory building was damaged by fire in September 2013. The firm was no longer able to operate from these premises and the company has temporarily moved to premises on Gelderd Road following assistance from the Council. This application is for a new factory building to replace the fire damaged building on a similar footprint so the company can move back onto the site. The company hope to be back operating in Rawdon by Autumn 2015. The firm are a significant local employer and the new factory will have significant economic benefits for the local economy and significantly improve the operation at the premises as a result of the new building. Councillor Cleasby has requested the scheme is brought to Plans Panel for determination to enable proper scrutiny of the proposal as he has some concerns about the community engagement and due to the increase in height (approx. 2.2m) - he is also keen to facilitate the firm moving back to the site.

2.0 PROPOSAL:

- 2.1 This application is for a new factory to replace an existing factory which burnt down last year and is currently being demolished. The company make and test large commercial air conditioning units. The proposed floorspace will be smaller than the existing by 792 square metres and it gives an opportunity to build a modern factory all on the same level and have the parking and servicing separated. There are also some cottages within the curtilage of the building which will also be demolished but not replaced. One was used for the Multiple Sclerosis Society who are moving to new premises in South Leeds whilst the others were offices for the applicant.
- 2.2 The access to the site is off the main A65 and will remain in the same place but will be widened to accommodate an extra exit lane to reduce end of shift congestion. The traffic will be separated once entering the site with staff turning left to the proposed new parking and HGVs turning right to a new separated service yard which will be to the North of the building on the A65 side.
- 2.3 The factory will be for 22,662 square metres of light industrial floorspace which is a reduction of 792 square metres from the current factory on the site. The building will be 166m in length and 130m in width. It will be 8.5 metres in height at the northern side of the site (A65 side) and 13 metres at the southern side of the site (New York Road side). This is 2.2 metres higher than the existing factory. The proposed entrance to the building will now be located to the south of the site on the elevation facing New York Road.
- 2.4 There will be 275 car parking spaces (6 disabled) which is an overall reduction of 8 spaces. The number of cycle spaces on the site will remain the same at 26. Most of the parking will be in an open sided but covered car park underneath the building at the southern end of the site. There will be a small amount of surface parking close by.

- 2.5 The number of employees will remain the same at 352 full time and 2 part time employees. Hours of opening will be 7am to 0130am Monday to Friday, Saturday 8am to 1300 hours and not at all on a Sunday and bank holidays. None of the existing landscaping around the perimeter of the building will be affected by the proposal and there is no proposal to plant any further landscaping.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing factory which was damaged by fire in September 2013 and is currently being demolished. On the site as well is a building occupied by a company who treat people with Multiple Sclerosis, and two cottages which are offices for Airedale which will be demolished and not replaced.
- 3.2 The site is bounded by roads on three of its sides with the A65 on its northern boundary and New York Road on its western and southern boundaries. The main housing area of Rawdon is located on the opposite side of the A65 over 100 metres away. There are residential properties along the Western and Southern boundary on New York Lane. The front of these properties face towards the site and they are located on the opposite side of New York Lane approximately 36 metres away from the nearest south western corner and 63 metres on the nearest south eastern property.
- 3.3 The site slopes significantly from the northern part of site on the A65 side to the southern part of the site on the New York Lane side. The current building is set back from the A65 by 70 to 120 metres and is set lower so only the upper section and roof of the existing building can be seen from the A65. There is a field which separates the site from the houses on the western boundary and this part of the lane is also set at a higher level.
The houses on New York Lane are level with this rear part of the site. There are no properties which face directly onto the southern boundary but there are a number which have oblique views.
- 3.4 There are trees on all the boundaries although the thickness of this belt of trees varies around the boundaries. The main vehicular access is off the A65 but there is also a closed access further along the A65. New York Lane forms the boundary of the green belt to the south and west with open fields beyond. Green belt also lies to the east. The site although surrounded by green belt it is not washed over by it.
- 3.5 The current access is off the A65 and there is a small redundant access further along the A65 which is not wide enough to be used by vehicular traffic. There is landscaping along the boundaries and on the open land to the north of the building is a pond adjacent to the redundant access to the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/05296/DEM – demolition of existing building to allow for redevelopment approved 11/12/13 (officer delegated decision)
- 13/02083/FU – new technology centre with car parking approved 20/8/13 (officer delegated decision)

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by a major development site notice posted around the site on 14th February 2014 with an expiry date of 7th March 2014. An advertisement was also published in Wharfe Valley Times on 13 February 2014 with an expiry date of 7 March 2014.
- 5.2 Councillor Cleasby considers that this is a valuable company within the area who need to be back on the site as quickly as possible. There is an increase in height which will have the greatest impact on the residential properties on New York Lane to the south of the building so there needs to be adequate screening on this boundary. Noise from the plant room could have an impact but this can be controlled by attenuation measures. There was an issue with doors being left open on the existing factory on warm days creating noise disturbance to residents so hopefully the new factory will have adequate ventilation to control this.
- 5.2 Rawdon Parish Council have replied stating that the Parish Council supports this application by a major employer within the parish. However, The Parish Council would however seek the following in any approval
- (1) The finish of the new buildings should be non-reflective and in muted colours to blend in with the surrounding rural environment. The roof in particular should be green . This is to protect the visual amenity of the area.
 - (2) There should be additional planting of mature trees along the boundary of the A65 at either side of the entrance this is in the interests of enhancing the visual amenity of the site and to reduce noise nuisance to neighbouring residential properties.
 - (3) Any additional signage should be in keeping with the surrounding area and no future changes without further permission.
 - (4) Consideration should be given to the provision of an additional exit from the site to the west of the pond.
 - (5) The location of the plant room should be reviewed and if it cannot be relocated further from residential properties then appropriate noise reduction measures are taken to ensure that any noise generated is inaudible from any noise sensitive location. This condition should also apply to other machinery such as the back up generator which will have a similar effect on residents.
 - (6) The hours of operations must not extend beyond the existing.
 - (7) Timings of construction activities to be limited to 8am-7pm Mon-Fri and 9am 7pm at weekends and bank holidays.
 - (8) External illuminations and signage to be turned off after 10pm especially in locations that create light pollution for residents.
 - (9) The site travel plan must address current issues with off site parking that affect residents of the Layton Park estate.
- 5.3 One letter of objection – this is concerned with the widening of the existing access and will this allow more traffic into and out of the site and increase the number of juggarants using the access and the impact residential properties.
- 5.4 Two letters of support – consider that neighbours have been consulted and whilst bigger and higher the design looks okay. Suggest more landscaping along the southern boundary which will help with noise and visual amenity.

6.0 CONSULTATION RESPONSES:

Highways

- 6.1 No objections subject to conditions. In relation to the use of the redundant access is to be reinstated for pedestrian and cycle use only, it would not be a safe point of access to the site for vehicles due to the bend in the road and the trees that would obstruct visibility looking right from the access. In order to achieve visibility there would be significant tree loss, the road would also need to be widened and this would add significant cost but would also be likely to have a detrimental effect on trees and possibly the pond. On entering the site there would also be a bigger conflict between cars and HGV movements, the existing access is well established on a straight section of road and moving back to the redundant access point would not be in the best interests of road safety or the development.

Neighbourhoods and housing

- 6.2 There is potential for noise disturbance from activities on the site and fixed plant/machinery and noise and dust pollution during construction. The noise survey submitted is a noise survey to determine existing environmental noise levels and to assess noise from new plant on the residential properties. The report gives an overview of the site and proposed development, baseline survey information obtained in 2012 and methodology for a forthcoming assessment in relation to BS4142. The report indicates that the noise levels will be assessed in the design and will then be inform with suitable mitigation measures to prevent disturbance to local residents. Further information is required into the exact proposals for the mitigation of noise and on the determination of the significance of plant noise from the proposed development. A full plant noise assessment report will be provided in due course and if planning permission is granted this can be conditioned.

Public Rights of Way

- 6.3 No PROW affected by the development so no objections

Yorkshire Water

- 6.4 No objections subject to condition for foul and surface water drainage.

Coal Authority

- 6.5 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development. The site investigation works should extend to determining the location of the mine entries.

7.0 PLANNING POLICIES:

- 7.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 7.2 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 7.3 The site is unallocated in the UDP and not in the Green Belt but adjoining the Green Belt.

The following policies are therefore relevant to the consideration of the application:

- GP5 – General planning considerations, including amenity.
- GP11 – Sustainable design principles
- E1 – Retention of existing firms where strengthen the existing economy without creating significant environmental disbenefits.
- N13 – Design and new buildings
- N24 – Development proposals abutting the Green Belt
- N25 – Development and site boundaries
- T2 – Highway safety
- T2B – Requirement for Transport Assessment
- T2C – Requirement for a Travel Plan
- T2D – Requirement for public transport contribution where necessary
- T5 – Provision for pedestrians and cyclists
- T6 – Provision for disabled people and those with mobility problems
- T7A & T7B – Cycle and motorcycle parking
- T24 – Parking requirements
- BD5 – New development and amenity
- LD1 – Landscaping

Draft Core Strategy

- 7.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has largely taken place.
- 7.5 As the Council has submitted the Publication Draft Core Strategy for independent examination and the Inspector has indicated suggested modifications which have now been advertised weight can now be attached to the document and its policies.
- 7.6 The following policies within the Draft Core Strategy are relevant.

- Spatial policy 1 – Location of development
- Policy EC1 – General employment land
- Policy EC3 – Safeguarding existing employment land and industrial areas
- Policy P10 – Design
- Policy P12 – Landscape
- Policy T2 – Accessibility requirements and new development
- Policy EN2 – Sustainable design and construction

Supplementary Planning Guidance and Documents

- 7.7 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

- Public Transport and Developer Contributions SPD
- Travel Plans SPD
- 'Building for Tomorrow Today': Sustainable Design and Construction SPD.

National Planning Policy

- 7.8 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be

applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 7.9 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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The development plans have to achieve economic, environmental and social aspects of sustainable development.

The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being.

The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. from good planning, and should contribute positively to making places better for people.

8.0 MAIN ISSUES

- Principle of development
- Design and massing
- Residential amenity
- Highway safety
- Representations.

10.0 APPRAISAL

Principle of development

- 10.1 The site is an existing factory and whilst surrounded by green belt it is not within green belt or allocated for any purpose in both the UDP and Core Strategy. As it is not allocated for other uses and the application is a replacement for an existing factory then the principle of development on the site is considered acceptable and will retain a valued local employer and provide improved facilities on site which will benefit the local economy.

Design and layout

- 11.2 The land slopes significantly from the A65 side of the site down to New York Lane . This allows for the building to be higher at the New York Lane side and for the car park to be built underneath the factory and for the production to be on one level (it was not previously). The factory design and use of materials are industrial in nature and will take the appearance of its intended use. The southern elevation which faces towards New York Lane side will be the main entrance and there is a glazed entrance area and the use of render with cladding on this side. The building will be long but the proposed design and use of different materials, adds features and allow for this long elevation to be broken up. The elevation that faces the vehicular access to the site again will use a mixture of materials and this helps to break up this long elevation. The other two elevations are cladding only but these two elevations are 'back of house' where there are no comings and goings from the public and due to the orientation and levels will generally not be visible from outside of the site.
- 11.3 The building will be just over two metres higher than the existing building. The largest impact of this will be the view from New York Lane but there is an open car deck on the ground floor which helps to lessen the impact. The boundary does have some landscaping and whilst the building is high it is set back from the boundary by 18 to 30 metres and has a 10 metre line of landscaping in place.

Views out over the building to the wider landscape will still be retained due to the level differences from the A65.

- 11.4 For all the above reasons the design and scale of the development are considered acceptable.

Residential amenity

- 11.5 The building is a replacement for the existing operation. However, there are a number of differences between the existing factory and the proposed factory which need to be assessed in terms of impact on existing residents.
- 11.6 The new factory will be 2.2 metres higher than the existing factory. On the A65 side of the development this will have minimal if no impact on the residents on the opposite side of the road due to its distance of 70 to 120 metres from the boundary and the fact the factory is at a much lower level than the A65 and houses beyond.
- 11.7 The increase in height could have an impact on the properties on New York Lane which is on the western and southern boundaries. The properties on the western side of the development will face onto the proposed side elevation. There is 50 to 60 metres distance between the new factory and these residential properties which is the same distance as exists today. There is a road and field separating these houses and the factory will be at a much lower level so its likely the residents will overlook the roof of the proposed factory. This distance and levels ensure that the addition in height of 2.2 metres should not impact negatively on the residential properties on this part of New York Lane.
- 11.8 On the southern boundary there are no residential properties that are the opposite the side of New York Lane on this boundary. However, there are properties which will look onto the south/western and south eastern corner of the building. As well as 2.2 metres increase in height the factory will be closer to the residential properties. In terms of the southern western corner the building will be 4 metres closer whilst on

the south eastern corner it will be 25 metres closer. This still leaves the building 36 metres away from the nearest property on the south western corner and 63 metres to the nearest south eastern property. Whilst the building is nearer and higher there are still significant intervening distances which along with an existing belt of landscaping should not increase the impact to a significant detrimental extent. The main gardens of these houses are to the rear of the houses facing away from the proposal and have open views over the fields. For all these reasons it is considered that the factory will not have a significant detrimental impact on residential amenity in terms of visual amenity.

- 11.9 The proposal also needs to be assessed in terms of potential noise and disturbance to the surrounding residents. The service yard has been moved to the northern part of the site. The building and the intervening distance will help to prevent any noise and detrimental impact from the service yard in relation to the properties on New York Lane. In terms of properties on the opposite side of the A65 the distance and the noise on the A65 will prevent the service yard having a detrimental impact on residential amenity.
- 11.10 In terms of the noise from the use itself, the factory will be a modern factory rather than a piecemeal development that has happened previously. The building of a new factory will allow for sound attenuation measures to be fitted on the building to prevent any detrimental impact in terms of noise.
- 11.11 There is a proposed plant room on the southern/western corner of the building closest to the residential properties on New York Lane. This could have potential to disturb the residents. However, a condition can be attached to any approval requesting noise attenuation measures for the whole of the building including the plant room so that none of the activities having a detrimental impact on residential amenity.
- 11.12 Overall it is considered that the proposal will not have a detrimental impact in terms of residential amenity.

Highway safety

- 11.13 The new factory will be a lower floorspace than the previous factory (792 square metres) and will employ the same number of employees as the existing factory so there should not be an increase in traffic generation. The access will also be in the same position as the existing access. The access will be widened to allow for two lanes leaving the site to assist staff leaving the site after shifts have finished. This allows for one lane for turning right and one lane for turning left as any queueing traffic will be within the site and will not have a detrimental impact on the traffic using the A65 than what already exists.
- 11.14 The proposal has a slight reduction in the number of car parking spaces but this should not have a detrimental impact on safe and free flow of traffic.
- 11.15 One advantage of note of the redevelopment it allows for the service yard and car parking areas to be separated. Once traffic enters the site it will go one way for the service yard and the other way for cars. The entrance to the building will be on the car park side of the site well away from the service yard which improves access for pedestrians as previously the pedestrians would have to walk through the service yard area to reach the previous entrance.
- 11.16 The Parish Council have asked for a redundant access further along the A65 to be used as the houses in this location are further away from the access than the

houses closest to the current location. There is a tarmacked path and this will be used for pedestrian and cycle traffic and if this was to be used it would have to be significantly widened to accommodate traffic. In highway terms it would not be a safe point of access to the site for vehicles due to the bend in the road and the trees that would obstruct visibility looking right from the access. In order to achieve visibility there would be significant tree loss, the road would also need to be widened and this would add significant cost but would also be likely to have a detrimental effect on trees and possibly the pond. On entering the site there would also be a bigger conflict between cars and HGV movements, the existing access is well established on a straight section of road and moving back to the redundant access point would not be in the best interests of road safety or the development.

- 11.17 The track is well landscaped with hedges and trees on either side which would be lost plus there is an existing large pond within this area which could also be affected. The land either side of this track rises sharply so there would have to be significant engineering works to move the access to this location. It has to be remembered that there was an existing factory on the site and this is the replacement. The insurance company is paying for a like for like replacement and would not pay for the access to be changed when there are no significant highway objections to the current location. For all these reasons the access will remain in its current position.

Representations

- 11.18 The comments submitted have been generally been discussed above, however the Parish Council comments need to be addressed.

- (1) The finish of the new buildings should be non-reflective and in muted colours to blend in with the surrounding rural environment. The roof in particular should be green . This is to protect the visual amenity of the area. *This is acceptable and is conditioned.*
- (2) There should be additional planting of mature trees along the boundary of the A65 at either side of the entrance this is in the interests of enhancing the visual amenity of the site and to reduce noise nuisance to neighbouring residential properties. Noise is being dealt with via conditions. *The applicant has been asked regarding the planting of additional landscaping and have replied that there was no intention to provide more landscaping on the site. There is a significant amount of existing landscaping surrounding the site and on visual amenity grounds the addition of further landscaping is not required. Officers do not disagree with this.*
- (3) Any additional signage should be in keeping with the surrounding area and no future changes without further permission. *This would require advertisement consent and can be dealt with at that stage.*
- (4) Consideration should be given to the provision of an additional exit from the site to the west of the pond. *This has been addressed above*
- (5) The location of the plant room should be reviewed and if it cannot be relocated further from residential properties then appropriate noise reduction measures are taken to ensure that any noise generated is inaudible from any noise sensitive location. This condition should also apply to other machinery such as the back up generator which will have a similar effect on residents. *The plant room cannot be moved as this would require significant redesign of the internal layout and*

operation. However, conditions can be attached to allow for attenuation measures to prevent noise disturbance to residents.

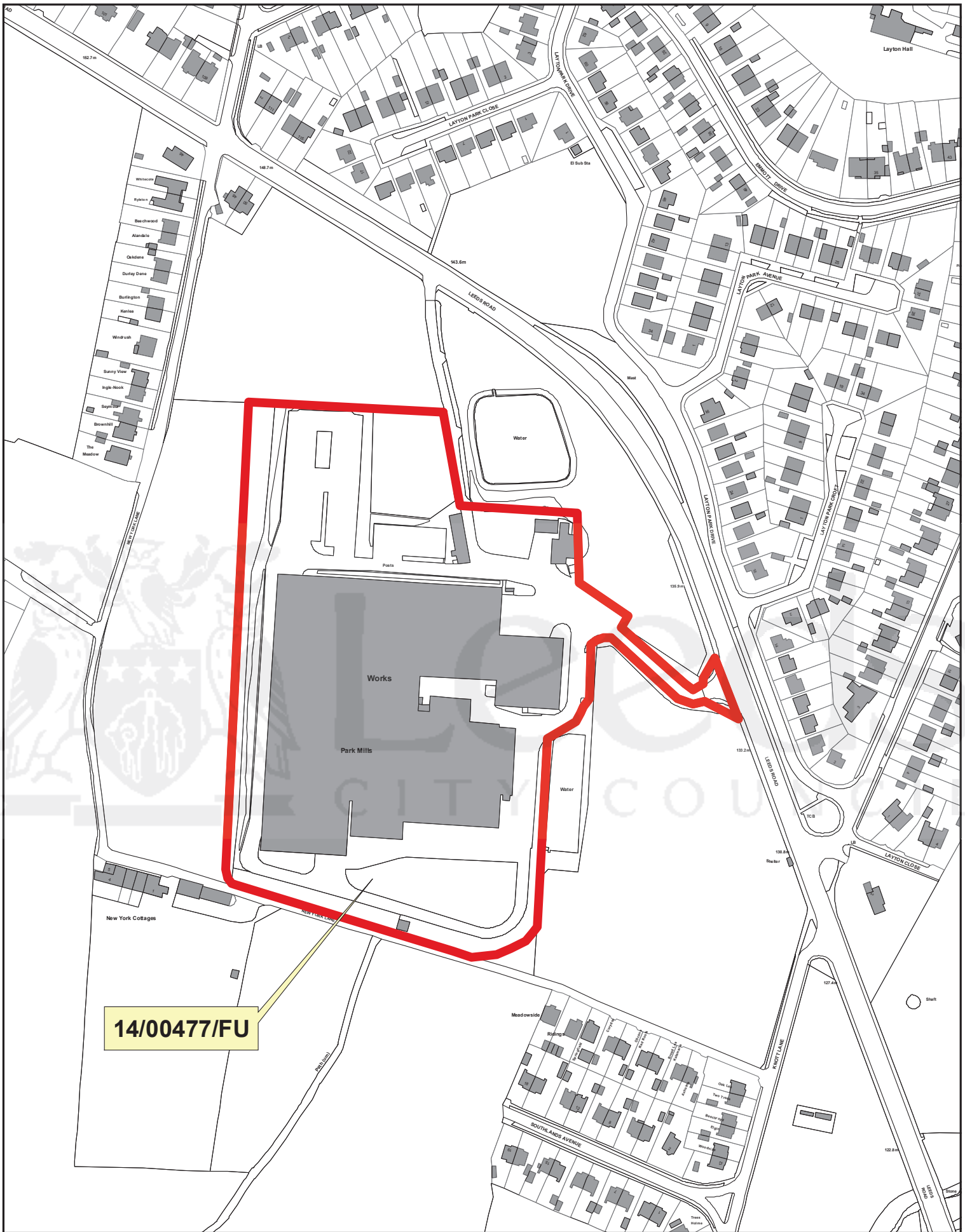
- (6) The hours of operations must not extend beyond the existing. *This can be conditioned*
- (7) Timings of construction activities to be limited to 8am-7pm Mon-Fri and 9am 7pm at weekends and bank holidays. *This can be conditioned*
- (8) External illuminations and signage to be turned off after 10pm especially in locations that create light pollution for residents. *This can be conditioned*
- (9) The site travel plan must address current issues with off site parking that affect residents of the Layton Park estate. *This can be conditioned.*

12.0 CONCLUSION

- 12.1 The application is for a new factory to replace an existing factory on the same site. The building is higher and is a smaller floorspace than the existing. There are also alterations to the position of the factory on the site. Whilst the factory is higher this is only by 2 metres and there are significant distances to the surrounding properties so this higher building is considered to have minimal effect.
- The new factory will provide planning benefits over the factory that exists at the current time. It allows noise attenuation measures, the car parking and service areas will be separated which will have benefits to the users of the site and the surrounding areas over the existing factory. The proposed building will be better quality and is an improvement in terms of design.
- This company is a major employer in the area employing a high number of local staff and the company has had to temporarily locate to another part of Leeds. The company wants to move back to this site as quickly as possible and there are significant economic benefits to the area.
- For all these reasons the application is supported and is considered to comply with policies in the Development Plan.

Background Papers:

Certificate of ownership: signed by applicant.
Planning application file.



14/00477/FU

SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500





Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 3rd April 2014

Subject: Application number 12/03580/OT – Erection of 59 dwellings and associated works at Pollard Lane, Bramley.

APPLICANT	DATE VALID	TARGET DATE
Renaissance Land (D20) Ltd	19 th September 2012	19 December 2012

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

Defer and delegate approval to the Chief Planning Officer subject to the signing of a S106 agreement for a commuted sum of £123,000 for improvements to footpath to Kirkstall Forge Railway Station and canal tow path, laying out and maintenance of open space and public access areas and any detailed design changes required to the proposed house types and subject to the following conditions;

1. Time limit on full permission
2. development in line with approved plans
3. Sample of walling and roofing materials
4. details and samples of surfacing materials
5. Details of walls, fences and boundary treatment
6. Vehicles spaces to be laid out
7. Details of storage of litter and waste materials
8. Details of cycle storage
9. Details of hard and soft landscaping
10. Hard and soft landscaping to be implemented
11. If within period of 5 years any trees or plants die, removed, uprooted replacement required
12. details of surface and foul waste
13. Method statement for implementation of remediation works
14. Remediation works to be fully carried out in line with approved method statement

- 15. Details of unexpected contamination
- 16. remediation statement to be submitted
- 17. Integral garages shall be used for storage of private motor vehicles
- 18. Planning permission required for extensions, roof alterations, garages, free standing buildings or structures
- 19. Built in accordance with finished floor levels
- 20. No security or high intensity lighting to cast light on canal retaining walls
- 21. Details of construction method statement
- 22. Hours of delivery for construction vehicles

1.0 INTRODUCTION

- 1.1 The application is for a revised residential scheme to complete the redevelopment of a previously developed industrial site within the green belt. The scheme still proposes a total of 120 dwellings but replaces flats with houses which have a greater land take. The revised proposal therefore involves building on an area previously shown as public open space and includes an additional piece of land which was not in the previous application red line boundary but was within the curtilage of the previous industrial use. Open space would be provided within the site and on land the applicant owns adjoining the site. The site has remained part completed for some time and this scheme if approved would be built as it is viable to bring forward whereas the previous scheme was not. Significant upfront costs have already been spent in remediating the whole site, improving Pollard Lane and providing affordable housing. Residents living on the scheme have been consulted and engaged on bringing forward the rest of the site and strongly support the completion of the development. Whilst there are some limited additional impacts on openness the need to complete the scheme is recognized and on balance officers recommend that the application is approved. Members are recommended to visit the site to understand the issues and assess the impact.

2.0 PROPOSAL:

- 2.1 Planning permission was granted in 2006 for a residential development comprising 54 dwelling houses and 66 flats (total 120) on the site of the former Woodside Works, Pollard Lane, Bramley. At the time there were significant industrial buildings on the site and the site was dealt with as a "major developed site" within the Green Belt where development close to the main urban area could be made sustainable and where there would be a net gain in terms of openness.
- 2.2 Part of the development has been constructed which consists of the 9 affordable houses which face towards the railway line, the 28 dwellings to the western (river) boundary, the 6 dwellings facing onto Pollard Lane and one block of 18 flats within the centre of the site. A total of 61 dwellings have therefore been built. The proposed highways works including the localized widening of Pollard Lane and the traffic lights on the listed bridge over the canal on Pollard Lane have been implemented.

The rest of the site has not been developed due to the economic climate and the fact that the scheme included a high proportion of apartments which are currently not viable. Of the 59 dwellings to be built 11 were terraced houses at the edge of the site and 48 flats in two main blocks (both increasing from 2 storey to 4 storey) in the centre of the site.
- 2.3 The revised planning application subject of this report was submitted in 2012 to change the proposed layout of the unbuilt parts of the site. This new application

proposes 2 apartment blocks of 6 and 14 units (20 in all) and 39 houses giving 59 dwellings in total.

- 2.4 Dwellings will be constructed on a piece of POS that was planned within the centre of the site under the original scheme and the application also extends the red line boundary of the proposal by approximately 70 metres to the south of the site.
- 2.5 To make up for the loss of POS within the site the applicant proposes to improve the land beyond the proposed red boundary on land within the same ownership to open up the land for recreation.
- 2.6 The only part of the signed Section106 agreement on the previous permission which has not been implemented is the shuttle bus to take passengers up Pollard Lane to access other bus services that are available on the Leeds and Bradford Road. It has now been agreed that this bus shuttle will not be provided so the money is going to be used to fund footpath improvements from the site to the proposed Kirkstall Forge train station and along the canal tow path.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application concerns the site of an former industrial complex known as Woodside Works, which was last occupied by an engineering company. The industrial buildings have now been completely demolished, the site remediated and part of the 2006 development has been constructed.
- 3.2 The development site previously comprised the site of the former mills and the wooded area to the south which has been subject to tipping in the past. The site is on the valley floor and is bounded to the north by the railway line, to the west by the River Aire, to the south east by the Leeds Liverpool Canal (which is raised above the site at this point by some 14 metres and separated by a rock face/high retaining wall), to the east by Pollard Lane and the Abbey Inn, (a Grade II listed building), and to the south by an undeveloped woodland area. To the north of the railway line is a further area of land in the applicants' ownership – a triangular area adjacent to Pollard Lane and the river which has a number of mature trees which has now been transferred to the Newlay Conservation Society to look after.
- 3.3 Access to the site is via Pollard Lane, which runs down towards the canal and river from Leeds and Bradford Road. There is no vehicular access to the site from Horsforth as Newlay Bridge over the River Aire is pedestrian access only due to its listed status and lack of weight bearing ability. Pollard Lane is, in parts, narrow, of steep gradient with inadequate footpath provision, and has the "feel" of a country lane. There is also a listed bridge over the Canal which is very narrow and has a 'blind summit'.
- 3.4 The railway line marks the boundary of the Newlay Conservation Area to the north. The site for the residential development therefore adjoins but is not within the Conservation Area. It is however located within the Green Belt, and urban green corridor. The adjoining Leeds – Liverpool Canal is also a SSSI.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/52/03/FU – Planning permission granted 24 June 2005 for 47 dwelling houses and 73 flats subject to conditions and a section 106 agreement concerning the provision of affordable housing, off site highway improvements, a public transport

contribution, provision and future maintenance of green space land and public access areas. This application was approved as the site was considered to be previously developed.

- 4.2 06/00252/FU – planning permission granted in August 2006 for 54 houses and 66 flats subject to conditions and a section 106 agreement concerning provision of affordable housing, off site highway improvements, a public transport contribution, provision and future maintenance of green space land and public access areas.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by site notice posted on site on the 5 October 2012 and an advert was placed in the Yorkshire Evening Post.
- 5.2 Two letters of support - one from Newlay and Whitecotes Residents Association - completion of this site would build the community and the site is currently unsightly and incomplete. It is an unpleasant place to live.
- 5.3 Ward Members are generally supportive of the site being completed.

6.0 CONSULTATION RESPONSES:

Highways

- 6.1 Have concerns regarding the private road for plots 38 to 45 as it is more than 5 houses on a private road and there is a requirement for financial contribution to improvements to the canal path and links to the proposed Kirkstall Forge Railway Station.

Neighbourhoods and housing

- 6.2 No objections in principle subject to conditions for operating hours, dust suppression, storage and disposal of litter and notification of existing residents when work is to commence.

Flood Risk Management

- 6.3 Conditional approval recommended

Metro

- 6.4 Metro state that if they agree to re-allocated the funding secured for the bus service it would be on the basis that it would be used for other sustainable transport schemes (at a similar level) i.e. the cycle route to Kirkstall Forge or even potentially towards the station itself.

Public Rights of Way

- 6.5 Public footpath no 39 abuts the site on its eastern boundary which appears not to be affected by the development so no objections.

Yorkshire Water

- 6.6 Conditional approval recommended

Environment Agency

- 6.7 No objections subject to conditions in relation to the approved Flood Risk Assessment, groundwater, contamination land and working method statement to cover bank works.

Coal Authority
6.8 No objection to the application subject to a condition to ensure that in the event of site investigations confirming the need to treat and shallow mine areas the workings required should be approved and implemented prior to the commencement of development

Canal and River Trust
6.9 if planning permission is granted request an informative regarding works to comply with Canal and River Trust Code of Practice for works affecting a Canal and River.

Children's Services LCC
6.10 The proposal would generate 10 primary school aged pupils which amounts to a education contribution of £115,920.

Natural England
6.11 No objections

Nature Conservation
6.12 Require further information in relation to impact on otters.

7.0 PLANNING POLICIES:

Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan
7.1 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

7.2 The site is allocated as green belt in the UDP. The following policies are therefore relevant to the consideration of the application:

- GP5 – General planning considerations, including amenity.
- GP11 – Sustainable design principles
- N13 – Design and new buildings
- N25 – Development and site boundaries
- N32 – Areas designated as green belt
- N33 – lists acceptable development within green belt
- T2 – Highway safety
- T2B – Requirement for Transport Assessment
- T2C – Requirement for a Travel Plan
- T2D – Requirement for public transport contribution where necessary
- T5 – Provision for pedestrians and cyclists
- T6 – Provision for disabled people and those with mobility problems
- T7A & T7B – Cycle and motorcycle parking
- T24 – Parking requirements
- BD5 – New development and amenity
- LD1 – Landscaping
- H1 – Provision of annual completions for dwellings
- H3 – Delivery of housing on allocated sites
- H11/H12/H13 – Affordable housing

- 7.3 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 and examination has largely taken place and the suggested main modifications from the Inspector have recently been advertised..
- 7.4 Some weight can now be attached to the policies given the advanced stage which has been reached.
- 7.5 The following policies within the Draft Core Strategy are relevant.

Spatial policy 1 – Location of development (page 22)
Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
Spatial policy 7 – Distribution of housing land and allocations (page 37)
Spatial policy 10 – Green Belt (page 44)
Policy H1 – Managed release of sites (page 59)
Policy H2 – New housing development on non allocated sites (page 60)
Policy H3 – Density of residential development (page 60)
Policy H4 – Housing mix (page 61)
Policy H5 – Affordable housing (page 63)
Policy P10 – Design (page 88)
Policy P11 – Conservation (page 90)
Policy P12 – Landscape (page 91)
Policy T1 – Transport Management (page 92)
Policy G4 – New greenspace provision (page 98)
Policy G7 – Protection of important species and habitats (page 101)
Policy G8 – Biodiversity improvements (page 101)
Policy ID2 – Planning obligations and developer contributions (page 117)

Supplementary Planning Guidance and Documents

- 7.6 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

Neighbourhoods for Living – A guide for residential design in Leeds
Street Design Guide
Public Transport and Developer Contributions SPD
Travel Plans SPD
'Building for Tomorrow Today': Sustainable Design and Construction SPD.

National Planning Policy

- 7.7 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 7.8 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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The development plans have to achieve economic, environmental and social aspects of sustainable development.

The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being.

The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. from good planning, and should contribute positively to making places better for people.

Paragraph 89 details exceptions as to when the construction of new buildings in the green belt is not inappropriate development. It states 'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on openness of the green belt and the purpose of including land within it than the existing development.'

8.0 MAIN ISSUES

- Viability
- Principle of development/green belt
- Design and scale
- Highways
- Greenspace
- Education

Viability

- 8.1 A viability statement was submitted with the application and has been assessed by asset management. This viability does show that without the extra number of dwellings within the additional area the scheme will remain unviable and the development will not be completed. This is also confirmed in the fact that work has ceased on the site for a number of years. The developer is asking for this additional land so that the development can be completed. It should be noted that the developer has already provided the affordable housing for the scheme, has completed the offsite highways works and remediated the complete site. As part of this application greenspace on site is being provided and in lieu of a shuttle bus a contribution is being provided to finance footpath improvements to Kirkstall Forge Railway Station and canal tow path.

- 8.2 With the additional number of houses being provided Childrens Services have confirmed there is a requirement for an educational contribution of £116K. Further discussions are taking place with the applicant on this and it is hoped to provide an update to Panel members at the meeting.
- 8.3 The NPPF at paragraph 173 states that “Pursuing sustainable development requires careful attention to viability and costs in decision –taking.....To ensure viability , the costs of any requirements likely to be applied to development.....should when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”
- 8.4 The site was acquired at the height of the market and whilst the development has been partly built out and significant monies spent on infrastructure requirements the remainder of the site has not been viable to develop given the high number of apartments and the economic climate. The market is now improving and there is a greater emphasis on the provision of family housing.
- 8.5 There are existing residents who are living on a half completed development who have been engaged and are supportive of the application in terms of the type and layout of the scheme. It is important to be able to bring forward a scheme which is viable for the developer, completes the development and delivers family housing on a brownfield site which is in the 5 year housing land supply figures.

Principle of development/green belt

- 8.6 The site is located within green belt and there is already approval for residential development on the site for 120 dwellings. When this was granted permission it was in recognition that the site was brownfield, would result in improvements to openness and was reasonably well related to the main urban area. The approved scheme had a total footprint of 4,305m² and a total volume of 39,193m³ which was equivalent to approximately 25% of both the footprint and volume of the previous mill. The original scheme gave the area many benefits in the form of highway works and affordable housing and improve to the openness of green belt as it reduced the built form by 75%.
- 8.7 The land take for this revised scheme is greater but is still within the original curtilage of the mill, its outbuildings and yards and still results overall in an improvement in openness compared to the industrial buildings. The buildings have all now been demolished and the land remediated and vegetation has begun to regenerate in places. On site however the wall marking the extent of the industrial complex is still visible and discernible. The advantage of this proposal is that it does include a greater proportion of family housing which is to be welcomed and the massing of the housing is lower in the middle of the site allowing views through the site..
- 8.8 Since the last approval the NPPF has replaced previous guidance within PPG2. Paragraph 89 of the NPPF states:
 ‘ that the Local Planning Authority should regard the construction of new building as inappropriate in Green Belt except for a number of exceptions. One of these exceptions which is relevant to this application states
 ‘Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development’

- 8.9 The NPPF is the most relevant material consideration in relation to Green Belt policy and replaces policy N33 in the Development Plan as it is later, national policy and up to date. The additional land proposed in this application was in the operational area of the former Aire Valley Dye Works which incorporated a boundary wall, outbuildings, a mill pond, tanks and structures which were constructed between 1924 and 1934. There was also a mill pond, haul road and later air raid shelters.
- 8.10 The former mill buildings on the site had a total footprint of 17,457m² and due to their significant height a total volume of 152,029m³. The current proposal when added to what has already been constructed results in an increase of the footprint to 5,545m² and a total volume of 42,287.5m³. This equates to 32% of the original mill building and 28% of its volume. In this context the proposals for the revised scheme still offer a significant reduction in both footprint and volume over the previous mill buildings. Officers have therefore concluded that the proposal has less impact on the openness of green belt overall than the former industrial complex, although more than the previously approved scheme, and that the purposes of including land in the Green Belt are not unduly harmed by the proposal. As such the development falls into one of the exceptions categories in para 89 and is not inappropriate.

Layout and design

- 8.11 The layout and the design of the buildings varies from the approved scheme in a number of ways. There were some apartments along with a large area of POS in the centre of the site which allowed for views out of the site along the valley bottom. This scheme now has houses in this central area but as they are set back from the road and overall will be lower in height than the apartments they replace there will still be views over and through the houses to the wider valley beyond.
- 8.12 Whilst the loss of much of the central portion of open space is regrettable it is one of the compromises which are required to enable a viable scheme to progress. It is also preferable to use this area than to expand the site further onto undeveloped land to the south.
- 8.13 There are some plots on the proposed development which are tighter in terms of space and garden sizes but generally the layout is considered acceptable. The introduction of a variety from other house types of the same family are generally welcomed. The design of the larger new apartment building is similar to the existing apartment buildings on the site. The existing houses are mainly 3 storey town houses in terraces with garages on the ground floor with living quarters on the second and third floors. The new houses proposed include some terraces, some semi detached and a few detached. Whilst some of the house plots still have garages on the ground floor the houses are generally lower in height and some have dormers in the roof space. This is considered acceptable in design terms. The other properties on the site are different being the classic house design of lounge/kitchen on the ground floor and being 2 and a half storey instead of the 3.
- 8.14 On the additional piece of land to the south and where the built form ends it has been designed as a farmhouse with courtyard behind to give a more rural feel. It is felt by officers that some detailed design work is still needed to improve the appearance of the scheme but that is a matter of detail which can be resolved if members are content with the overall scheme and its layout and numbers.
- 8.15 The southern boundary is clearly defined by the remains of a wall, entrance pillars and a tree line. Adjoining the river the entrance pillars will give public access to the

land beyond to be used for recreational purposes and included in the Section 106 agreement as such.

- 8.16 On balance to assist the completion of the site the layout ,design and scale are considered acceptable subject to some detailed points which can be resolved through officer delegation.

Highways

- 8.17 In relation to highways the off-site highway works on Pollard Lane have already been completed. The change in residential units does not require any additional off site highway works. The original scheme as part of the s106 agreement was to fund a shuttle bus from Leeds and Bradford Road down to the site so residents could link up with the existing bus services. It has been accepted that the take up for this bus shuttle will be low and there have been discussions with Metro and highways officers into how else could the money be spent. It has been agreed that an existing footpath will be upgraded to provide a safe pedestrian access from the site to the proposed Kirkstall Forge railway station and improvements towards the canal tow path. The sum required is £123,000 and payments will be phased through stages of the occupation of dwellings.

- 8.18 The internal layout is revised to not include a turning head to accommodate a shuttle bus as this is no longer required. There is a concern regarding the private road for plots 38 to 45 as it is more than 5 dwellings off a private highway so this needs to be altered. The proposed internal layout and the level of car parking proposed are acceptable and the scheme should not have a detrimental impact on the safe and free flow of traffic.

Greenspace

- 8.19 There are some elements of greenspace provided within the development and these can be covered by the Section 106 agreement and conditions for landscaping. The application does involve improvements to an area of open land beyond the application site and this is considered acceptable in principle. There are still ecological issues to be addressed regarding the access and formal works within this area but this can be negotiated by officers whilst the Section 106 agreement is being drawn up , agreed and signed.

Education

- 8.20 The scheme now involves a higher percentage of family homes than the previous scheme so a contribution to education is now required. This amounts to 10 primary school aged pupils and a commuted sum payment of £115,920. Negotiations on this point are ongoing and will be reported to members at Panel.

9 Conclusion

- 9.1 Overall officers are supportive of finding a way for the development here to be completed and ensuring that the scheme is viable for the developer and implemented. The introduction of a higher proportion of family houses is welcome whilst recognising that they involve a greater land take. The delivery of family housing on a brownfield site within the 5 year housing land supply is clearly of importance and to be encouraged. Whilst the proposal involves the loss of much of the central POS area and additional development on land to the south officers have concluded this is not inappropriate having regard to para 89 of the NPPF.. The proposed additional footprint and volume is significantly less that the buildings that

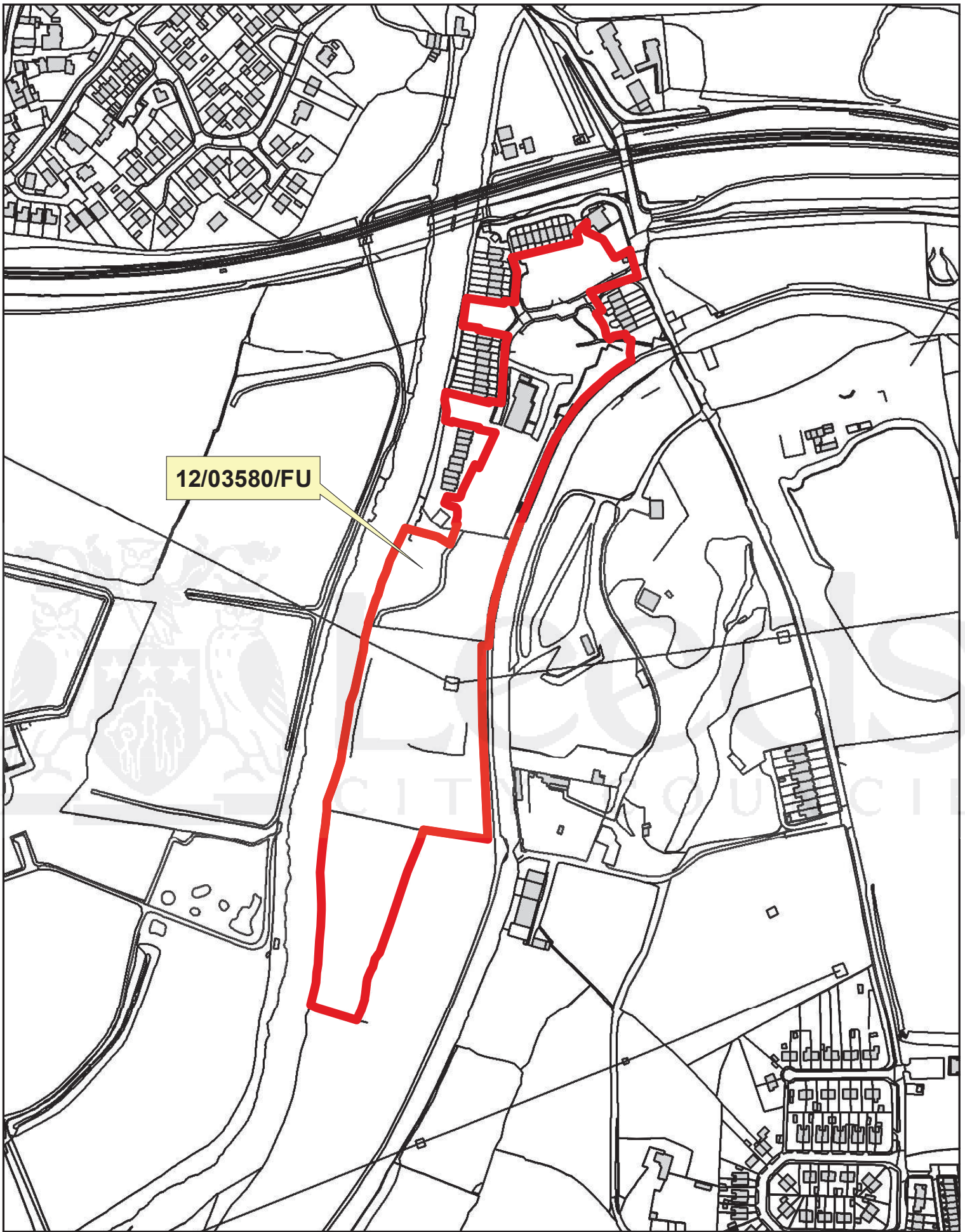
existing when the site was used as an industrial use so the impact on openness is reduced overall and is within the industrial curtilage that previously existed.

- 9.2 Negotiations are ongoing in relation to the education contribution and the updated position will be reported to members at Panel. Whilst some compromises have to be made to ensure delivery of the scheme it is considered on balance that these should be supported. To ensure delivery it is recommended that implementation be conditioned to within a year of approval. Officers also recommend that the application be deferred and delegated to ensure the Section 106 is completed and that any further detailed design discussions can take place and proposals for the greenspace area finalised.

Background Papers:

Certificate of ownership: signed by applicant

Planning application file



12/03580/FU

SOUTH AND WEST PLANS PANEL

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