



SOUTH AND WEST PLANS PANEL

Meeting to be held in the Civic Hall, Leeds on
Thursday, 4th September, 2014
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar
M Coulson
M Rafique
K Ritchie
C Towler
P Truswell
F Venner

J Bentley

A Castle
R Wood

R Finnigan

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

A G E N D A

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

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p style="padding-left: 40px;">RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p style="padding-left: 40px;">No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members’ Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES To confirm the minutes of the meeting held on 31 July 2104 as a correct record	3 - 6
7	City and Hunslet		APPLICATION 12/04737/FU - LAND REAR OF SANDON MOUNT, SANDON GROVE, HUNSLET To receive and consider the attached report of the Chief Planning Officer regarding an application for the use of vacant land for the stationing of caravans for occupation by gypsy-traveller with associated development including new access track, hard standing, utility building, fencing, external lighting and foul drainage.	7 - 24
8	Farnley and Wortley		APPLICATIONS 14/00493/FU & 14/00474/LI - UPPER WORTLEY COUNTY PRIMARY SCHOOL, ASHLEY ROAD, UPPER WORTLEY, LS12 To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing buildings, construction of 36 dwellings, conversion of existing school building to create 13 dwellings, laying out of access roads and other associated works and a listed building application for the conversion of existing listed school building to create 13 dwellings.	25 - 38
9	Calverley and Farsley		APPLICATION 14/03592/FU - 15 WOODHALL PARK CRESCENT EAST, STANNINGLEY, PUDSEY, LS28 To receive and consider the attached report of the Chief Planning Officer regarding an application for alterations including raise roof height to form new first floor to bungalow	39 - 46

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10	Rothwell		<p>APPLICATION 14/02399/RM - LAND AT FLEET LANE, OULTON, LS26</p> <p>To receive and consider the attached report of the Chief planning Officer regarding a reserved matters application for 77 dwellings with landscaping</p>	47 - 64
11	City and Hunslet		<p>APPLICATION 14/03475/FU - YORKSHIRE BANK, CHURCH STREET, LS10</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for external alterations and relocation of ATM</p>	65 - 74
12	Middleton Park		<p>APPLICATION 14/02987/FU - LAND AT ST GEORGE'S ROAD, MIDDLETON, LS10</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of conditions 3 (opening hours and deliveries) and 5 (net retail floorspace) of Approval 12/02334/FU</p>	75 - 90
13	Beeston and Holbeck		<p>APPLICATION 14/02641/FU - ASDA STORES LTD, OLD LANE, BEESTON, LS11</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of conditions 3 (Site Access), 4 (Maximum floor space for the sale of comparison goods), 5 and 6 (Hours of opening), 12 (Sustainability) and 13 (Contamination) on previous approval 11/04306/OT</p>	91 - 102
14	Ardsley and Robin Hood		<p>APPLICATION 14/03261/FU - FORMER ALLOTMENT GARDENS, THE CRESCENT, TINGLEY, WF3</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of former allotment land to football pitch.</p>	103 - 110

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15	Headingley		<p>APPLICATION 14/02073/OT - FORMER LEEDS GIRLS HIGH SCHOOL, VICTORIA ROAD, HEADINGLEY, LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline planning application for the amendments to the layout of extant planning permission 12/01236/FU to provide 51 townhouses, 31 apartments and 1 dwelling at Rose Court Lodge</p>	111 - 124
16	Headingley		<p>APPLICATION 13/00868/OT - VICTORIA ROAD, HEADINGLEY, LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for residential development and retail store</p>	125 - 128
17			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 2 October 2014 at 1.30 p.m.</p>	

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			<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. 	
2				
a)				
b)				

Third Party Recording

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Use of Recordings by Third Parties– code of practice

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Legal & Democratic Services

Governance Services

4th Floor West

Civic Hall

Leeds LS1 1UR

Contact: Andy Booth

Tel: 0113 247 4325

Fax: 0113 395 1599

andy.booth@leeds.gov.uk

Your reference:

Our reference: ppw/sitevisit/
2014

To:

Members of Plans Panel (South and West)

Plus appropriate Ward Members and Parish/Town Councils

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 4 SEPTEMBER 2014

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

- 1 10:45 **Application 14/02987/FU** – Alterations and relocation of ATM – Yorkshire Bank, Church Street, Hunslet. **Leave 10.55** (if travelling independently meet at the Yorkshire Bank on Church Street).
- 2 11.00 **Application 12/04737/FU** – Stationing of caravans for occupation by Gypsy-travellers – Rear of Sandon Mount, Hunslet. **Leave 11.20** (if travelling independently meet on Sandon Mount).
- 3 11.35 **Application 14/03261/FU** – Change of use of allotment land to football pitch - The Crescent, Tingley. **Leave 11.50** (if travelling independently meet at Tingley Athletic's car park off Casson Avenue).

Return to Civic Hall at 12.10 pm approximately

A minibus will leave the Civic Hall at 10.30 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 10.25 am

Yours sincerely

Andy Booth
Governance Officer

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SOUTH AND WEST PLANS PANEL

THURSDAY, 31ST JULY, 2014

PRESENT: Councillor M Rafique in the Chair

Councillors J Akhtar, J Bentley, M Coulson,
K Ritchie, C Towler, P Truswell, F Venner
and R Wood

10 Late Items

There were no late items as such, however supplementary information was submitted for Agenda Item 8, Application 13/05550/FU. As this supplementary information contained exempt information it was only submitted to Members of the Panel.

11 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

12 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors A Castle and R Finnigan.

13 Minutes - 3 July 2014

RESOLVED – That the minutes of the meeting held on 3 July 2014 be confirmed as a correct record.

14 Application 14/02399/RM - Land at Fleet Lane, Oulton

The report of the Chief Planning Officer presented a Reserved Matters Application for 77 dwellings with landscaping at land off Fleet Lane, Oulton, Leeds.

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

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

- The site was a PAS site and outline permission was granted at City Plans Panel for up to 80 dwellings in October 2013.
- The site was currently greenfield and used for agricultural purposes. It was adjacent to the Oulton Conservation area.

- Details of the proposed Section 106 agreement.
- A proposed layout of the site when developed was shown. Access to the site was highlighted along with siting of affordable housing.
- Photo montages of what the site would look like when developed were shown.
- It was proposed that the application be approved subject to additional conditions to include the following:
 - No development to commence until boundary treatments had been done.
 - Further details of footpaths to be provided.
 - Ownership of vegetation to the west of the site to be clarified with regards to maintenance and retention.
 - Approved plans,

A local resident addressed the meeting on behalf of the residents of Oulton and Woodlesford. Although there had been some welcome changes following discussion with the applicant there were still some concerns which included the following:

- The need for traffic calming on Fleet Lane – this was a busy road and traffic was often travelling too fast. The development could see double the amount of traffic on Fleet Lane.
- It was desired to see bungalows as part of any new development.
- Loss of amenity to the residents of Norfolk Drive.
- It was requested that house design and materials used would be sensitive to and compliment the conservation area and it was requested that further meetings be held with the applicant with regards to this.
- There should be further discussion with Ward Members on how the Section 106 monies should be spent.

The applicant addressed the Panel. Issues raised included the following:

- The development would provide a mix of first time buyer and family housing.

- There had been extensive consultation with Ward Members and community representatives which had led to a number of amendments to the proposals.
- The proposals would see highway improvements that also sought to reduce speeding traffic.
- The provision of bungalows would have an impact on the viability of the scheme and there was no planning requirement to build bungalows.
- There would be up to 55 jobs created during development of the site.
- Comprehensive consultation had been done with the Council and it was proposed to support the application.
- In response to Members questions, the following was discussed:
 - Traffic calming measures would include narrowing of the highway and insertion of crossing islands.
 - The applicant was happy for further consultation regarding the design of houses.

Further to Members comments and questions, the following was discussed:

- It was requested that a speed survey be carried out on Fleet Lane – it was reported that the proposed traffic calming measures had proved successful elsewhere.
- Siting of affordable housing – Members expressed a view that it was preferable for this to be spread out throughout the site – it was reported that the social landlords and potential occupants preferred for the housing to be close together.
- Concern for residents of Norfolk Drive due to the height of proposed dwellings and whether bungalows could be reconsidered.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to conditions set out in the report and reported below and to allow further negotiations on matters of design.

15 Application 13/05550/FU - Former Social Club, Pool Road, Otley

The report of the Chief Planning Officer presented an application for the erection of five light industrial units at Pool Road, Otley.

The Panel had received a position statement on the application at the meeting held in May.

Site plans and photographs were displayed at the meeting.

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

- Since the last meeting the lease on the playing pitches had been extended from 5 years to 15 years.
- The application would allow the release of capital receipts to support local business and employment.
- The playing pitches were designated as protected playing fields. There had not been any objection from Sport England.
- There had been interest from businesses interested in leasing the units once developed.

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



Originator: Phil Crabtree
Tel: 247 8187

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 4th September 2014

Subject: PLANNING APPLICATION 12/04737/FU – Use of vacant site for the stationing of caravans for occupation by Gypsy-Travellers with associated development including new access track, hard standing, utility building, fencing, external lighting and foul drainage on Land to rear of Sandon Mount, Hunslet

APPLICANT	DATE VALID	TARGET DATE
Mr M Maloney	3 rd December 2012	28th January 2013

Electoral Wards Affected:

City & Hunslet

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

That planning permission be refused for the following reasons:

1. The use of the site for a Gypsy and Traveller caravan site is premature in respect of the current allocation of the site for allotment purposes in the 2006 UDP Review. The appropriate route for determining such matters is via the Site Allocations process in the context of the deficiencies of open spaces in the Inner Area Housing Market Characteristic Area.
2. That the location of the proposed Gypsy and Traveller site is in conflict with Policy GP5 of the UDP in terms of environmental intrusion and loss of amenity arising from noise from the adjoining M621.

1.0 INTRODUCTION:

1.1 The application is for a Gypsy/Traveller pitch on a privately owned site consisting of one permanent mobile home, utility block, three temporary pitches and associated hard standing. The application has been requested to come to Plans Panel by Ward Members due to local concerns raised about the application.

- 1.2 Members may be aware that at a recent City Plans Panel meeting regarding the proposal to extend Cottingley Springs, concerns were raised by objectors that the application at Sandon Mount for a small development in a sustainable location on a private site had not been determined. It is considered therefore that given the sensitivity of the application and opposing views that the application should be brought to the Plans Panel for determination.

2.0 PROPOSAL:

- 2.1 The application would see the use of the land change from being vacant land/allotments to residential use for two families, comprising two Gypsy and Traveller pitches made up of several distinct elements. New hard standing would be laid and one permanent pitch would be sited comprising one mobile home along with a utility block providing toilet, bathroom and utility facilities. This would be a small, rectangular structure measuring 5m x 4m x 3.56m high and constructed from brick, wood and tiles. A further three touring caravans would also be provided along with associated car parking. A boundary fence would be erected around the site (making space for four caravans in total).
- 2.2 It is anticipated that the applicant would occupy the mobile home and use one touring caravan for travelling, with another family occupying the other two caravans for both residence and travelling. Generally travelling is carried out between April and October for two to three weeks at a time.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is part of an unused and overgrown piece of land sited at the rear of a relatively recent development of houses that front onto Sandon Mount between the houses and the motorway (the M621). There was a brick built unit in front of the site which used to operate as a builders yard but has now been demolished and the site left derelict. A route has been formed between houses which gives access to the builders' yard and to this site. There is an area of grassland behind the houses adjoining this site which functions as informal greenspace.
- 3.2 There is a mobile home on the site and evidence of some hard standing, although the site is generally very overgrown. The site is surrounded by high fencing with locked gates and at the time of the site visit there was a lot of rubbish within the site. At the rear of the site the land banks up towards the M621. The site is on the edge of a residential area comprising small, semi-detached properties. There is also a school, sheltered housing and some shops close by.

4.0 RELEVANT PLANNING HISTORY:

In relation to this site in particular:

- 4.1 10/00515/FU – Detached residential caravan. Withdrawn 13/04/10.
- 4.2 21/347/05/OT – Outline application for detached house. Refused 31/03/06 due to being on greenfield land and noise. The applicant had not demonstrated that the proposal could overcome such an issue and the proposal for a dwelling was considered to be detrimental to the residential amenity of intended and future residents and therefore contrary to GP5 of the adopted UDP.

In relation to adjacent site (incorporating builder's yard):

- 4.3 09/02099/FU – Site to east incorporating builder's yard. Three 2-bedroom town houses and one 1-bedroom detached bungalow to vacant site. Approved 09/07/09. This permission has now lapsed although in 2010 an application was submitted for a varied house type on the bungalow plot, application ref 10/03842/FU. Although described as "2 bedroom detached dwelling (amendment to previous approval 09/02099)" the red line boundary was for just the bungalow site and did not include the town houses. Permission for the bungalow expired on 20/10/13.
- 4.4 13/04841/FU – detached dwelling to replace the expired permission for a bungalow. Approved 09/12/13.

Other sites of relevance to this matter:

- 4.5 Cottingley Springs is the only publically managed main Travellers site in the City. Site A was constructed in 1987. Site B was constructed as 36 pitches in 1990, mainly for residents of a site which had recently closed down, and 20 families from roadside camps. Due to management problems in 1996/97, the site was reduced in 1998 from 36 pitches to its current size of 21 pitches.
- 4.6 In January 2011 a Council Scrutiny report was published with 12 recommendations to better meet the housing needs of Gypsies and Travellers and recommended that permanent pitch provision be developed for 12 Leeds roadside families who were invariably trespassing on public land in the City. In September 2012 the Council's Executive Board approved the proposal to explore the possibility of expanding Cottingley Springs after an extensive site search on Council owned land across the city had not identified any alternative sites which could be developed in the short term.
- 4.7 Planning application 13/03998/FU for the expansion of Cottingley Springs with 12 pitches was submitted in September 2013. After a site visit Members resolved to approve the application in December 2013 and to defer and refer it to the Secretary of State as a departure from then Development Plan given it is in the Green Belt and is inappropriate development. The Secretary of State decided on 24th February 2014 to call in the application for determination at a local inquiry which took place in July/August 2014.
- 4.8 10/00188/FU – Retrospective application for change of use of vacant land to caravan site at The Stables Block, Nepshaw Lane South, Gildersome granted permission on 31.03.10 subject to a condition restricting the number of caravans to a maximum of 3. The site was not in the Green Belt and close to the motorway and local services and supported by Morley Town Council due to the shortage of pitches in Leeds District.
- 4.9 Enforcement Notice quashed and appeal allowed on 24th May 2012 for stationing of caravans for human habitation on land north of The Bungalow, Ninevah Lane, Allerton Bywater subject to personal permission for temporary period of 3 years. The site is in the Green Belt.
- 4.10 Enforcement Notices quashed and appeals allowed on 13th August 2012 for stationing of twin unit residential caravan for the purpose of human habitation and detached building for toilet, bathing and cooking on land to the rear of Springfield Villas, Gildersome subject to personal permission for temporary period of 3 years. The site is in the Green Belt.

- 4.11 In considering the two enforcement appeals mentioned above the Inspectors concluded there is manifest, substantial and pressing need for the provision of new Gypsy and Traveller pitches in Leeds. The mismatch between need and supply is high and there has been little prospect of this being addressed for some time. The lack of any realistic lawful alternative pitch which appellants can occupy either now or in the near future is seen by Inspectors as a significant factor and is particularly relevant when considering whether to grant a temporary planning permission.
- 4.12 Planning application no. 14/03263/FU, application for 15 pitches at Kidacre Street, Leeds, for a temporary period of one year is awaiting determination.
- 4.13 Appeal against refusal of 10 pitch Gypsy Travellers site at Castle Gate, Stanley in Wakefield adjacent to M62 and the boundary with Leeds considered at a Hearing on 25th September 2013. The application was called in for a decision by the Secretary of State as it involves significant development in the Green Belt. The appeal was dismissed by the Secretary of State in February 2014. At the Hearing it was clear that a number of families wishing to live on the site are currently in the Leeds area and at least two families have been on the waiting list for Cottingley Springs for some time.
- 4.14 Planning application no. 14/01914/FU, change of use of former distribution centre and oil refinery land to Gypsy traveler caravan park at Valley Road, Morley, to provide 36 pitches and car parking – under consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There has been little negotiation on the application but substantial delay in consideration due to consideration of the Council's policies relating to the provision of sites within the city, in the context of the draft Core Strategy and in Examination.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by a site notice posted on 14/12/12 as well as neighbour notification letters sent out on 03/12/12. Ward Members were briefed on 03/12/12. Publicity expired on 04/01/13.
- 6.2 Ward Member response – All three ward members oppose the application due to the impact on the local area. Hilary Benn MP considers it is an unsuitable location for the proposed use and asks that full weight be given to such concerns although he does not elaborate on the matter.
- 6.3 Public Response – 51 individual objections have been received raising the following planning concerns;
- Increase in traffic and use of larger vehicles will be harmful to pedestrians and other road users, in particular school children attending nearby primary school.
 - The land is contaminated with asbestos from previous buildings.
 - There will be increased demand for already overstretched facilities such as school and doctors.
 - Increase in surface water and potential flood risk.
 - Any business use of the site will result in noise and disturbance.
 - Impact on residential amenity due to siting of caravans at rear of dwellings.

- Noise issues from motorway.
- Unsuitable site

- 6.4 A petition signed by 32 local residents in objection has also been received.
- 6.5 89 similar letters from people in support of the application, sent in by Leeds GATE (Gypsy and Travellers Exchange) who also state their support – they have worked with Mr Maloney for many years and recognise the need for him and his family to be settled and have somewhere permanent to live.

7.0 CONSULTATIONS RESPONSES:

STATUTORY

- 7.1 Coal Authority – Due to type of development proposed then no objections are raised.

NON-STATUTORY

- 7.2 Highways – No objections provided that the access is properly surfaced.
- 7.3 Local Plans – Objections had been raised by Local Plan officers on the grounds that the proposal involves the use of designated allotment land, of which there is an acknowledged shortage in the area. The provision of allotments is being considered as part of the Site Allocations process which will follow the adoption of the Council's Core Strategy later in 2014.
- 7.4 Gypsy/Traveller Service – The applicant's family currently reside at Cottingley Springs and are doubling up on a pitch with extended family. Cottingley Springs currently has a waiting list with approximately 1-2 vacancies coming up each year. It is therefore very unlikely that Mr Maloney will be offered a pitch in the near future.
- 7.5 Contaminated Land – No objections subject to conditions.
- 7.6 City Services Waste Management – No objections.
- 7.7 Flood Risk Management – No objections subject to soakaway provision
- 7.8 Air Quality Team – No issues of concern from local air quality management.
- 7.9 Architectural Liaison Officer – Crime statistics for local area supplied. The local area has higher than average crime rates particularly in serious acquisitive crime, criminal damage/arsen and anti-social behaviour. Concerns have been raised with Neighbourhood Policing Team by residents regarding this application however on planning merits there are no detrimental comments to make.
- 7.10 Environmental Protection – A caravan cannot be compared to a new build house as it is less permanent and the occupants accept the situation with regards to noise. The caravan will not offer a great deal in terms of sound reduction and the site is in the shadow zone of the M621 and will benefit from some screening. Usually for a new housing scheme or mobile home park a noise mitigation scheme would be required – this is an unusual and specific set of circumstances.

8.0 PLANNING POLICIES:

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Development Plan

- 8.2 The Development Plan for the area consists of the saved policies of the adopted Unitary Development Plan Review (2006), and the Natural Resources and Waste DPD (2012). This is supplemented by relevant supplementary planning guidance and documents. The Local Plan (Core Strategy and Site Allocations Plan) will eventually replace much of the UDP – the Core Strategy has been submitted to the Secretary of State and underwent Examination Hearings in October 2013 and June 2014 where the issue of future Gypsy and Traveller and Travelling Showpeople accommodation was subject to further consideration at the Examination. The Site Allocations Plan is at Issues and options stage having been through a period of public consultation in the summer of 2013.

Unitary Development Plan Review (adopted July 2006)

- 8.3 A triangular site which includes part of this site is allocated as N1A Allotments on the Proposals Map of the Revised Draft UDP. Relevant policies;
- Policy N1 and N1A Greenspace and allotment gardens
 - Policy H16 Accommodation needs of Travellers
 - GP5: Detailed planning considerations which seek to avoid loss of amenity
 - Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety

Draft Core Strategy

- 8.4 The draft 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. The Examination Hearings took place in October 2013.
- 8.5 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.
- 8.6 The policy concerning accommodation for Gypsies, Travellers and Travelling Showpeople (Policy H7) was prepared during 2011 and agreed by Executive Board on 10th February 2011. It sets criteria for identifying suitable sites through the Site Allocations process.
- 8.7 Government guidance, published in March 2012 at the same time as the National Planning Policy Framework (NPPF), "Planning Policy for Traveller Sites", set out a requirement for locally set pitch targets rather than criteria. Without pitch targets Policy H7 is not compliant with national guidance and on this basis may not have

been found sound at the Core Strategy Examination; potentially placing progression of the whole plan in jeopardy.

- 8.8 The Council therefore has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7.
- 8.9 On 4th September 2013, Executive Board approved the Leeds Gypsy and Traveller Pitch Requirement Study for the purposes of supporting the evidence base for policy H7 of the Submission Core Strategy at Examination and was submitted to the Inspector for consideration through the Examination.
- 8.10 The Examination re-opened in May 2014 and further evidence was submitted by the Council with regard to the future provision of Gypsy and Traveller sites during the Plan period. As a consequence, a modified policy H7 and supporting text was submitted for consideration. This identified an unmet provision of 62 pitches, of which the Council and private sector should provide 25 and 28 pitches respectively with negotiated stopping provision of 9 pitches (until March 2028). This provision is to be made through the Site Allocations plan and through determining planning applications in accordance with the following criteria:

MM69	70	Policy H7	<p>Revise Policy H7 as follows:</p> <p>The City Council will identify suitable sites in the Site Allocations Plan (of around no more than 15 pitches per site) to accommodate the following identified needs:</p> <ul style="list-style-type: none"> • <u>62 pitches for Gypsies and Travellers (of no more than 15 pitches per site), and</u> • <u>15 plots for Travelling Showpeople (to be accommodated on either one or two sites).</u> <p><u>In identifying land or determining planning applications for pitches / plots, consideration will be based on</u> Gypsies, Travellers and Travelling Showpeople, through a Site Allocations DPD, subject to the following criteria:</p> <ol style="list-style-type: none"> i) <u>pitches and plots should</u> Sites must be located near major roads and have reasonable access to public transport, health care, schools, shops and local services (and should not be located on land that is deemed unsuitable for general housing such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.); ii) <u>pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons</u> iii) <u>pitches and plots</u> Sites should avoid zones of high flood risk (zone 3 flood risk areas), iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. <u>Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople’s site only.</u> <p><u>the availability of alternative deliverable sites for Gypsies and</u></p>	Soundness and to reflect up to date evidence
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			<p><u>Travellers and Travelling Showpeople</u></p> <p>iv) Alterations to the Green Belt boundary to accommodate sites will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations DPD, site will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople site only.</p> <p>v) Sites should avoid designated areas, including nature conservation sites and Special Landscape Areas and should not introduce unacceptable off-site impacts such as might occur from recreational pressures on such sites.</p>	
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8.11 Following the hearing session in May, the Core Strategy Inspector agreed that Main Modification 69 above would ensure that the Draft Core Strategy was sound and in line with National Guidance. To that end, significant weight can be placed on Policy H7 as modified.

8.12 Draft Core Strategy G6 Greenspace is also of relevance.

POLICY G6: PROTECTION AND REDEVELOPMENT OF EXISTING GREENSPACE

Greenspace (including open space in the City Centre) will be protected from development unless one of the following criteria is met:

- i) There is an adequate supply of accessible greenspace/openspace within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
- ii) The greenspace/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or
- iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing greenspace quality in the same locality.

Furthermore, the Site Allocations Plan is currently considering the greenspace role of the site and confirms that greenspace provision in the locality is deficient especially in terms of allotment gardens. Para 4.5.1 of the Inner Issues and Options Site Allocations Plan indicates that site proposals for deletion (eg either allotments or green spaces) will be considered in the context of the surpluses and deficiencies identified in each particular area.

Supplementary Planning Guidance / Documents:

8.13 The following SPGs / SPDs are relevant;

- Neighbourhoods for Living
- Crime and Design SPD
- Street Design Guide

NATIONAL PLANNING POLICY:

8.14 National Planning Policy Framework (NPPF) (March 2012)

- Requiring good design

- Promoting healthy communities
- Conserving and enhancing the natural environment

8.15 Planning Policy for Traveller Sites (PPTS) (March 2012)

8.16 This policy document should be read in conjunction with the NPPF. The policy areas relevant to this application are as follows;

8.16.1 Policy A: Using evidence to plan positively and manage development - local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

8.16.2 Policy B: Local planning authorities should ensure that Traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- promote peaceful and integrated co-existence between the site and the local community
- promote, in collaboration with commissioners of health services, access to appropriate health services
- ensure that children can attend school on a regular basis
- provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any Travellers that may locate there or on others as a result of new development
- avoid placing undue pressure on local infrastructure and services
- do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans reflect the extent to which traditional lifestyles (whereby some Travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

8.16.3 Policy H: Determining planning applications for Traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for Traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any Travellers and not just those with local connections

When considering applications, local planning authorities should attach weight to the following matters;

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

8.17 If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The Council cannot currently demonstrate a 5 year supply of deliverable sites for Gypsies and Travellers in Leeds. The calculation of a 5 year supply for Gypsies and Travellers differs from the approach to settled housing needs. The Draft Gypsy and Traveller Pitch Requirement Study (2013) identifies that the majority of need is made up of a current un-met need and is not spread evenly per annum throughout the plan period. National Guidance encourages unmet need to be addressed within 5 years where possible. The current identified need for public pitch provision (i.e. G&T on the housing waiting list who express a preference for public provision) is 26 families. The current need for private pitch provision (i.e. G&T on the housing waiting list, doubling up on existing pitch provision, on the roadside or in bricks and mortar housing) is 26 families. The current identified supply over the next five years comprises 12 pitches at Cottingley Springs (see paragraph 4.7 above) and 15 temporary pitches at Kidacre Street. The Council therefore has a 2.6 year supply of pitches, dependant on the grant of permission for Cottingley Springs. The Site Allocations Plan will identify sufficient sites to meet the needs of Gypsies and Travellers. It will also seek to identify sufficient sites to meet private needs although it is recognised that this may not be possible. The criteria in Policy H7 are therefore also applicable to the determination of planning applications.

8.18 Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including;

- limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
- limiting the maximum number of days for which caravans might be permitted to stay on a transit site

Other Material Considerations

8.19 West Yorkshire Gypsy and Traveller Accommodation Assessment 2008 – identified a shortage of sites across the region. Leeds itself has a demand for more than double the number of sites that are provided.

Leeds currently has 41 pitches all of which are located at Cottingley Springs. The need in 2008 – 12 was estimated to be for an additional 40 pitches, during this time no further pitches were provided.

8.20 Article 8(1) of the European Convention on Human Rights – provides that everyone has the right to respect for his private and family life, his home and his correspondence.

The Council must weigh the rights of Gypsies, Travellers and local residents in its decision making, and ensure that where its decision is an interference with article 8 rights that this is a proportionate response in the public interest.

- 8.21 Article 2 of the First Protocol of the ECHR – right to a proper education, this is especially applicable to Gypsies as many Gypsy children are assessed as having Special Educational Needs.
- 8.22 The Equality Act 2010 places a further duty on local authorities to consider equality in their decision making processes and to have due regard to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and those who don't and foster good relations between such. The need for Gypsy and traveler sites and pitches is recognised in both plan-making (Core Strategy and Site Allocations) and decision taking on individual planning applications.

9.0 MAIN ISSUES

- Principle of development
- Need for Gypsy and Traveller sites
- Human rights and personal needs
- Amenity issues
- Highway safety issues
- Response from public consultation

10. APPRAISAL

Principle of Development

- 10.0 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework (and its Technical Guidance) and Planning Policy for Traveller Sites (PPTS), the emerging Core Strategy and evidence base, and detailed development management matters including sustainability, highways, amenity, impact and noise.
- 10.1 The starting point is compliance with The Development Plan. Part of the site is allocated as N1A (Allotments). The policy states "Development of land currently used as allotment gardens will not be permitted for purposes other than outdoor recreation, unless the need in the locality for greenspace is already met and a suitable alternative site for allotment gardens can be identified." The Issues and Options Document for the Site Allocations Plan identifies surpluses and deficiencies in the different types of greenspace in the Inner Area. For the City and Hunslet ward only children and young people's equipped play is in surplus when assessed against greenspace standards as set out in PPG17. For allotment gardens the deficit in this part of Leeds is 2/3 of the standard i.e. -0.16 ha against a standard of 0.24ha per 1,000 people. Table 4.5.1. of the Draft Issues and Options Site Allocations Plan for the Inner Housing Market Characteristic Area indicates that there is a deficiency in all categories of open space in the City and Hunslet Ward (apart from Childrens and Young Peoples Play). Para 4.5.1. indicates that the process of dealing with current allotment allocations should be considered in the context of deficiencies identified in that particular area (ie through the Site Allocations process).

- 10.2 The site is fenced at present, has a disused mobile home sited on it and is untidy in appearance and is in the ownership of the applicant. There is no surfaced access to the land at present from the tarmac double turning head. The agent in one of her submissions states that the site is a former allotment area and presumed it was once part of the larger allotment site adjoining which are still in cultivation. The adjoining site again looks run down and does not appear to be actively and intensively used. The Council owns the access road and has granted rights of access for agricultural purposes, but this does not include residential use. This would be required if the site is to be used for purposes proposed in this application.
- 10.4 Greenspace policies in the Development Plan are supported by an up-to-date evidence base published in 2011. This considered the role of the allotment and concluded that it should remain as an allotment site in this area of shortfall. This area of Hunslet is located in the inner-south sub area where there is an under provision of allotment provision compared to the Core Strategy standard. The Sandon Mount site fell below the minimum quality standard reflecting the fact it is largely disused. There are two other allotment sites within the 960 m catchment area.
- 10.5 Emerging Core Strategy policy G6 sets out 3 criteria under which development on protected green space sites would be acceptable. There is not an adequate supply of greenspace in the Inner area nor is any replacement greenspace being offered by the proposal. The NPPF paragraph 74 adopts a similar approach to protection of existing green space. It is noted that whilst the application does not comply with the policy designation and policies which lie behind it the site is currently disused and has previously been identified as being surplus and sold off by the Council in 2007. Moreover on adjoining land it should be noted from the planning history that planning permission has been given for housing although this has not been implemented and has lapsed.

Need for Additional Sites

- 10.6 Policy H16 in the adopted UDP Review sets out a commitment to search for suitable permanent, temporary stopping and transit sites for Travellers and Travelling Showpeople and will encourage suitable private sites to be advanced to provide a balanced distribution throughout the district to supplement existing provision in south west Leeds. Some criteria are advanced in the policy which are that sites should be;
- Acceptable to the Travellers community itself
 - Within easy reach of community and other facilities
 - In locations where the environment provides acceptable living conditions and where the development will not have unacceptable environmental consequences
- 10.7 Policy H16 is still relevant but needs to be read now in conjunction with the NPPF and the Planning Policy for Travellers Sites (PPTS) which were issued in March 2012 and emerging policy H7 which is subject to on-going work and consideration by the Inspector at Examination. The approach in PPTS and emerging policy H7 are similar with the emphasis on smaller sites in sustainable locations close to local facilities with a sequential preference for brownfield followed by greenfield.
- 10.8 Revised Policy H7 of the draft Core Strategy has now been published as part of the Inspector's Proposed Modifications.

This sets out the future need and criteria against which the provision of new Gypsy and Traveller sites should be made through the Site Allocations process.

In summary, sites should be chosen which:-

- Have reasonable access to public transport, schools, health care, shops and local services
- Should not be located on land that is deemed unsuitable for general housing
- Should avoid areas of high flood risk
- Should preferably be located on brownfield sites and should be considered in the context of alternative deliverable Gypsy and Traveller sites

10.9 The site is small and well located in relation to facilities and services within the main urban area. It is also clear that there is significant unmet need for Traveller pitches within the city evidenced by previous appeal decisions, the lack of a five year supply and the case put forward by the Council at Cottingley Springs.

10.10 In the appeal into a proposed caravan at Springfield Villa's in Gildersome (in 2010) the Inspector noted the proposed extension to Cottingley Springs and the identification of sites through the Site Allocations DPD. The Inspector was however critical of the delays already caused in the process of the DPD and considered that sites were not likely to become available until 2015 at the earliest. The Inspector therefore considered that the lack of provision was a material consideration. Significant progress in the provision of new sites has taken place since then via the Core Strategy and through the proposals at Cottingley Springs and Kidacre Street.

Human Rights and Personal Needs of Applicant

10.11 The applicant has a young family who attend a local primary school. For some years the applicant was moved on from a number of unauthorised encampments, before taking a more settled approach and doubling up on a plot on Cottingley Springs that is occupied by another family member. Essentially however the applicant and his family are homeless and the doubling up on a plot means that the amenity of the wider family is compromised by having less space in which to live satisfactorily.

10.12 The applicant has applied for his own plot on Cottingley Springs but he is not of the highest priority and advice from the Gypsy and Traveller Service is that he is unlikely to be given a plot in the next few years due to the lack of supply. The applicant owns this plot of land at Sandon Mount and has chosen to create a home for his family on this site. The site will provide a permanent mobile home for his family, a utility building, and space for three touring caravans. This additional caravan space represents an important cultural need for Gypsies and Travellers to have wider family gatherings, but also allow space for a growing family.

Amenity Issues

10.13 Subsequently, the Council has sought to bring forward new Travellers sites on a temporary and permanent basis. The proposed expansion at Cottingley Springs (on the basis of an application submitted by the Council) would provide 12 new pitches. A 'call in' Inquiry under Section 77 of the Town and Country Planning Act 1990 has recently taken place and a decision is awaited.

10.14 Further temporary provision is also proposed by the Council. It has recently submitted an application for the provision of 15 new pitches on a site at Kidacre

Street in the City Centre for a temporary period of 12 months. This application is awaiting determination.

- 10.15 Furthermore, should the Inspector's proposed modifications be accepted, the Council is committed to identifying land for 62 new pitches on a mixture of local authority and private sector sites through the Site Allocations process, in accordance with the Inspector's Modified Policy H7 (see Para 8.10 above).
- 10.16 Accordingly, in considering this application, it is appropriate to balance a number of factors relating to the location of the site, its current designation as allotments, emerging Core Strategy policies in relation to both future Gypsy and Traveller site provision and the future need for green space allotment sites within the Inner Area (South) (in the context of the Site Allocations process), the location of the site and general environment, the issue of local residents and the provision of the Human Rights Act.
- 10.17 The Inspector's Proposed Modifications on the Draft Core Strategy sets out a need for the future provision of both future Traveller sites and consideration of allotment land. Both of these should come forward as part of the Site Allocations process which is underway.
- 10.18 The site currently comprises statutory allotments which have been abandoned and the applicant does not own the section of land required to access the site (which is in Council ownership). However, the land remains allocated as allotments within the UDP NIA boundary. There is an under-provision of allotments within this area of the city of 0.161ha and therefore the loss of this allotment land would further reduce the provision and necessitate the identification of additional allotment land in the locality. As the proposed modifications to the Draft Core Strategy indicate, the appropriate way for considering both future allotment land and Gypsy sites is through the Site Allocations process. The application is premature in these respects.
- 10.19 The Council acknowledges (via the Draft core Strategy) that there is a current shortage of Gypsy and Travellers sites and is taking steps to remedy this through the provision of both permanent and temporary sites (at Cottingley Springs and Kidacre Street respectively) and is seeking to ensure that there is a 5 year supply of temporary and permanent sites in appropriate locations.
- 10.20 A further consideration relating to the application relates to its suitability as a location for residential occupation in terms of the proposed Core Strategy modification Policy H7. The site is generally well located to the existing urban area in sustainability terms and therefore is in general compliance with reworded Policy H7. However it is important to recognise that Paragraph H7 (ii) also states that:
- 'pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.'*
- 10.21 Members will note a previous refusal for residential development of the site (planning application no. 21/00747/05/07 in 2006 on the grounds of residential development and noise impacts from the adjoining M621, although consent for the development of a bungalow on adjoining land was granted in 2009 and received in 2013 for a permanent dwelling. In this respect it is appropriate to have report to the comments of the Environmental Protection Team who comment as follows:-

'A caravan(s) cannot be compared to a new build house as it is less permanent and the occupants accept the situation with regard to noise. The caravan site does not offer a great need in terms of sound reduction and the site is in the shadow zone of the M621 and will benefit from some form of screening. Usually, for a new housing scheme or mobile home park a noise mitigation scheme would be required as this is an unusual and specific set of circumstances.'

- 10.22 It should be noted that the application is for four caravans and therefore the exposure to residents from noise from the motorway is more significant than that likely to be experienced by residents of concrete built permanent dwellings as indicated by the Council's Environmental Protection Team. The site immediately adjoins the M621 and so very limited amelioration of noise is likely. In this respect, the applicant has declined to offer further mitigation as part of the proposals. Accordingly, Members may consider that the location is inappropriate in terms of habitation for four caravans because of the limited noise insulation and proximity to the motorway. This would be contrary to Saved UDP Review (2006) Policy GP5, which seeks to avoid problems of environmental intrusion, loss of amenity and pollution.

Highway Matters

- 10.23 The proposal will involve the use of an existing access which is used to serve both this site and the builders' yard. The access has been assessed as being adequate for the level of intended use proposed from a highway perspective, and is suitable for use by caravans. Some local objection comments have questioned the safety of caravans using the local roads, however these are not substandard in their width or capacity and can adequately cater for the applicant's needs without restricting others.
- 10.24 The stretch of access from the turning head into the site will need to be properly hard surfaced for at least 15m to ensure water does not run off the site onto adjacent ground, and to ensure that vehicles can safely access the site. This land is owned by the Council and the applicant would need to obtain consent for the use.
- 10.25 Intensification of the use of the site by additional traffic is of marginal significance.
- 10.26 The site is capable of providing adequate access and parking facility within its boundaries and no objection is raised on these grounds.

Other Matters

- 10.27 The site can be drained, although the applicant will need to ensure that any soakaway does not impact on the embankment of the motorway. To control this details of the drainage are requested. Surface water run off should be dealt with so that no increase in off-site flows is experienced.
- 10.28 Comments have been raised about the soil here being contaminated due to the site being formed by spoil tip from the formation of the motorway. The fact that the site (if approved) is to be hard surfaced though will act as a cap to any such contamination and so deal with this matter. It is noted that the use of the site for growing vegetables was not restricted in any way regardless of potential for contamination.

10.29 A number of objections raise concerns of anti-social behaviour, community cohesion, loss of land values etc. Many of these matters are not planning considerations, and should be disregarded.

11.0 Conclusion

11.1 The shortage of Gypsy and Traveller sites and lack of a 5 year supply is accepted by the Council and it is acknowledged that there is a need to identify additional locations as part of the Site Allocation process in according with Modified Policy H7 of the Draft Core Strategy. In the meantime, the Council is seeking to remedy part of this shortfall by bringing forward new sites at Cottingley Springs and Kidacre Street

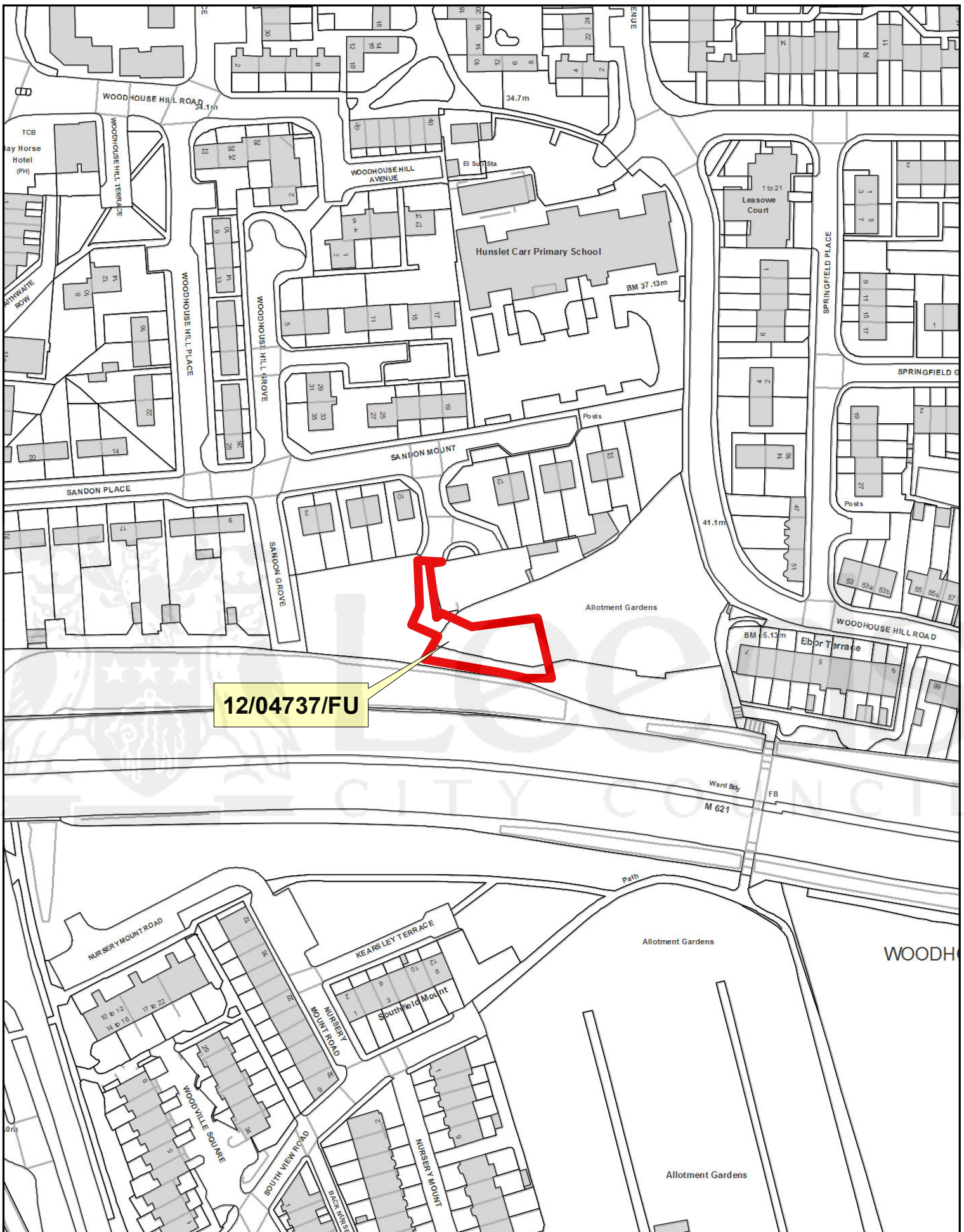
11.12 The identification of new gypsy and traveller sites (up to 2028) is being addressed through the Site Allocations process where potential locations are being fully evaluated. The Site Allocations process will also address specific shortages of green space in the Hunslet and City Ward, including consideration of maintaining the existing allotment allocation, and/or identifying alternative allotment sites. Accordingly, the application is considered to be premature in advance of the Site Allocation process, and furthermore does not to comply with UDP (Review) Policy GP5 in respect of the potential noise impacts on the residents (and therefore amenity) from the adjoining M621 and the site allocation processes where surpluses and deficiencies in allotments and green spaces can be fully evaluated. On balance, refusal of the application is recommended. It is considered that this is a proportionate response to the planning harm caused notwithstanding the interference with the applicant's Article 8 rights.

Certificate of Ownership:

Land served on LCC due to access crossing.

Background Papers:

See planning history.



SOUTH AND WEST PLANS PANEL



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Originator: Bob Packham

Tel: 2478204

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: APPLICATION 14/00493/FU: DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 36 NO DWELLINGS, CONVERSION OF EXISTING SCHOOL BUILDING TO CREATE 13 NO DWELLINGS; LAYING OUT OF ACCESS ROADS AND OTHER ASSOCIATED WORKS.

and

APPLICATION 14/00474/LI: CONVERSION OF EXISTING LISTED SCHOOL BUILDING TO CREATE 13 DWELLINGS.

ADDRESS: UPPER WORTLEY COUNTY PRIMARY SCHOOL, ASHLEY ROAD, UPPER WORTLEY, LEEDS LS12 4LF

APPLICANT	DATE VALID	TARGET DATE
UPPER WORTLEY LYD	7.2.14 AND 28.1.14	9.5.14 AND 25.3.14

Electoral Wards Affected:

Farnley and Wortley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPLICATION 14/00493/FU

Defer and delegate to the Chief Planning Officer subject to the following conditions and to completion of a Section 106 Agreement within 3 months of the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer to secure:

- 1) £120,000 greenspace contribution.**
- 2) Reassessment of the affordable housing requirement if development is not commenced within one year of consent.**

3) Local employment clause

APPLICATION 14/00474/LI

Defer and delegate to the Chief Planning Officer subject to the following conditions.

CONDITIONS

Application 14.00493/FU

- 1) Standard time condition 3 years.
- 2) Plans to be approved
- 3) Sample walling materials.
- 4) Sample roof materials.
- 5) Sample surfacing materials.
- 6) Details means of enclosure.
- 7) Details retaining walls
- 8) Area to be used by vehicles to be constructed, drained etc.
- 9) Cycle/motorcycle parking.
- 10) Boundary treatment to front of dwellings.
- 11) Gradient of drives.
- 12) Site access to approved plan.
- 13) Garages to be retained for vehicle parking.
- 14) Details of means of enclosure.
- 15) Hard and soft landscaping proposals.
- 16) Timing of landscaping.
- 17) Replacement of trees.
- 18) Retention and protection of trees.
- 19) Landscape management plan.
- 20) Bird nesting and bat roosting opportunities.
- 21) No vegetation clearance in bird breeding season.
- 22) Plans showing all levels.
- 23) Surface water drainage works.
- 24) Interim drainage details – method statement.
- 25) No building or structure within 3 metres of sewer.
- 26) Separate systems of foul and surface water drainage.
- 27) No piped discharge prior to completion of surface water drainage works.
- 28) Details of foul and surface water drainage.
- 29) Contamination reports.
- 30) Unexpected contamination.
- 31) Verification reports.
- 32) Carrying out of remedial and coal recovery works before development.
- 33) Contractor facilities
- 34) Measures to prevent mud, dirt, and grit being carried onto highway.
- 35) Measures for suppression of dust on site.
- 36) Full details of internal alterations to listed building.
- 37) Details of windows, doors, roof-lights and rainwater goods.
- 38) Removal of PD rights for extensions.

Application 14/00474/LI

- 1) Standard time limit 3 years
- 2) Plans to be approved
- 3) Making good of fabric of listed building

- 4) Full details of internal alterations to listed building.
- 5) Details of windows, doors, roof-lights and rainwater goods
- 6) Relocation of gateposts.

1.0 INTRODUCTION:

- 1.1 The applications are being reported to Panel because the applicant wishes to carry out development without compliance with the Council's Interim Affordable Housing Policy. It is therefore a departure from this policy.

2.0 PROPOSAL:

- 2.1 The report relates to two applications relating to the same development on a 1.5 hectare site. The first is an application for full planning permission for the demolition of existing buildings, construction of 36 No dwellings, conversion of existing school building to create 13 No dwellings; laying out of access roads and other associated works. The second is the related listed building application for the conversion of the school building to 13 no dwellings.
- 2.2 The existing access off Ashley Road remains as the main access to the site with an estate road running west and then north to serve the 13 dwellings in the school building and 28 of the individual plots. The remaining 8 units are served by a separate access off Barras Garth Road, which runs along the western boundary of the site. The only access from the main part of the site to Barras Garth Road is a pedestrian access in the south western corner of the site.
- 2.3 The layout of the part of the site served from Ashley Road is almost identical to a previous permission granted in 2008 (reference 07/2317/F). The 28 houses proposed in this part of the site are a mix of 2 and 3 storey properties, 12 with 3 bedrooms and 16 with 4 bedrooms. This compares to 29 units in the approved scheme, which comprised 14 with 3 bedrooms and 15 with 4 bedrooms. The units on the southern edge of the site, facing properties on Benson Gardens, are all 2 storey, as they were in the previous scheme. The loss of a single unit is the result of the terrace of units on the site of the demolished infant's school being reduced from 6 houses to 5. Although the previously approved scheme was given planning permission in 2008 it has been commenced and therefore could be built without further planning permission.
- 2.4 In the previous proposal the part of the site accessed off Barras Garth Road was to be developed with two blocks of 3 storey flats including 18 units, all 2 bedroom. The current proposal substitutes 8 houses, 4x3 bedroom and 4x 2 bedroom all 2 storey.
- 2.5 The proposal includes only very limited public open space, as did the previous proposals, the majority being at the front of the site, north of the access road, east of the front boundary wall of the former school and west of Upper Wortley Road. This area is effectively outside the housing site and is of little value other than as a visual amenity.
- 2.6 The proposals for the former school building also differ from the previously approved scheme. The approved scheme included 19x1 bedroom and 5x2 bedroom apartments, compared to 13x2 and 3 bedroom flats in the current proposal.

- 2.7 In the submitted application, the only Section 106 contribution the applicant offers is a greenspace contribution of £75000; subsequently the applicant has agreed to a greenspace contribution of £120000.
- 2.8 Each of the new units will be provided with 200% parking (including the conversion) and there will be an additional 25% visitor parking.
- 2.9 The Design and Access statement indicates that the construction materials of the proposed new houses will be brick and render walls and tile and slate roofing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site presently houses five redundant and vacant buildings, two of which are former Board School buildings. The main school building dates from 1876 and was designed by the Leeds School Board architect Richard L Adams. The School is red brick with stone detailing and a slate roof and large vertical windows all around the building. The school building to the rear of the site was built as an additional school building between 1890 and 1906. The remaining three outbuildings are of no architectural merit and are in a run down state.
- 3.2 The site is dominated by hard surfacing due to its previous use as a school with some vegetation which is self-seeded. The site steps upwards from Upper Wortley Road to the back of the site, approximately 16 m with a substantial change between the two school buildings where there is an existing retaining wall and steps, approximately 3.5 m jump in gradient. The sites gradient falls from the Thornhill Croft to Benson Gardens (north to south). The site has an awkward and elongated shape which wraps around existing semi detached properties at Thornhill Croft. The difference in levels across the site and to adjoining sites is noticeable and significant in places.
- 3.3 Residential properties abut the site except to the rear of the site which backs onto Barras Garth Road where there are industrial units. There is a mix of dwelling types and designs in the area from traditional red brick terraces off Barras Garth Road with limited curtilages, long terraces off Benson Gardens with long rear gardens and more modern semi detached housing, bungalow and terraces in the cul-de-sacs of Chestnut Rise to the SE and Thornhill Croft to the NE.

4.0 RELEVANT PLANNING HISTORY:

07/02317/FU: Change of use of school to form 24 flats and the erection of 29 houses and 18 flats in 2 three storey blocks with associated car parking and laying out of access road: Approved 18/1/2008.

07/02320/LI: Listed building application to convert school to 24 flats and demolish site buildings. Granted 18/1/2008

10/05419/EXT and 10/05462/EXT: Extension of time applications relating to the two applications above. Withdrawn 16/3/2011

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions were held with the applicants and local members at which the amendments to the proposal compared to the approved scheme were discussed and potential issues relating to the revised proposals considered.
- 5.2 The applicants indicate they would be unable to comply with the terms of the previous 106 Agreement and would only be offering a limited commitment to pay £75000 towards the greenspace contribution. They were advised that a viability appraisal should accompany the planning application in order to assess the basis for their contention.
- 5.3 Subsequent to the submission of the applications concern was expressed about the impact of the proposals on the listed building and the impact of the terrace to the west (on the site of the infant's school) on its setting. In response the applicant has submitted additional information and revised proposals which will be considered in the appraisal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application was advertised by means of 9 site notices posted around the site on 21 February 2014 as a major development affecting the setting of the listed building and in the Yorkshire Evening Post on 6 March 2014.
- 6.2 The listed building application was the subject of a site notice posted on 14 February 2014 and in the Yorkshire Evening Post on 6 March 2014.
- 6.3 Councillors Ann and David Blackburn have commented that the greenspace contribution is key to the development and that the £75000 offered is unacceptable. In the absence of any usable greenspace on the site they consider it is essential to enhance local greenspace, specifically the Cabbage Hill site to the west.
- 6.4 Three local residents have commented by email. Comments relate to:
- The ownership of the retaining wall next to their property adjacent to the school and who is responsible for its maintenance? *This is a civil matter.*
 - Proximity of windows to the boundary. *This is considered in the appraisal.*
 - Potential increase of vermin and noise during construction. *The development of the site will inevitably cause some disruption but the redevelopment of the site will address the problems associated with its current dereliction.*
 - Impact of noise and pollution from cars visiting the site. *The site has extant consent for development which has been implemented and is for more units than the present proposal.*
 - One resident supports the development in principle.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Health and Safety Executive: No objection

Yorkshire Water: Recommend conditions

Non-statutory:

Contaminated Land Team: No objection subject to conditions

Public Rights of Way: Public footpath 192 abuts the site and care should be taken during demolition and construction.

SDU Conservation Generally speaking happy with the proposals and accept that the historic features do not necessarily conform with the proposed building uses. In summary considers there are some still outstanding issues that need resolving to ensure that the special character of the listed buildings are being retained. Further details on the interior, better design for plots 25-29 and further information on the entrance, but otherwise the scheme will be as acceptable as the extant scheme.

SDU Design: Considered that substitution of houses in place of the three storey blocks off Barras Road and the reduction in the intensity of use of the school conversion from 24 to 13 units is an improvement on the extant scheme.

SDU Nature Conservation: Confirms that bat surveys are adequate and therefore no objection subject to conditions

West Yorkshire Police: Has expressed concerns regarding the pedestrian access from Barras Garth Road.

Local Plans: A greenspace contribution of £120065.74 is required

Affordable Housing: 15% affordable housing requirement (8 units)

Highways: The applicant must agree the retaining wall details with our structure team before permission is granted. Subject to the above being addressed, recommends conditions. Supports Metro request for bus stop improvements and metrocards for residents

Metro: Advise that bus stop improvements (£10000) and Bus only metro cards (£22311.75) should be secured through the 106 Agreement.

Flood Risk Management: no objection subject to conditions

Coal Authority: No objection subject to a condition

English Heritage: expressed a number of concerns about aspects of the treatment of the school but conclude that the application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

WYAAS: Upper Wortley Primary School was the subject of an archaeological building record, comprising both drawn and photographic survey, in 2008. This recording was carried out as a condition of listed building consent 07/02320 and is sufficient to mitigate any loss of significance to the former school under the present proposals.

Therefore there is no requirement for any further archaeological recording.

LEEDS CIVIC TRUST: has concerns regarding materials for new houses and design and finishes of the highway, and considers should be resolved before permission is granted not by condition.

8.0 PLANNING POLICIES:

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 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.

Leeds Unitary Development Plan (2006 Review)

- Proposals Map: the site is shown without notation
- SA7: Promote physical and economic regeneration of urban areas.
- SP3: New development concentrated largely within or adjoining the main urban areas.
- GP5: General planning considerations.
- GP11: Sustainable development.
- N4: Provision of greenspace.
- N38b: Flood Risk Assessments.
- N39a: Sustainable drainage.
- H4: Development of unallocated sites in main urban area.
- T2: Transport infrastructure.
- T24: Parking provision.
- BD5: General amenity issues.
- LD1: Landscape schemes.

Leeds City Council Supplementary Planning Guidance

- SPG4 Greenspace relating to new housing development.
- SPG10 Sustainable Development Design Guide.
- SPG13 Neighbourhoods for Living.
- SPG22 Sustainable Urban Drainage.
- SPD Street Design Guide.
- SPD Public Transport Improvements and Developer Contributions.
- SPD Designing for Community Safety.
- SPD Travel Plans.

Local Development Framework:

The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. Nevertheless it is considered that some weight can be attached to the policies contained within the Core Strategy.

The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct

character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.

It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P11: Conservation

P12: Landscape

T1: Transport management

T2: Accessibility requirements and new development

G3: Standards for open space, sport and recreation

G4: New greenspace provision

G7: Protection of species and habitats

G8: Biodiversity improvements

EN1: Climate change

EN2: Sustainable design and construction

EN5: Managing flood risk.

ID2: Planning obligations and developer contributions

9.0 MAIN ISSUES

1. Principle of development and demolition of buildings.
2. Layout, scale and design.
3. Impact upon the Listed Building.
4. Impact upon residential amenity.
5. Impact upon highway safety.
6. Planning Benefits.

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is located within an area unallocated within the Leeds UDP. However, it does lie within the main urban area in a sustainable location with good access to facilities, forming a natural infill to an existing built up area. It is classed as a brownfield site and therefore residential development is considered acceptable in principle.
- 10.2 It is also relevant that a previous planning permission and listed building consent referred to above (references 07/02317/FU and 07/02320/LI) have been granted for this site and have also been deemed to have commenced. In view of this the previously approved development could be completed without the need for further planning permission. This effectively constitutes the applicants fallback and in such circumstances would be a highly relevant material consideration if an appeal were to be lodged against a refusal of this application.

10.3 In essence therefore there are two fundamental considerations. The first is whether the present proposal is considered more or less acceptable in amenity and highway safety terms compared to extant proposal and if less acceptable whether the changes render the current proposal unacceptable in planning terms. The second is to consider the planning obligations which would be forthcoming in relation to each proposal and the compliance of those benefits with the policy framework.

Layout, scale and design

10.4 The layout, scale and design of the present proposal have many features in common with the extant proposal. The main part of the site, served from Ashley Road, shows most of the units within 1 metre of the position of similar units on the previous scheme. The substitution of 5 units where there were previously 6 on the site of the former infant school reduces the length of the resultant development slightly, whilst there remain seven units on nearly the same building line backing onto Barras Garth Lane, although they are configured differently (from south to north: now proposed 2x2 storey semis; 3x3storey terrace; 2x3storey terrace, compared to 1x2storey detached and three pairs of 3 storey semis. The development proposes only 2 storey development along the southern boundary of the site.

10.5 In this respect the conclusions in respect of the new-build in this part of the site reached in relation to the extant scheme also apply to the present proposal these being:

- A mix of semi-detached and small terraces is proposed on the site as these are the existing types in the area, picking up the character of the area. Generally two storey houses have been used where they directly adjoin existing housing to minimise the impact of the new development (specifically in relation to the houses to the south (Benson Gardens) and west Chestnut Rise.
- The design of the buildings are modern interpretations of semi-detached and terraced properties.
- Plots 25-29 to the rear of the School have been sited parallel to the building as this is considered to be in keeping with the School maintaining a good relationship with the building while at the same time making the most of the level difference. This is the part of the site where there is an existing retaining wall with a significant level change – this level difference is to be retained.

10.6 Turning to the area to the north, served off Barras Garth Road, this area was to be developed with 18 apartments in 2 three storey blocks. Whilst these were considered acceptable the present proposal for 8- semi-detached dwellings is considered to be more in keeping with the traditional housing types in the area and will be 2 storeys rather than 3.

10.7 In relation to the old school itself, the division of the building into 13 flats rather than 24 studio apartments will enable the retention of more of the original spaces in the building and provide a less intensive use for the area. The downside of the proposal is that 2 and 3 bedroom flats will generate a greater parking requirement and the area west of the building will therefore become a parking court. However the present proposals incorporate less parking to the front of the school enabling more

landscaping to be included in the area between the western elevation of the school and the access road.

- 10.8 On balance it is considered that the layout scale and design of the present proposal is acceptable and in some respects an improvement on the previous scheme particularly in relation to the northern part of the site.

Impact upon the Listed Building.

- 10.9 There has been considerable debate in relation to the impact on the listed building and both English Heritage and Conservation Officer have sought to negotiate solutions that best preserve the features of the building and its setting whilst taking account of the extant consent.
- 10.10 The reduction in the number of units has enabled the interior of the building to be treated more sensitively with fewer partitions and increased use of the height of the building in the central area.
- 10.11 The exterior of the building remains largely unchanged the main alterations being the insertion of doors to access the individual units in place of some existing windows.
- 10.12 The amendments to the design of units 25-29 is considered to improve the relationship of that part of the new development to the listed building.
- 10.13 On balance it is considered that the present proposal represents a more sympathetic conversion of the building and whilst the loss of the infant block if to be regretted it is clear that this is a less important historic building and is in a very poor state of repair. Retention of the infant block would result in greater development costs and could threaten the proposals for the retention and repair of the important main school building.

Impact upon residential amenity.

- 10.14 As stated previously the layout of the main part of the site is almost identical to the previous scheme and the minor alterations that are proposed have no significant impact on residential amenity. It is noted that residents adjacent to the school are concerned about overlooking from first floor windows of the school building, but the windows are at an oblique angle to the houses in Thornhill Croft and the use of the rooms for living rooms and bedroom is no different from the previous implemented permission.

Impact upon highway safety.

- 10.15 The road layout is similar to that already approved for the site and subject to the proposed conditions there is no objection to the present proposal.

Planning Benefits

- 10.16 The scheme which has permission (reference 07/02317/FU) was the subject of a section 106 agreement providing:
- Greenspace contribution of £156916.
 - Affordable Housing: 25% of the proposed 73 dwellings (18 units comprising 11 for shared ownership, discounted sale or affordable rent and 3 houses and 4 apartments for social rental) pepper potted around the site.

- 10.17 To comply with policy the present scheme would generate:
- Affordable housing requirement would be 15% (7 units, with a split of 2x2 bed and 1x3 bed for social rent and 5x3 bed houses for submarket rent.
 - On the basis of the reduced number of units the required greenspace contribution is £120065.74.
 - In addition Metro request bus stop improvements (£10000) and Bus only metro cards (£22311.75)
- 10.18 In relation to the present proposal the applicant offered a greenspace contribution of £75000 and no affordable housing or Metro contribution on submission. As a result a viability appraisal was requested and this has been considered by the District Valuer on behalf of the Council.
- 10.19 There have been several meeting between the District Valuer and the applicant but they have been unable to agree on the planning obligations for the Section 106 Agreement. The District Valuer has assessed a wide range of matters to reach her conclusion, including:
- Revenue: assessing house values, basing the open market values on the applicant's values and assessing the transfer values of the affordable units based on the Council's Affordable Housing Policy Guidance Annex April 2010.
 - Acquisition costs: considering the costs of applying the Council's policies and undertaking abnormal works, the price at which a landowner would dispose of the site, and by considering other comparable transactions in the market.
 - Construction costs: assessed by a quantity surveyor and including some abnormal costs (retaining walls, demolition, footpaths and section 278 costs for highway works).
 - Finance costs.
 - Profit.
- 10.20 The District Valuer has concluded that the development could make a reasonable profit and provide 2 affordable units and a greenspace contribution of £120,000. Such an assessment makes the following additional assumptions:
- That the land value is based on current land value rather than the actual price paid for the land some years ago.
 - That the valuation assumes development commences by winter 2014.
- 10.21 The District Valuer also advises that the Council may consider an overage mechanism to be included in the Section 106 agreement which would reassess profits once 95% of the development had been completed and should divide any profit over and above that previously agreed 50/50, to provide either additional on-site units or if not possible a commuted sum.
- 10.22 The applicant has been provided with the District Valuer's report and has responded pointing out the following:

- The site has had permission for six and a half years but development has stalled.
- This is a challenging site with a listed building, requiring sufficient capital to obtain funding and to sensitively restore the listed building.
- There are fundamental areas of difference between the applicant and the District Valuer on the viability of the site.
- There are benefits in developing the site which must be taken into account. These include: the restoration of the listed building; implementation of a housing development on a brownfield site; the provision of family homes; and benefits for the local economy.

10.23 The applicant has therefore indicated that they would be willing to increase the greenspace contribution from the original offer (£75000) to £120000, but are not prepared to offer any affordable housing. In addition they have suggested a clause in the 106 Agreement that if a contract has not been let within a year of the approval date the affordable housing element would be open for renegotiation.

Other issues

10.24 The majority of comments raised by representation and consultees are considered above. The concerns of the Architectural Liaison Officer are understood, however there is a need for a pedestrian access to the greenspace from the site given the lack of on- site greenspace.

11.0 CONCLUSION

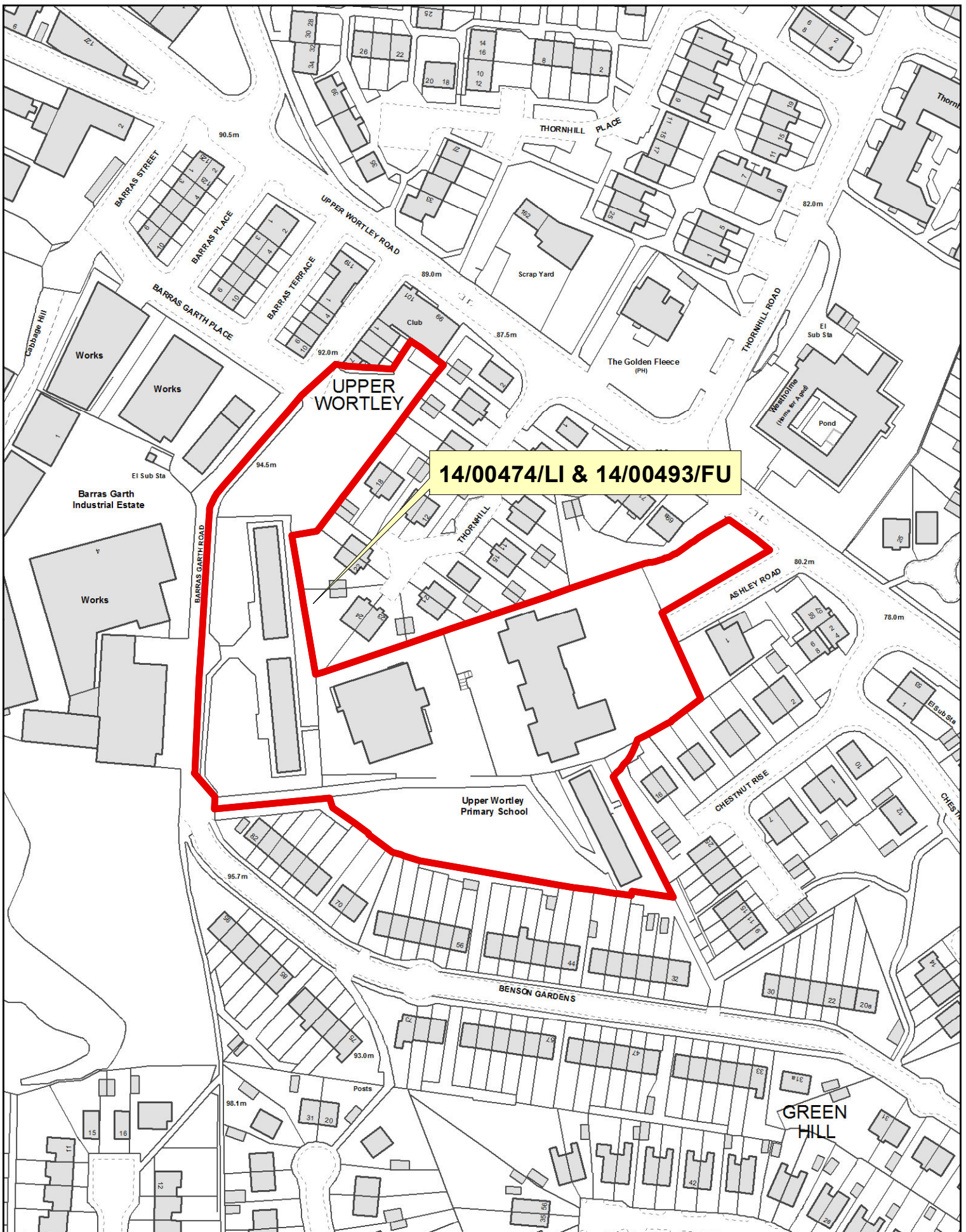
11.1 The proposal is considered acceptable subject to the recommended conditions and the completion of a Section 106 Agreement providing a £120000 greenspace contribution and provision to review affordable housing provision if development does not commence within 1 year. It is considered that the benefits of the proposal outweigh the failure to meet affordable housing policy requirements because:

- The proposal involves the development of a derelict brownfield site in the main urban area
- It is likely that the development will commence soon and the first phase will be the school building, ensuing that the listed building is finally restored
- The proposals will contribute to housing numbers.
- The greenspace contribution will enable the enhancement of an area existing local greenspace which is important for informal recreation for this urban area.

Background Papers:

Application files: APPLICATION 14/00493/FU and APPLICATION 14/00474/LI

Certificate of Ownership: Certificate A dated 27.1.14



14/00474/LI & 14/00493/FU

SOUTH AND WEST PLANS PANEL



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Leeds

CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: Planning Application 14/03592/FU
Alterations including raising roof height to form new first floor within the roof space, to existing bungalow with two front dormer windows

Address: 15 Woodhall Park Crescent East, Calverley, Leeds

APPLICANT

DATE VALID

TARGET DATE

Mrs Amanda Carter

17TH June 2014

16th September 2014

Electoral Wards Affected:

Calverley and Farsley

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve subject to the following conditions

- 1 3 year time limit**
- 2 Duty to comply with approved plans**
- 3 Roofing materials to be submitted**
- 4 Removal of PD rights for rear dormers**

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel as the applicant is married to an elected Member of Leeds City Council.

2.0 PROPOSAL:

- 2.1 The application is to raise the eaves level of the existing bungalow by 0.98m, and the ridge by 1.5m. The proposal will allow for a new first floor which will accommodate two bedrooms and two bathrooms. The proposal includes rear velux windows and two front dormer windows.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a detached hipped roof bungalow. The property appears to have been constructed in the 1960's and has a concrete tiled roof. The external walls are rendered and painted white, however the property does have a projecting red brick chimney. The property has UVPC windows and a UVPC conservatory which is located upon the side southern elevation of the property. The property also has a detached single garage which is located to the northern side of the host property.
- 3.2 The property lies within a plot which is not particularly deep, which varies in depth between 13m and 20m, however it has a sizable frontage onto Woodhall Park Crescent East of 38m. The property is situated near to the rear boundary of the site, with only a gap of between 0.5m and 1.5m between the rear elevation and rear boundary with 20 Woodhall Park Grove. As a result of the plot shape and size, the main garden area is situated to the southern side of the property. The property also has a large front garden area. The main front and side garden areas are bound by conifer trees which are approximately 2m in height.
- 3.3 The street scene is mixed, with a number of detached properties of differing styles and a level of individuality to each. The area is characterised by large properties, with a number of recent extensions to create larger dwellings in the locale along the Woodhall's and Rockwoods. Dwellings usually feature spacious side or rear garden areas and are set back from the main highway. The site lies in a suburban area, which lies on the edge of the Leeds district, near to the border with Bradford.

4.0 Relevant Planning History:

- 4.1 There is no planning history associated with this property.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 This application has been amended at the advice of Officers since its original submission to remove rear dormer windows, due to over-looking issues, as these windows were situated approximately only 1m away from the boundary with the rear garden of the adjacent property at 20 Woodhall Park Grove.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Letters of notification were sent out to seven adjacent properties on 20th June 2014. To date no objections have been received to the application.

7.0 CONSULTATION RESPONSES

- 7.1 None were made due to the nature of the application.

8 PLANNING POLICIES

Development Plan

- 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.

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.

- 8.3 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.

8.4 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.

National Policy

- 8.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues. 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 and Appearance
- Overshadowing and Dominance
- Privacy
- Over-development/ Garden space
- Highways Issues

10.0 APPRAISAL

Design and Appearance

- 10.1 The proposal has been revised at the request of Officers. The proposal now includes an over-hang to the roof, which gives the illusion of a lower eaves level, to reduce the massing between the heads of the ground floor windows and the increased eaves level. Head detailing has also been included to the window opening to improve the appearance of the elevations. The first floor extension has two front facing separate dormers. Other options were

explored to provide new first floor accommodation, and it was considered having two separate dormers was preferable in design terms as it reduces the massing and dominance of the property, as opposed to having a front facing gable feature or one large dormer. The proposed dormers have windows which have triangle shaped heads which increases the amount of glazing within the dormers and results in a distinct design feature upon the property, which at present has an unremarkable plain appearance.

- 10.2 The street scene is mixed with the properties all having an individual appearance. Surrounding properties comprise of traditional 2 storey houses, dormer bungalows with steeply pitched roofs, and bungalows with shallow pitched roofs. Many properties have been altered and extended in recent years. The proposal therefore would not result a form of development would appear incongruous within the street scene, as it lacks uniformity. The property has a generous amount of space to both sides of its street frontage which means there is not a direct comparison with the appearance of adjacent properties. The resulting appearance of the property would still have a domestic scale and suburban character, which is in keeping with the character of the locality.
- 10.3 Conditions will be placed for roofing materials to be submitted to the Local Planning Authority for approval. The extended walls are to be finished in render, to match the existing walls. It is considered the proposal is of a good design and complies with policy BD6 of the adopted Leeds UDP and policy HDG1 of the adopted Householder Design Guide.

Over-Shadowing/ Dominance

- 10.4 The property is situated towards the rear of the site, in very close proximity to the boundary with 20 Woodhall Park Grove, and the rear garden of this property. It is due to this proximity that the initially submitted scheme was considered unacceptable due to the impact on these occupiers in terms of over-shadowing, dominance and over-looking.
- 10.5 The rear elevation of the host property is located between 0.5m and 1.5m away from this property and is located opposite the latter part of this properties rear garden. A row of tall conifer trees exist along the boundary between these properties which are approximately 5 to 6m in height. These trees lie within the ownership of the property at 20 Woodhall Park Grove and would absorb any over-shadowing caused by increasing the height of the property by the maximum of 1.5m. However in any event, if these trees were felled, it is not considered the impact of this proposal on over-shadowing would be significant as the increase in height is considered to be fairly modest.
- 10.6 Similarly it is not considered the proposal would appear overly dominant to these adjacent occupiers, due to the fact the increase in height is considered to be modest, and the fact the roof slopes away from this boundary. It is not considered the proposal would have any impact in terms of over-shadowing and dominance on any adjacent properties due to the space which exists around the property to the north, east and south.

Privacy/ Over-looking

- 10.7 The proposal includes new openings at first floor level, these comprise of two front facing dormer windows and rear velux windows. The proposed front dormer windows are located 26m away from the property opposite at number 26. This exceeds the adopted guidance of Neighbourhoods For Living which states a minimum of 21m distance should exist between the front of opposite properties. The relationship between these properties is typical of the Woodhall estate.
- 10.8 Rear dormers have been omitted at the request of Officers, to ensure no over-looking onto the property at 20 Woodhall Park Grove. These have been replaced with high level velux windows which served two separate bathrooms. Due to the position of these roof windows, it is not considered they would result in any loss of privacy on to this adjacent property. PD rights would be removed on the approval of this application to prevent any rear dormers being constructed as it is considered these would lead to over-looking onto the property at 20 Woodhall Park Grove

Over-development/ Garden space

- 10.9 Although the proposal is only concerned with a vertical extension to the property, and thus no garden area is lost, an assessment on over-development is still required as the use of the site would be intensified. It is not considered the proposal would lead to the over-development of the site. The private garden area would exceed 2/3 the gross floor space of the internal accommodation. The size of the plot is considered to be adequate for the enlarged property.

Highways

- 10.10 The property has a driveway which is wide enough for two cars and a garage. This level of parking is considered to be adequate for the size of the extended property, and is typical of the parking facilities on nearby properties.

Conclusion

- 11.1 The proposal is considered to be a well designed extension, which respects the character and appearance of the locality, which would not have an adverse impact on the living conditions on adjacent occupiers.

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Originator: Shameem Hussain
Tel: 78024

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: Application number: 14/02399/RM: Reserved Matters application for 77 dwellings with landscaping. Land off Fleet Lane, Oulton, Leeds, LS26.

APPLICANT	DATE VALID	TARGET DATE
Barratt Homes	23/04/14	23/07/14 – extension of time to 05/09/14.

Electoral Wards Affected:
Rothwell

Y Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
Grant Approval subject to the following conditions, and any others as considered necessary by the Chief Planning Officer.

Conditions:

- 1 Approved plans.
- 2 Removal of permitted development rights for roof alterations (to restrict use of dormer windows which may cause amenity issues for residents adjacent to the site).
- 3 No building within 5m of sewer (this impacts on plots numbers 48 and 49 and would restrict their ability to erect any extensions or outbuildings).
- 4 All vehicle areas to be laid out as indicated, drained, and surfaced with use of porous materials where feasible.

- 5 Surface water drainage details to be submitted, including any balancing and off-site works.
- 6 No occupation of any buildings prior to completion of all approved surface water and foul drainage works.
- 7 Retention and protection of all retained hedges.
- 8 Tree protection measures.
- 9 Replacement planting for five years.
- 10 There shall be no occupation of any property until all off-site highway works are completed in accordance with a scheme, including a timetable for implementation, which shall be submitted to and agreed in writing by the Local Planning Authority. Implementation shall take place in accordance with approved details.
- 11 Prior to occupation of plots 48 – 63 as shown on layout plan OU-PL/01 rev J, details of a landscape buffer which shall incorporate existing vegetation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include any additional landscape works required (and a timetable for implementation), the area included, and details of future maintenance and management of the area. The landscape buffer shall be implemented in accordance with approved details and retained as such for the lifetime of the development.
- 12 No building works (other than those required for site infrastructure provision) shall take place until details of a landscape buffer to the Eastern boundary, to include hedge and tree planting, has been submitted to and approved in writing by the Local Planning Authority. The details shall include identification of the area, planting plans and specifications, management and maintenance (both short and long term) and a timetable for implementation. All works shall then be carried out in accordance with the timetable for implementation and retained as such for the lifetime of the development.

1 INTRODUCTION:

- 1.1 The application site is designated as a Protected Area of Search but has been granted outline approval for dwellings (see history below). At Plans Panel of 31st July 2014 (Panel Report attached as Addendum) members resolved to defer and delegate approval to the Chief Planning Officer to allow the following to be negotiated :-
 - i) To review the ridge heights of properties across the site but with particular reference to those directly to the south of Norfolk Drive
 - ii) Consider the provision of bungalows within the site particularly to the entrance to the site and to the rear of properties off Norfolk Drive
 - iii) Secure Covenant to ensure long term retention of trees in garden boundaries on west boundary with conservation area.
 - iv) To clarify and confirm the position of the 12 affordable homes
 - v) The possibility of the affordable dwellings to be split into 3 or 4 groups to give the sense of pepper potting
 - vi) Further work to be carried out regarding the monitoring of speeds along Fleet Lane to substantiate traffic calming measures currently proposed
 - vii) Discussions to be held with residents as to possible traffic calming options
 - viii) Discuss with developer the setting up of a liaison group with residents (as offered by Developer)
 - ix) The following additional conditions to be added :-
 - Development to be carried out in accordance with approved plans

- No development until details of hedge and tree planting to the eastern boundary (Copses) including implementation, maintenance and long term management are submitted and agreed.
- No development until details of hedge and tree planting to the eastern boundary (Copses) including implementation, maintenance and long term management are submitted and agreed.
- Details of footpath improvements to Farrer Lane including disabled access and ramps to bridge.
- Details of vegetation strip to western boundary to be submitted to include ownership ,maintenance and retention

1.2 The above matters are brought back to Plans Panel for consideration at the request of Cllr Bruce as Ward Member as there is concern that not all matters have been adequately dealt with by the developers.

1.3 The original 13 week target date has been passed, however the applicant has agreed to an extension of time taking the new deadline to 5th September 2014.

2 HISTORY OF NEGOTIATIONS:

2.1 Further meetings have been held with applicant and Council Officers to resolve the matters as specified in section 1 (Introduction) of the report above. Revisions and details supplied by the applicant have been circulated to Ward Members and members of relevant Community Forums.

3 PUBLIC/LOCAL RESPONSE:

3.1 The following further representations have been received

Local representations:

3.2 Oulton Society and Oulton and Woodlesford Neighbourhood Forum:

- i) Due to the sensitive nature of the application and the detailed discussions that took place at Panel, we consider it should be referred back to Plans Panel for their full consideration. There were a number of issues that Members had concerns with and we consider the developer has not addressed them fully enough.
- ii) The reduction in ridge heights is welcome, however it does not resolve the issue for elderly residents in Norfolk Drive. Profit is the driving force and is coming before local people. If there were policies in place to specify bungalows the developer would have to make it feasible to deliver such dwellings which are lacking in communities.
- iii) The increase in affordable housing from 11 to 12 is welcomed, however we disagree that these are pepper potted. At present they are aligned in plots 42 – 47 and 60 – 65. This is two groups, not pepper potting. Furthermore affordable homes are urgently needed to solve the housing problem, there is no indication when these homes will be available but looking at positioning we consider they will not be available much before 2016. They should be available early in the development plan.
- iv) The Plans Panel were keen to see houses split up around the site for the following reasons. Firstly their layout and design and appearance renders them as affordable, this is a stigma that must be avoided. Secondly it does not integrate them or provide a cohesive social mix across the development. All residents would benefit from pepper potting.
- v) We welcome the proposal to set up a liason group with residents and would appreciate the opportunity to explore with the developer and the Council the following areas:

- (a) Highway works and speed reduction measures.
- (b) Materials across the site.
- (c) Details for design of access point from Farrer Lane to public footpath.
- (d) Spending of s106 funds.

Ward Member representations:

3.3 Cllr Bruce

- i) As a Councillor for Rothwell ward the matter be referred back to Plans Panel. There were a number of issues that Members had concerns with and I consider that the developer has not fully addressed them. Councillors and Forum representatives have repeatedly asked for the provision of bungalows for residents who wish to stay in the community when they need single level accommodation. We have also asked from the beginning that affordable housing be integrated by pepper potting. They are currently bunched together in two groups.
- ii) As Rothwell Cllrs we welcome the affordable housing as there is dire need in the area for this. It is disappointing that they are positioned in such a way that as things currently stand, none at all will be built early on in the development. I would like to see the affordable housing coming forward to help ease the huge demand and being distributed evenly throughout the site.
- iii) Welcome the setting up of a liaison group with residents to discuss issues. It is essential that we have urgent talks regarding s106 monies and how this will be spent.

4 CONSULTATIONS RESPONSES:

Non-Statutory Consultees

- 4.1 At current time no responses were available, Members will be updated at Plans Panel if there are any further consultation responses.

5 APPRAISAL

Reduction of Ridge Heights and Provision of Bungalows

- 5.1 Members requested that the applicant consider the provision of bungalows within the site particularly at the entrance to the site and to the rear of properties off Norfolk Drive.
- 5.2 The applicant has during the consideration of the proposal and in liaising with local residents explored the possibility of the provision of bungalows and concluded that realistically the footprint of bungalows would detrimentally affect the overall layout of the development along with feasibility issues.
- 5.3 Members requested that the ridge heights of the dwellings to the south of Norfolk Drive be reduced. The applicant has reviewed the ridge heights, roof style and floor levels of plots 67 to 77. The house types have been customised to reduce ridge heights and floor levels. The roof design of (housetypes Winston) on plots 72 and 73 have also been changed to a hip roof.
- 5.4 The table below identifies the amendments to reduce the overall height

Plot No.	House Type	Hip Roof	Ridge Height Reduction	Floor Level Reduction	Total Height Reduction
67	Holden	No	-313mm	-400mm	-713mm
68	Holden	No	-313mm	-400mm	-713mm

69	Winton	No	0mm	-250mm	-250mm
70	Winton	No	0mm	-250mm	-250mm
71	Holden	No	-313mm	-300mm	-613mm
72	Winstone	Yes	-280mm	-250mm	-530mm
73	Winstone	Yes	-280mm	-250mm	-530mm
74	Layton	No	0mm	0.00mm	0mm
75	Holden	No	-313mm	-100mm	-413mm
76	Holden	No	-313mm	0.00mm	-313mm
77	Cornell	No	0mm	-350mm	-350mm

- 5.5 Further amendments have been made to plot 1 which is at the entrance to the site facing Fleet Lane and plot 5 further within the site on the eastern boundary. The roofs have been hipped, providing a visual improvement from an easterly direction.
- 5.6 There is no policy to require the provision of bungalows, and house types shown are capable of adaptation to provide for mobility requirements of residents. A site section has been provided which shows the new ridge height of plot 67 in relation to 4 Norfolk Drive. This demonstrates that the ground floor window of no. 4 would approximately line up with the first floor windows of plot 67, and that the ridge of 67 would be similar in height to no. 4. There is then a general sloping down of both ground and ridges towards the public open space. The section shows a similar situation achieved between 36 Fleet Lane and plot 76. The alignment of these properties, and the provision of boundary treatments will ensure there is no overlooking, and the distances involved will not result in over dominance.

Secure Covenant for Long Term Retention of Trees on Western Boundary.

- 5.7 Plots 55 to 63 have an existing landscaping buffer, to retain and maintain this buffer the applicant has agreed to place covenants on the plot purchase that requires the retention of the buffer in these gardens plots. A condition is also recommended to ensure the buffer is retained.

Affordable Housing

- 5.8 The development requires 15% Affordable Housing which equates to 12 dwellings. This has been updated on the layout plan and identifies plot 42 as an additional affordable dwelling. The applicant has explored members request to splitting the provision of the affordable plots 43 to 47. To achieve this would mean the removal of landscaping to the front which affects the visual amenity of the streetscene. It is considered that the provision of affordable housing is pepper potted across the site in plots 60 to 65 and 42 to 47 .The provision of groupings assists the Registered Providers in managing the units and helps with maintenance issues. The S106 is to be updated accordingly to reflect this provision.
- 5.9 Comment has been made about the appearance of the affordable homes. The developer is keen to stress that these houses will be built to the same quality, and of the same materials as other houses on the site. One of the house types is also available for sale on the market elsewhere on the site. The proposal is therefore not

considered to result in social segregation that would be detrimental to the new community.

Off-Site Highway Works

- 5.10 The applicants have already instructed speed surveys to take place along Fleet Lane, once the results of this are received then liaison will commence with the Council, highway officers, residents and Members to discuss how best to provide traffic calming. If there is an update on this by the time of Panel then this will be reported verbally to members. The offsite highway works can be controlled by a condition and through the S278 Process. The Liaison Group (see below) would also input on this matter.

Residents Liaison Group

- 5.11 The setup of a liaison meeting was recommended by plans panel and the applicant has agreed to carry this out. It is anticipated that the remit of the liaison group would include:
- i) Traffic Calming.
 - ii) Materials.
 - iii) S106 spending (greenspace).
 - iv) Construction practice.
- 5.12 Such groups are an important way for communities to input into development, and to ensure that any issues arising during the construction period are dealt with appropriately. It also helps to form stronger community bonds between the existing community and the new. The formation of this is welcomed by Council Officers.

6 CONCLUSION

- 6.1 The concerns raised by both Members and residents are duly noted, however there are some matters over which Planning has little control, this includes the provision of certain house types such as bungalows. Policy and guidance would urge the provision of a mix of house types and tenures; however in providing a mixture of 2 – 5 bedroom properties this is being met. Officers recommend therefore that this is not a matter that should justify a refusal on this basis.
- 6.2 The matter of affordable housing is also noted, however it is not unusual to see affordable homes grouped together and this is largely in response to requests from Registered Providers as it is easier for them to manage and maintain properties that are grouped. The two groups are split across the site so in this respect there will be mixing, and the house types proposed provide a break from the monopoly of detached forms. Again Officers would recommend that this is an issue that would not justify a refusal.
- 6.3 The amendments that have been carried out to ridge heights produce a layout that responds to the location, and ensures there will be no detrimental impact on existing residents. The developer has instigated further highway surveys, and the matter of appropriate traffic calming will be taken up via Ward Members and the liaison group. In this way it is anticipated that local residents will be able to help shape the development in a way that addresses their current concerns. On this basis the proposal is recommended to Member of Plans Panel for approval.

Background Papers:

14/02399/RM

12/03401/OT



Report of the Chief Planning Officer

ADDENDUM

PLANS PANEL SOUTH AND WEST

Date: 31st July 2014

Subject: Application number: 14/02399/RM: Reserved Matters application for 77 dwellings with landscaping. Land off Fleet Lane, Oulton, Leeds, LS26.

APPLICANT	DATE VALID	TARGET DATE
Barratt Homes	23/04/14	23/07/14 – extension of time to 04/08/14.

<p>Electoral Wards Affected: Rothwell</p> <p><input type="checkbox"/> Y 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 conditions as set out below, to allow further negotiations on matters of design (as set out in report below).

CONDITIONS: (please note Members to be updated on conditions at Panel).

- 1 Removal of permitted development rights for roof alterations (to restrict use of dormer windows which may cause amenity issues for residents adjacent to the site).
- 2 No building within 5m of sewer (this impacts on plots numbers 48 and 49 and would restrict their ability to erect any extensions or outbuildings).
- 3 All vehicle areas to be laid out as indicated, drained, and surfaced with use of porous materials.
- 4 Surface water drainage details to be submitted, including any balancing and off-site works.
- 5 No occupation of any buildings prior to completion of all approved surface water and foul drainage works.
- 6 Retention and protection of all retained hedges.
- 7 Tree protection measures.
- 8 Replacement planting for five years.

- 9 No development shall commence until all off-site highway works, including a timetable for implementation, are agreed with the Local Planning Authority. Implementation in accordance with approved details.

1 INTRODUCTION:

- 1.1 The application site is designated as a Protected Area of Search but has been granted outline approval for dwellings (see history below). This reserved matters application is brought back to Plans Panel for determination due to the nature of the designation. The application is to consider all matters that were reserved at outline.
- 1.2 The original 13 week target date has been passed, however the applicants have agreed to an extension of time taking the new deadline to 4th August 2014.

2 PROPOSAL:

- 2.1 The site measures 3.58Ha and the application seeks to erect 77 dwellings, predominantly detached houses with some semi-detached and terraced forms. The houses will range in size from 2 and 3 bed properties up to 5 bed family houses. 15% of the units will be affordable.
- 2.2 The main access into the site is off Fleet Lane, adjacent to existing properties, and only a small part of the site is on the Fleet Lane frontage, there are 3 detached properties proposed to this frontage. The access road then forms a central square with houses to either side, with several spurs to break the form up into smaller blocks. Houses line these blocks with rear gardens largely backing onto other rear gardens. To the southern boundary will be a strip of informal open space that is bounded by Oulton Beck, tapering off towards the village, and retaining existing footpath links.
- 2.3 All properties are designed to be two stories in height, with spaces between the buildings used to reduce massing further; density achieves approximately 20 – 25 dwellings per hectare.

3 SITE AND SURROUNDINGS:

- 3.1 The application site lies approximately 5 miles to the south of the city centre and sits on the eastern edge of Oulton, outside of the "Main Urban and Smaller Urban Areas" envelope. The site is bounded by housing to three sides, Fleet Lane to the North and Oulton Beck to the South. The eastern boundary marks the edge of the Green Belt designation. The site also bounds the Oulton Conservation Area on part of the western boundary.
- 3.2 The site is Greenfield in nature showing no signs of any form of previous development. It is currently in agricultural use with green agricultural produce growing at the time of the officer's site visit. It is a relatively level site sloping gently down towards the south and west. Land to the west is all open and agricultural in appearance.
- 3.3 There is a mix of house types and styles in the local area with brick built bungalows and two-storey houses along Fleet Lane. Houses to the West tend to be stone built and are more traditional in character, particularly within the Conservation Area.
- 3.4 Towards the south of the site is an area of planting which sits alongside a watercourse (Oulton Beck) and public footpath.

4 RELEVANT PLANNING HISTORY:

- 4.1 12/03401/OT – Outline application for residential use, approved 22/10/13. All matters were reserved. The application was considered at City Plans Panel on 9th May 2013 and again on 6th June 2013. A s106 has been signed which provides the following:

- i) Metro Card Sum - £44,425.60.
- ii) Off-site Greenspace Contribution £85,597.41.

- iii) Greenspace Area Scheme – construction and maintenance of greenspace areas (details to be submitted before commencement of construction).
- iv) Primary Education Contribution £237,785.00.
- v) Secondary Education Contribution £143,319.00.
- vi) Public Transport Improvement Contribution £98,097.00.
- vii) Travel Plan and Travel Plan Monitoring Contribution £2,500.00.
- viii) Provision of 12 affordable housing units – 6 of which are sub-market/intermediate affordable units and 6 social rented affordable units.
- ix) Training and Employment Initiatives.

4.2 08/00943/OT – Outline application for residential development. Refused 19/05/08. Appeal dismissed 16/03/09.

5 HISTORY OF NEGOTIATIONS:

5.1 The applicants have submitted a Statement of Community Involvement which outlines the following:

- i) Number of meetings held between applicants and council officers prior to application being submitted.
- ii) Meetings held with local Ward Members and Oulton & Woodlesford Neighbourhood Forum on 20/11/13 and 07/03/14.
- iii) Meeting held with Alec Shelbrooke MP on 31/01/14.
- iv) 300 consultation brochures sent out to local residents.

6 PUBLIC/LOCAL RESPONSE:

6.1 Application was advertised by way of site notices posted on 30/04/14. Publicity expired on 10/06/14.

6.2 2 letters of general comment, one raising questions regarding retention of existing landscaping to boundaries of site, mix of social housing and traffic arrangements. The other questioned whether bungalows were required due to nature of area and whether the access was in the best place.

6.3 10 letters of objection were received raising the following concerns:

- i) Despoiling of area, long term noise, filth and disruption will be caused.
- ii) Additional traffic on country roads.
- iii) Extra houses not needed.
- iv) Schools cannot cope with additional pupils.
- v) Homes will be unaffordable.
- vi) Proposed houses are not in keeping, impact on character, and on the Conservation Area.
- vii) Detrimental impact on bungalows due to size and scale of houses. More bungalows are needed.
- viii) Affordable houses not pepper-potted and right behind existing large houses.
- ix) Impact on views across to Methley Ridge.
- x) More trees should be planted on the site to help retain semi-rural feel.
- xi) Issues to do with loss of privacy due to land level changes and boundary treatments heights.

- xii) Traffic calming measures needed on Fleet Lane.
- xiii) Public footpaths should be accessible by disabled.

6.4 The Oulton Society objected on the following grounds:

- i) Despite local consultation there has been no significant change to the overall layout as presented to residents. Housing density is far higher than existing.
- ii) Community is frustrated that the issue of bungalows has not been addressed and that they have been rejected by the developers on the grounds that they are land hungry and not profitable. We strongly maintain that bungalows should be provided.
- iii) Typical volume builders layout, unimaginative and bland.
- iv) Poor garden amenity for a number of properties, more screening and greenery required across the site, and there should be retention of all existing trees and vegetation.
- v) Properties around the site entrance are too high and dominating. Properties are not in keeping and do not sit well with adjacent bungalows. These large houses also impact on views of St John's Church (views mentioned in the Conservation Area Appraisal).
- vi) Buffer planting to all edges required – not enough provided.
- vii) Affordable housing should be mixed better into the site – the site has all similar house types in one area. Number of affordable homes reduced from 12 to 11.
- viii) Properties are standard house types, with no regard for local character. A reduction in pitch of roofs would help and lessen impact. No properties have a rural character.
- ix) Poor impact on, and no enhancement of, Conservation Area.
- x) No indication of materials given.
- xi) Car dependent site with poor public transport facilities. Number of off-street parking spaces and visitor parking is inadequate, insufficient garage accommodation, and questions over maintenance of private drives.
- xii) Suggest number of traffic calming measures.
- xiii) Issues of headlights impacting on existing residents when cars exit the site.
- xiv) Responsibility for greenspace? Provision of children's play area? Connectivity needs improving and disabled access catered for.

7 CONSULTATIONS RESPONSES:

7.1 Statutory Consultees

7.2 Environment Agency – no further comments beyond those made at outline stage.

7.3 Yorkshire Water – raise concerns regarding building over the line of sewers, and recommend a number of drainage conditions. *The agent has advised that plots 48 – 51 have been re-orientated to accommodate a 5m easement.*

7.4 Highways (main access) – revisions required to show off-site works to Fleet Lane including carriageway and footway widening, introduction of pedestrian islands, hatching and cycle lanes. Off-site works will require a s278 Agreement. Site lines of 2.4m x 90m should be shown at the main access point. *Applicant is aware of this; the matter is also addressed via a condition on the outline.*

7.5 Non-Statutory Consultees

- 7.6 Highways (internal layout) – Internal road needs to be built to adoptable standards and then offered for adoption under S38 of the Highways Act. Speed limit should be 20mph and indicated on approved plans. Number of issues with regard to internal access layout. *Applicant is aware of these requirements.*
- 7.7 Ecology – comments made regarding notation of matters on plan.
- 7.8 City Services – refuse collection arrangements are acceptable.
- 7.9 Metro – made comments relevant to outline permission.

8 PLANNING POLICIES:

Unitary Development Plan (Review 2006) Policies:

Local Policy:

- 8.1 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.
- 8.2 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:
- GP5 – General planning considerations
 - N12 – Urban design principles.
 - N13 – Building design principles.
 - N23 – Incidental open space around development.
 - N25 – Landscaping
 - N39A – Use of SUDs.
 - N49 – Development not permitted if threatens significant net depletion of biodiversity.
 - N51 – Enhancement of biodiversity.
 - T2 – New development and highway safety
 - T5 – Safe access for pedestrians and cyclists.
 - T6 – Safe access and provision for disabled.
 - T7A – Secure cycle parking.
 - T7B – Secure motorcycle parking.
 - BD5 – General amenity issues.
 - LD1 – Landscaping
 - Car Parking Guidelines (volume 2).
- 8.3 The following DPD policies are also relevant:
- GENERAL POLICY1 – Presumption in favour of sustainable development.
 - WATER1 – Water efficiency, including incorporation of sustainable drainage
 - WATER7 – No increase in surface water run-off, incorporate SUDs.
 - LAND2 – Development should conserve trees and introduce new tree planting.

Draft Core Strategy

- 8.4 The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at an advanced stage. The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has

subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. The Inspector's main modifications were published on the 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

- P10 – High quality design.
- P12 – Good landscaping.
- T2 – Accessibility.
- G8 – Biodiversity improvements.
- EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
- EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

Supplementary Planning Documents

- ii) Street Design Guide
- iii) Neighbourhoods for Living
- iv) Oulton Conservation Area Appraisal and Management Plan (approved as a material consideration May 2010). The site borders the conservation area to the western boundary, and there are also several positive buildings close to or adjacent to the western edge of the site.
- v) Draft Oulton and Woodlesford Design Statement. Specific mention of this site is made in this document at page 28: "...the openness of the land here provides an attractive setting for the village of Oulton, with views from Fleet Lane of St John's Church spire above the village. Similarly views out from the village, specifically along the footpath along Oulton Beck as it emerges from Farrer Lane emphasise the historic relationship of the village and the adjacent countryside".

National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

9 MAIN ISSUES

- Principle of development.
- Impact on local character and the Conservation Area.
- Impact on residential amenity.
- Impact on highway safety.
- Other issues.

10 APPRAISAL

Principle of development.

- 10.1 The principle of residential development on this site was established when approval was granted for outline permission, this carried a number of conditions, and there is also a s106 document which places a number of requirements on the developer. As a result of these the development can be considered to be acceptable in principle. All matters were reserved at outline stage including access, appearance, layout, scale and landscaping. This current application seeks approval for all of the reserved matters.
- 10.2 Condition 4 of the outline approval restricts the number of units on the site to a maximum of 80, this proposal is for 77 which would comply with this condition.

Impact on local character and the Conservation Area.

- 10.3 The character of the area is quite mixed with a variety of modern building in evidence. The Conservation Area boundary is along the western edge of the proposed site and there is one identified building of positive character, this is a former farm house and barn structure that has been converted into four dwellings, grouped in a C shape around a courtyard, with a modern home opposite. The structure has a very typical farm house appearance and is constructed of stone with slate roof with gable ends. Adjacent to this site some 1980's large, detached homes which are three storey in height, dormer windows with red modern tiled roofs. These are of a very different character to the former farm buildings but are indicative of the more modern house styles that have crept in over the years.
- 10.4 To Fleet Lane itself there are a mix of large detached and semi-detached houses, many of which are bungalow forms (with or without dormers). The character here is quite spacious with deep front gardens and driveways in-between. Further to the west along Fleet Lane the built envelope ends and gives way to crop fields. The site itself is a crop field, bound by hedges interspersed with trees. Where residential development abuts the site there is a mixture of hedging and fencing. The exception to this is on the western edge adjacent to the 1980's red roofed houses where there is a 10m strip of unploughed land with shrub and tree growth forming a rounded edge to the field.
- 10.5 In terms of the built form the layout has been assessed by the Council's Design Review Panel and is considered to be appropriate to the local character of the area. On the whole houses are spaced well, with provision for small front garden areas providing opportunities for planting and general greening. Part of the vegetated area to the western boundary will be retained. The southern boundary will be landscaped and the area here kept as informal open space with footpaths providing access to Farrer Lane, the Beck and eastwards. A new boundary will be created on the eastern border which will be planted up with hedging and trees providing a soft greening of this edge. Generally within the site, and in relation to houses around the site, distances are such that the proposal will not feel overly tight or cramped.
- 10.6 The house types are from a fairly standard template, however they have features such as vertical window emphasis, feature heads and cills, eaves detailing etc. These features are repeated on all 11 house types so whilst there is variety in the size and appearance of houses they all have these unifying features which will help to give the development a character of its own. All properties are two storey's in height which is appropriate for the area, and have gable ended roofs, some with gable features incorporated.
- 10.7 A few issues remain that further negotiation on could help to enhance. In particular the houses that are located along the boundary with Fleet Lane are felt to be too far forward of the existing building line, and the massing is also considered to be too much. Hipping the roof's would help at this point. Materials are given in the D&A statement to be red brick with rendering. Traditional materials for the area are locally quarried

sandstone with stone slate and it is considered that red brick is not necessarily an appropriate material for the area. This matter is covered by a condition on the original outline permission as well.

- 10.8 The issue of bungalows has been raised by many objectors both in terms of their impact on character and the need for this form of housing. In terms of character, whilst it is acknowledged that Fleet Lane itself is in part characterised by bungalow forms, this is not exclusive, and the addition of two storey houses is not considered to be of significant harm to visual amenity, matters of massing as raised above notwithstanding.
- 10.9 Of particular importance to the area are views of St John's Church, which although located some distance from the site has a very prominent spire. The applicants have assessed the views and included some photomontages which demonstrate that such views from Fleet Lane and the east of the site would not be harmed. Generally in longer views across the site the houses would sit well against the existing built form, and would not appear above the tops of existing trees. Views of the spire remain unharmed.
- 10.10 The proposed layout and appearance then are considered to be appropriate and will help to enhance and incorporate the Conservation Area. Some small issues remain and Members are asked to consider delegating these matters to Officers for negotiations. Members will be updated on any amendments agreed on by the date of Panel.

Impact on residential amenity.

- 10.11 The layout has been designed around guidance in our SPG Neighbourhoods for Living, and generally across the site there are good distances between properties so that there will be no overlooking, loss of privacy or dominating. Residents will have good sized gardens and good access to amenity space. The layout allows for tree planting which will help to introduce areas of shade and enhanced biodiversity.
- 10.12 With regard to neighbouring buildings again the layout generally allows suitable distances between existing and proposed so that there should be no loss of amenity. The houses mostly affected are numbers 4 and 7 Greenland Court, properties on Norfolk Drive, and 36 Fleet Lane. Number 4 Greenland Court currently has a very open rear boundary with post and rail fence and some vegetation, but does enjoy views out across the field that are uninterrupted. This will change significantly as they will now have views onto the rears of two new properties. A distance of 27m is retained and there is scope for planting along the boundary between the properties, such that whilst the views will be curtailed, a good outlook will still be retained. Number 7 is different in that it faces onto the site with a limited garden depth. Even still a distance of about 22m will be achieved between houses, and there is again scope for good boundary planting to soften the impact and give good privacy. The distances involved should ensure that overshadowing is limited to very short periods of time only.
- 10.13 Properties on Norfolk Drive are large bungalows sited around a short cul-de-sac and set back from Fleet Lane. The rear gardens look south across the application site. These houses are closer to the development than other properties on Fleet Lane, however distances between existing and proposed properties will retain a minimum of 20m. Some garages are proposed closer to the boundary but even in this instance a distance of 14m is retained. Any overshadowing that occurs should be within the garden areas of the proposed dwellings, rather than onto the bungalows. The proposed houses will of course be two storey and could have potential to feel quite dominating to the bungalows, however the distances between the properties, coupled with the slight fall in levels, should ensure that this does not occur. Details of levels are a requirement of the landscaping condition on the outline permission. A section has been provided which shows that the roof ridge of the closest property will be higher, but that at ground level in the bungalow a person would be looking at a height between first

and ground floor on a proposed dwelling. This reduces the feeling of height, and ensures greater privacy.

10.14 Number 36 Fleet Lane is a dormer bungalow, granted permission in 2007 with several dormer windows on the eastern side which will face onto the backs of proposed properties. These windows are close to the existing boundary, a distance of only 5m. This would be considered inadequate, however presumably when granted the openness of the fields was felt to be sufficient. The proposal provides for 20m between the bungalow and the rear elevation of new dwellings which is a spacious gap. Existing hedging is shown to be retained on the drawings and this can be conditioned for.

Impact on highway safety.

10.15 There are a number of outstanding matters in relation to highways that require some revisions to the scheme. These are being addressed and Members will be updated at the Panel meeting.

10.16 The proposed site access position is acceptable; some off-site highway works are required in the vicinity of the access including carriageway and footway widening, the introduction of pedestrians' islands, central carriageway hatching and cycle lanes. Sight lines of 2.4m x 90m are required to be shown on the plans, but are achievable. These matters can be secured through a Grampian style condition.

10.17 There are a few matters relating to the internal road and parking layout, however again these are considered resolvable and Members will be updated on this at Panel. In general though the layout and the amount of off-street parking is acceptable for the form and scale of development. All properties have off-street parking either on drives or in garages, and each plot has adequate bin storage areas.

10.18 In principle therefore the proposal does not raise concerns relating to highways safety, subject to the last few remaining issues, and conditions to ensure implementation of any required mitigation measures.

Other issues.

10.19 Drainage matters are considered to be adequately dealt with and can be controlled through conditions.

10.20 Matters of ecology are dealt with via condition on the outline plan, however the proposed landscaping is considered, in principle, to enhance existing biodiversity and provide for an attractive and meaningful setting for both existing and new residents.

10.21 A number of objectors raise concerns that no bungalows are proposed. The applicants have rejected bungalows due to the amount of land that they take in comparison to the value to be gained. Whilst it is accepted that bungalows are often favoured by people with mobility needs, it is not for the planning authority to seek to control the demands of the housing market by restricting the type of homes. All homes will be required to be Part M compliant under Building Regulations, which will enable greater access for all, the properties have downstairs toilet facilities, separate bathrooms, and en-suite's; some have additional rooms on the ground floor that could be adapted for bed space; and stairs that can take stair lifts. The development also has a variety of house sizes from 2 bed properties to 5 beds. The proposal should therefore be inclusive to all needs and requirements.

10.22 12 affordable homes are shown around the site. Whilst these are grouped into terraces, they are split into three different areas and interspersed with private housing, helping to achieve greater integration.

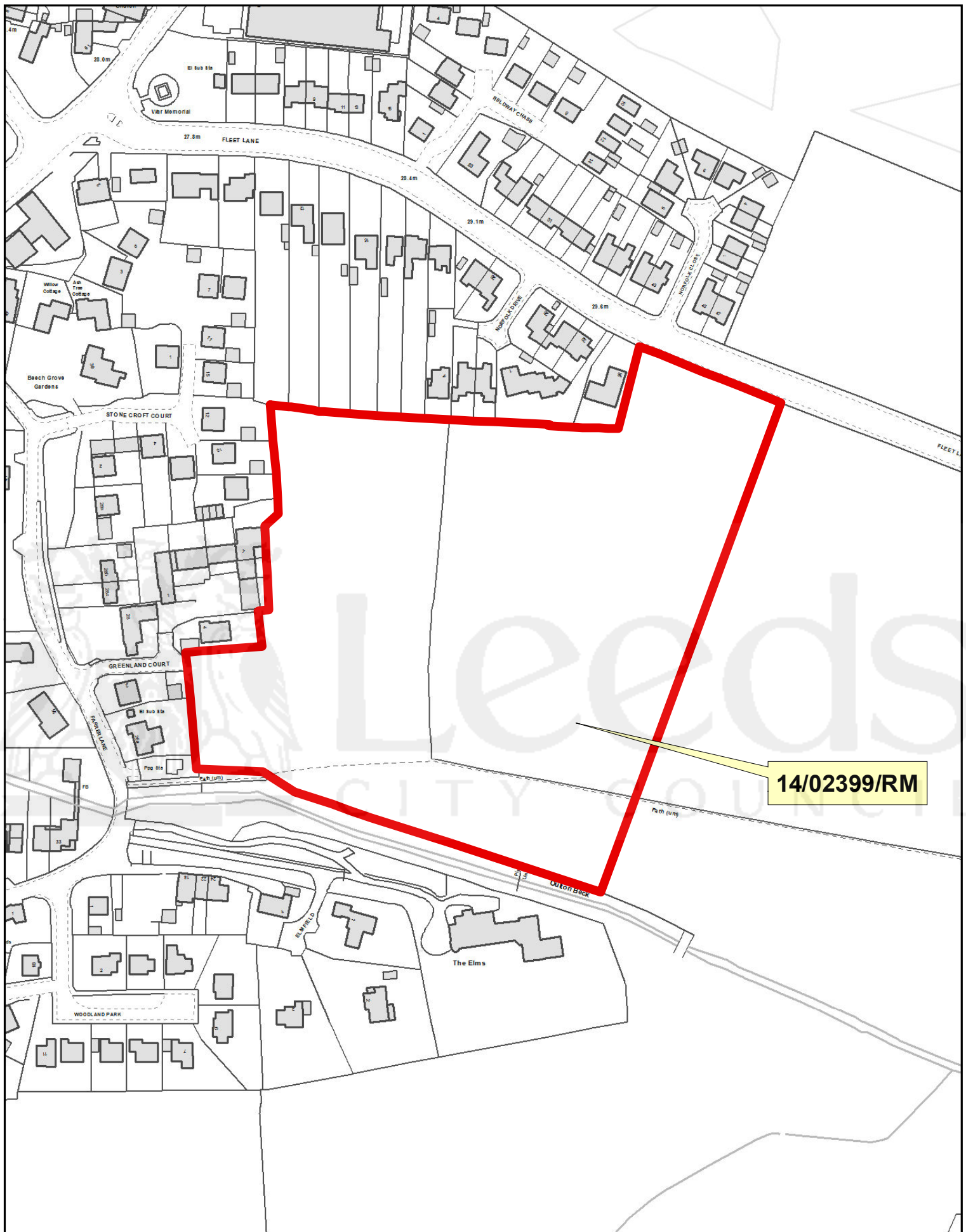
11 CONCLUSION

11.1 The proposed development is considered to provide a suitable setting and character for its location, helping it eventually to blend in with the existing village, and providing a

suitable rounding off development to this edge of the settlement. The proposal does not raise any significant harm regarding its impact on local character, residential amenity or highway safety and is recommended to Members for approval subject to some minor amendments and conditions.

Background Papers:

14/02339/RM



SOUTH AND WEST PLANS PANEL



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Originator: Kate Mansell
Tel: 0113 247 8360

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th September 2014

Subject: 14/03475/FU – External alterations and relocation of an ATM.

Yorkshire Bank, Church Street, LS10 2AP

APPLICANT

National Australia Group

DATE VALID

12th June 2014

TARGET DATE

10th September 2014

Electoral Wards Affected:

Fill in appropriate Ward / Wards – check they are the right one(s)!

Y 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:

- (i) Development to commence within 3 years of the decision date;
- (ii) Development in accordance with the approved plans.

1. INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Ward Councillor Nash who has raised concerns on behalf of the City and Hunslet Ward Councillors that cars stopping on Church Street to access ATM machines are blocking the road and causing a danger to pedestrians.

2.0 PROPOSAL

- 2.1 The application relates to the premises of the Yorkshire Bank within the Penny Hill Shopping Centre in Hunslet. It is a two-storey modern building constructed in red brick with one long frontage to Church Street and a shorter side return frontage that adjoins the entrance to the shopping centre. The Church Street frontage comprises brick piers and long vertical windows with dark brown frames and darkened glass. There is an existing projecting sign to this elevation advertising that the bank has an ATM. The shorter side return frontage incorporates the entrance to the bank and two clear glazed windows with two ATMs; one within the brickwork and one within the window. These ATMs are most directly accessed from Church Street via a set of steps.
- 2.2 This application seeks to remove the ATM that is presently installed within the window to the shorter side return elevation and re-glaze this window. The ATM will then be re-installed within the brickwork to the Church Street elevation. The ATM is positioned at a height of 0.8 metres above ground level. The application also proposes to spray the existing brown window and doorframes in a dark grey powder coated finish whilst to the Church Street elevation, the existing tinted glass at ground floor level will be replaced with new clear glass.

3.0 SITE AND SURROUNDINGS:

- 3.1 The Penny Hill Shopping Centre is a small modern retail centre serving the Hunslet area; it incorporates a variety of retail and banking services. The Centre fronts onto Church Street, which is a busy thoroughfare. A number of retail units face directly on to Church Street, including the application site and adjacent to that, the Post Office and Nat-West Bank. To the north of the application site is a bus turning area that adjoins the Centre and further retail units.
- 3.2 Along the Church Street frontage, parking is controlled by means of double yellow lines on both sides of the road. Immediately in front of part of the Yorkshire Bank facade is a highway balustrade/guarding railings at the pavement edge and on the road, there are zig-zag white lines associated with the nearby pedestrian crossing.
- 3.3 Beyond the shopping centre, the area is mixed comprising both commercial and residential properties with a park bounded by Church Street and Grove Road directly opposite.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no previous applications that are relevant to the determination of this application.

5.0 HISTORY OF NEGOTIATIONS:

5.1 There is no record of any pre-application advice being sought.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application was advertised by means of a site notice posted on 27th June 2014.

6.2 One letter of objection has been received from the occupier of the Waterloo Road Post Office, situated adjacent to the application property, who object as they already have an ATM at 86 Church Street. The objector believes that this application seeks an additional ATM to the two existing cash machines (rather than a relocation of one ATM, which is proposed), which they consider will affect their machine and business.

6.3 Councillor Nash has also advised that the Ward Councillors object on the grounds that the City & Hunslet Councillors receive repeated complaints about cars stopping on Church Street to access these machines, blocking the road and being dangerous to pedestrians. Rather than relocating an ATM on Church Street she advises that they would like the two existing ones re-located. She has further commented that frequent complaints have been made to Enforcement in the Highways Department and suggests that perhaps a Highways CCTV camera could deter motorists from stopping here.

7.0 CONSULTATIONS RESPONSES

7.1 Highways Development Control has considered the application and raises no objection. They do not consider the application to give rise to any specific concerns in relation to road safety. In response to the issue raised by Councillor Nash, the Highways Officer advises that there are existing Traffic Regulation Orders on Church Street restricting parking such that it would be difficult to sustain a highways objection to the relocated ATM proposal.

7.2 Following on from the concerns raised by Councillor Nash, Traffic Management have confirmed that there have been issues in this area with drivers stopping on the waiting restrictions and they do share her concern that another ATM might increase the possible attraction of parking where there are restrictions in place.

8.0 PLANNING POLICIES

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

8.2 The development plan for Leeds comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations: Development proposals should resolve detailed planning considerations including access and design. Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life and highway congestion.

Policy B6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

BD7 - All new shop fronts should relate architecturally to the buildings in which they are inserted.

T2 – New development should not create or materially add to problems of safety, environment or efficiency of the highway network.

8.4 The following DPD policies are also relevant:

GENERAL POLICY 1 – Presumption in favour of sustainable development.

Draft Core Strategy

8.5 The Local Development Framework will eventually replace the UDP but it is presently still in production with the Core Strategy at an advanced stage.

8.6 On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These were published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this consultation he will publish his Report in August. The Plan is therefore at the most advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council. Accordingly, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications. Of relevance to this application is the following:

Policy P10 - new development and alterations to existing buildings should provide good design appropriate to its scale and function.

National Planning Policy

8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published in March 2014, 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.

8.8 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. Paragraph 12 of the NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

8.9 In relation to matters of transport, the NPPF notes at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.0 MAIN ISSUES

- (i) Design
- (ii) Accessibility
- (iii) Highways.

10.0 APPRAISAL

- 10.1 The application proposes the relocation of an existing ATM within the side elevation of the Yorkshire Bank within the Penny Hill Shopping Centre to the front elevation onto Church Street. It also proposes the refurbishment of the windows to powder coated grey and the re-glazing of the ground floor windows from tinted glass to clear glass.

Design and Character

- 10.2 Policy BD6 of the UDP relates to all alterations and extensions and advises that they should respect the scale, form, detailing and materials of the original building. Policy BD7 relates to shopfronts and notes that they should relate architecturally to the buildings in which they are inserted. Finally UDP Policy GP5 advises that development proposals should resolve detailed planning considerations including design, amenity and highway safety. Policy P10 of the Core Strategy similarly requires high quality design.

- 10.3 This application will result in the existing dark brown frames to the windows and doors being re-sprayed in a dark grey powder coated finish. It is considered that this will deliver a more contemporary appearance to the bank overall. Moreover, the existing tinted windows to the ground floor of the Church Street elevation are to be replaced with clear glass, which will provide an enhanced active elevation to the street and improve the appearance of the bank overall. The amendments are therefore considered to respect the scale, form and materials of the original building and be of a sufficiently high quality in accordance with UDP Policies BD6, BD7 GP5 and Policy P10 of the Core Strategy.

Accessibility

- 10.4 This application will relocate one of the two ATMS that is presently positioned on the side return elevation onto the main Church Street elevation. This relocated ATM is to be installed at a height of 0.8 metres above pavement level to the bottom of the machine with 1 metre to the top of the number panel. With reference to the Equality Act 2010, which requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, the Council's Access Officer advises that ATMs or cash machines should be positioned so that they are as usable as possible for as many people as possible. Guidance on the positioning of ATMs is found in "Access to ATMs: UK Design Guidelines" (2002) which is produced by the Centre for Accessible Environments. In general, the highest button/ contact point on this machine should be no higher than 1000mm, and the reach into the machine buttons should be no greater than 210mm from the vertical position where someone would be using the machine from. The guidance also states that a level area that is preferably 2 metres x 2 metres should be provided in front of the ATM. The applicant has confirmed that the proposed ATM is compliant with the height guidance whilst the width of the pavement in front of the relocated ATM would be 5 metres. It is therefore considered to be as usable as possible for as many people as possible.
- 10.5 Moreover, the relocation of one ATM onto the Church Street frontage will result in a more readily accessible and visible ATM with good levels of natural surveillance and lighting, which is considered a positive element to the relocation.

Highways

- 10.6 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations and should seek to avoid a range of problems including highway congestion. Policy T2 advises that new development should not create or materially add to problems of the safety or efficiency of the highway network.
- 10.7 In this regard, it is noted that the local Ward Councillors have objected to this application on the grounds that they receive repeated complaints about cars stopping on Church Street to access these machines, blocking the road and being dangerous to pedestrians.
- 10.8 The Council's Development Control Highways Officer does not consider that the relocation of one ATM machine from the side return elevation of the Yorkshire Bank to the Church Street elevation would give rise to highway safety issues to the extent that a highway objection could be sustained. The Officer notes that Church Street already incorporates double yellow lines adjacent to the shopping centre whilst immediately in front of the proposed location of the ATM are zig-zag white lines associated with the nearby pedestrian crossing. For reference, the Highway Code confirms that you must not park on a crossing or in the area covered by the zig-zag lines and there is no waiting at any time on double yellow lines such that motorists choosing to park on the road in front of the Penny Hill centre are in breach of highway regulations. Furthermore, with reference to the accident data held by the Council, in the last three years there have been 3 accidents in the vicinity of the application site; two at the junction of Grove Road/Church Street and one due to a shunt behind queuing traffic along Church Street near Grove Road. These accidents were unrelated to illegally parked cars on Church Street in front of the shopping centre. The last time an accident occurred that was evidently related to an ATM was in relation to parking at the NatWest ATM in 2010.
- 10.9 The specific concern raised by Ward Members is that cars stop on Church Street to access these machines, thereby blocking the road and being dangerous to pedestrians. Whilst it is clear that some cars do appear to park without regard to parking restrictions, in assessing this planning application, the issue to consider is whether the relocated ATM will create or materially add to problems of the safety or efficiency of the highway network or result in highway congestion. In undertaking the assessment, it is important to recognise that this is the relocation of an ATM rather than a new ATM, albeit that it is to be installed onto a more prominent street frontage.
- 10.10 It must be acknowledged that there are already mechanisms in place to promote the flow of traffic and pedestrian safety in the vicinity of the application site – Traffic Regulation Orders to stop people parking on the highway and a pedestrian crossing in very close proximity to the ATM to help people safely cross Church Street. In addition, the Shopping Centre is clearly already attracting customers to use the existing ATM facilities and indeed, the Yorkshire Bank already benefits from a small projecting sign to the Church Street elevation to highlight the availability of an ATM in this location. On this basis, it is the view of Officers that to recommend refusal on the grounds that the relocation of one ATM from one elevation of a bank to another would create or materially add to problems of the safety or efficiency of the highway network could not be upheld. It would also not result in a severe cumulative impact and could not, therefore be considered contrary to guidance within the NPPF.

- 10.10 There are also positive benefits to the relocation of the ATM in terms of surveillance and lighting as noted above, which must be weighed against the concerns raised by the Ward Councillors.
- 10.11 In response to the suggestion by Ward Councillors that the installation of a Highways CCTV camera could deter motorists from stopping on Church Street, to require such a measure as part of this proposal is not considered fairly and reasonably related in scale and kind to the proposed development given that it is an existing issue. Moreover, the Council's Parking Manager has advised that Councils have had notice that the Government intends to ban the use of CCTV for general parking offences "at the earliest opportunity" with a few closely defined exceptions such as outside schools or in bus stops.

Other matters

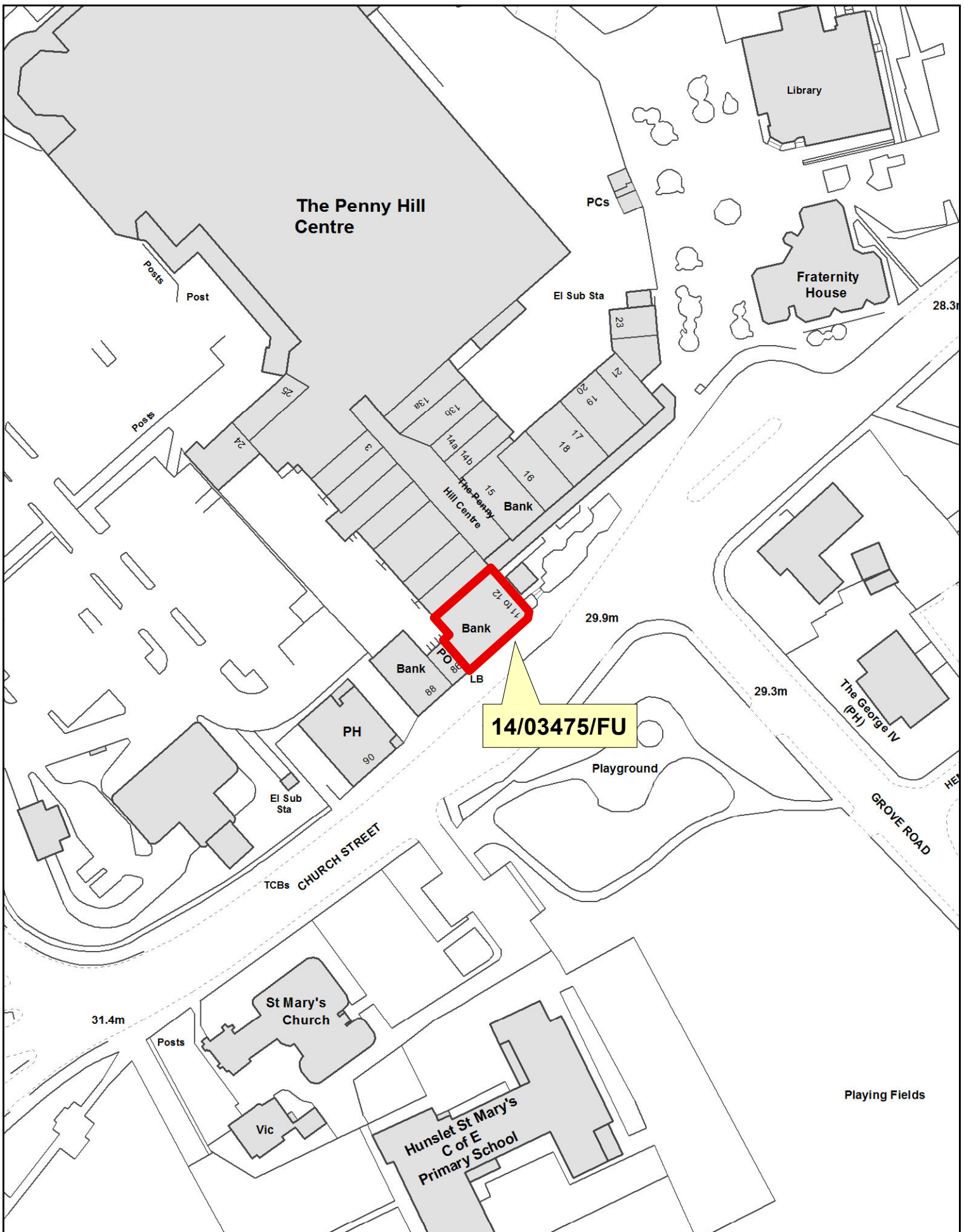
- 10.12 It is acknowledged that the owner of the Waterloo Road Post Office objects to this application on the grounds that it would affect their business and machine as they also have a cash machine. However, the objector understands the proposed ATM to be in addition to the two existing ATM's when it is, in fact, the relocation of one machine such that there is still the same number of ATM's at the Yorkshire Bank as existing. Moreover, competition is not a material planning consideration.

11.0 CONCLUSION

- 11.1 This application proposes the relocation of an existing ATM within the side return elevation of Yorkshire Bank within the Penny Hill Shopping Centre to their front elevation onto Church Street. It also proposes the refurbishment of the windows to powder coated grey and the re-glazing of the ground floor windows from tinted glass to clear glass.
- 11.2 The amendments to the shopfront are considered to respect the scale, form and materials of the original building and will enhance the appearance of the bank and its relationship to the street in accordance with UDP Policies BD6, BD7 GP5 and Policy P10 of the Core Strategy. The ATM is also considered to be usable by as many people as possible and will be relocated to a more readily accessible and visible location.
- 11.3 With regard to highway issues, this application proposes the relocation of an ATM from one elevation to another rather than the installation of a new machine. It is not considered reasonable to conclude that this scale of development would give rise to highway congestion to the extent that it could be considered contrary to Policies T2 and GP5 of the UDP nor to the extent that a refusal is warranted. This is particularly the case as there are already Traffic Regulation Orders in place on the adjoining highway to restrict car parking and a pedestrian crossing and contravention of these TROs is an existing highway matter rather than a reason to refuse this planning application.
- 11.4 Overall, it is concluded that the development is acceptable in accordance with up-to-date planning policies and it is therefore recommended that the application be approved subject to conditions.

Background Papers:

Application and history files.
Certificate of Ownership



SOUTH AND WEST PLANS PANEL



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Originator: Kate Mansell
Tel: 0113 222 4409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: 14/02987/FU - Variation of Condition 3 (opening hours and deliveries) and Condition 5 (net retail floorspace) of previous approval 12/02334/FU.

ASDA Store, Land at St Georges Road, Middleton, LS10 4SL

APPLICANT	DATE VALID	TARGET DATE
ASDA Stores Ltd.	21/05/2014	10/09/2014

Electoral Wards Affected:

Middleton Park

Y 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:

Conditions

1. Development to be begun before the 19th January 2014 (3 years from original permission)
2. Opening hours of the premises (supermarket, petrol station and office/warehouse development) shall be restricted to between 0700 and 2200 Monday to Sunday with the exception of a period of 24 months from the date of this permission when the hours of opening of the Supermarket and Petrol Filling Station shall be restricted to between 0600 to 2300 Monday to Saturdays and 0700 to 2200 on Sundays and Bank Holidays with the hours of opening of the office warehouse restricted to 0700 and 2200 Mondays to Sundays (including Bank Holidays).
3. Delivery hours to the premises shall be restricted to between 0700 and 2200 (supermarket, petrol station and office/warehouse development) Monday to Sunday with the exception of a period of 24 months from the date of this permission when deliveries to the supermarket and petrol filling station shall be restricted to between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays.
4. Requirement for the submission of a delivery management plan.

5. Limitation on the number of delivery vehicles between 6am and 7am.
6. A scheme to be agreed and implemented to protect nearby residents from noise
7. Net retail floorspace shall be restricted to 3,597m². No further mezzanines or other internal floorspace shall be created.
8. Comparison goods (i.e. non-food) to be restricted to no more than 40% of the net retail floorspace. The remainder of the net retail floorspace shall be used for the sale of convenience goods only.
9. The car park shall remain open at all times to the public.
10. The secondary customer entrance fronting onto St George's Road shall remain open to customers during opening hours of the store.
11. Materials in accordance with approved details.
12. Boundary treatments and details of steps and ramps in accordance with approved details.
13. Landscaping scheme in relation to supermarket and PFS in accordance with approved details.
14. Hard landscaping of any phase to be carried out in accordance with approved details.
15. Replacement of planting if required within 5 years from the date of planting.
16. Vehicular areas to be hard surfaced.
17. Lighting and security scheme in accordance with approved details.
18. Pedestrian routes through the site to be formed and signed and maintained in accordance with an approved scheme.
19. Contamination to be dealt with.
20. Remediation statement if required.
21. Remediation works to be carried out in accordance with remediation statement.
22. The building shall employ sustainable principles in accordance with the submitted report in order to achieve a BREEAM rating of "very good".
23. Disposal of storage and waste in association with proposed B1/B8 phase.
24. Details of cycle and motorcycle parking in relation to B1/B8 phase.
25. Drainage details to be approved including provision for on-site flow balancing of surface water and the management of the existing sewers and water mains within the site.
26. Phasing of the development to be agreed.
27. Details of the new adoptable access road including levels shall be agreed.
28. Off-site highway improvement works to be carried out.
29. Improvements to the Belle Isle Road and Throstle Road to be implemented prior to store opening.

1. INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Ward Members, who raised concerns regarding the impact on local residents of 24 hour opening and the extended delivery times that were originally proposed at this store as part of this application. The applicant has now significantly revised the opening hours and delivery times such that 24 hour opening is no longer proposed and only a slight extension to the delivery times and opening times is now sought as detailed in the report below.

2.0 PROPOSAL

- 2.1 This is a full planning application submitted in accordance with Section 73 of the Town and Country Planning Act to vary Condition 3 (hours of opening and deliveries) and Condition 5 (net floorspace restriction) of 12/02234/FU, which was itself a Section 73 planning application to vary conditions pursuant to the original application in 2009 (09/02589/FU) for the development of the land at St George's

Road for the construction of a detached retail unit, office/warehouse unit, petrol filling station with associated access, parking and landscaping. Where an application under Section 73 is granted, the effect is the issue of a new planning permission. It is for this reason that this application refers to the 2012 application rather than the original 2009 permission.

- 2.2 ASDA has now developed the site at Middleton and the store is operational. However, having reviewed the original permission and taking into account their current business plan, ASDA is now seek to vary the following conditions:

2.3 Condition 3: Hours of opening and deliveries

As originally approved in 2009 (09/02589/FU) and then again in 2012 (12/02234/FUL), Condition 3 restricted the opening hours of the supermarket, petrol filling station and office/warehouse as follows:

The opening hours of the premises and deliveries shall be restricted to between 0700 and 2200 (supermarket, petrol station and office/warehouse development) Monday to Sunday.

This application seeks to amend the condition to allow the following:

The opening hours of the supermarket and petrol filling station shall be restricted to between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays whilst the opening hours of the office/warehouse development shall be restricted to between 0700 and 2200 Mondays to Sundays (including Bank Holidays). Deliveries to the supermarket and petrol filling station shall be restricted to between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays with deliveries to the office/warehouse development restricted to between 0700 and 2200 Monday to Sunday.

This proposal represents a significant revision of the variation of condition originally proposed as part of this application. ASDA were originally seeking 24 hour opening Monday to Saturday with an extension of the delivery hours to between 0400 and 2300 every day. The applicant advises that their decision to revise the proposal is in response to the concerns raised by local Councillors and residents in their on-going liaison with them, and also following discussions with the Council's Environmental Health Officer.

2.4 Condition 5: Net Retail Floorspace

Condition 5 of 12/02335/FUL restricts the net retail floorspace of the main retail store to a maximum of 3,561 square metres. This application seeks to increase the maximum net retail floorspace allowed by 36 square metres, resulting in a total net retail floorspace of 3,597 square metres to allow for the provision of an external canopy area, located just outside the main entrance. The canopy will be used to provide additional space to display and sell seasonal goods such as BBQ's, Christmas trees etc. The canopy structure itself is subject to a separate application. Members should note that the outdoor sales area has already been erected.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application relates to the new ASDA store at Middleton accessed from St Georges Road. The store building occupies the northern part of the site with car parking to the southern half. A petrol filling station sits on the western roadside

edge. The 2009 application also included permission for the construction of a new office block to sit in the southeastern corner of the site. An access road runs around the edge of the car park to accommodate ASDA's delivery vehicles and to also provide an entrance into the car park and into the adjacent Household Waste Sorting Site. A number of highway alterations have been completed along St Georges Road as a result of the site redevelopment.

- 3.2 The store sits at the very edge of the designated Town Centre, which encompasses the Middleton District Centre to the western side of St Georges Road. Just to the south is the St Georges Centre, which provides community services and facilities. To the north-east is a vacant unit, Benyon House, which has approval for demolition, and to the east of the store is a Sharp Lane Primary School. The rest of the surrounding area is predominantly residential in character with a mixture of older Council housing and more modern houses and apartments built as part of the Sharp Lane development. The nearest residential properties lie along the southern boundary of the site at The Oaks. An acoustic fence has been erected along this boundary along with a landscape buffer; whilst this has been planted in accordance with the 2009 and 2012 permissions, this will obviously take some years to come to maturity.
- 3.3 The store opened earlier this year and features a Click and Collect facility, and as noted above, the outdoor trading canopy has also been erected.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The planning history most relevant to the consideration of this application is summarised below:
- 4.2 14/02988/FU: Retrospective application for the erection of an outdoor trade unit for the sale of seasonal goods. This application is pending consideration and will not be determined until this Section 73 application has been determined.
- 4.3 13/9/00187/MOD: Non-Material Amendment to 12/02334/FU relating to the relocation of the store entrance lobby, re-alignment of the pedestrian walkway within the car park and a surface change to the Petrol Filling Station forecourt.
Approved: 13.12.2013
- 4.4 12/02334/FU: A Section 73 application to vary Conditions 2 (approved plans), 16 (pedestrian routes), 22 (cycle and motorcycle parking) and 23 (drainage) of full planning permission 09/02589/FU. This application included the amended store location, design, floor plans etc. that reflect the scheme now constructed on site.
Approved: 23.09.2013
- 4.5 09/02589/FU: Detached retail unit, petrol filling station, detached office/warehouse unit and associated parking and landscaping.
Approved: 19.01.2011
- 4.6 Prior to the above the site was occupied by a number of industrial/warehouse and office uses.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 With regard to the application to vary Condition 5 (net retail floorspace) the applicant did seek Officer advice prior to the application being submitted and advice was given regarding supporting information.

- 5.2 In respect of the proposed variation of delivery and opening hours, following the submission of the application, the Council's Environmental Protection Officer objected to the application principally in relation to the methodology and conclusions of the submitted noise report. In response, the applicant submitted additional information for consideration and also proposed to reduce the extension in opening hours and delivery times as set in Paragraph 2.3 above.
- 5.3 ASDA have also undertaken a meeting with Ward Members and organised a more general meeting with Ward Councillors and local residents that took place on 24th July 2014 to discuss this application and more general issues relating to the ASDA store at Middleton. The record of the meeting provided by the applicant notes that with specific reference to this application, the attendees considered that it was reasonable for ASDA to look at an additional period in the morning for deliveries but that at the current time, neither residents nor Ward Councillors could support 24/7 opening. ASDA have subsequently revised their proposal to respond to these concerns as detailed in Paragraph 2.3 above.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised by means of direct neighbour notification, a site notice and a press notice in the Yorkshire Evening Post. In response to the original proposal for 24 hour opening on Mondays to Saturdays with an extension of the delivery hours to between 0400 and 2300 every day, the Council received 14 letters of objection, including two from Ward Members.
- 6.2 6 letters of support were also received in response to the original proposal.

6.3 Ward Member Concerns

- Impact on local residents due to noise and additional traffic resulting from the proposal to extend opening and delivery hours.

6.4 Public Concerns

- Amount of traffic on the road makes it difficult to get out of side streets onto St Georges Road;
- Noise from lorries on St Georges Road;
- Additional noise;
- Potential for increases in crime, especially if a 24 hour alcohol license is allowed;
- Assurances given by ASDA during the original applications that deliveries would be during sociable hours only and that delivery routes would not use St Georges Road. Also, that normal store hours only would be proposed;
- Speeding on St Georges Road; users of the site use it as a shortcut;
- Other 24-hour facilities nearby;
- Belle Isle/Middleton Framework does not state any support or need for a 24-hour facility.
- No account taken of noise from customers parking away from main entrance or of anti-social use of car park at night;
- Issues arising at Morley ASDA, which is 24 hour use due to inappropriate use of car park;

- Noise report bases findings on 2 storey buildings, but many buildings in the area are 3 storey. No recommendation to extend or improve the existing acoustic barrier. It also does not account for the future office building on site;
- Additional floorspace for outdoor goods could detract from District Centre where suppliers already provide seasonal goods;
- Unmanned petrol station is a risk at night when people's reaction times will be slower – one fire on the site already;
- Many residents would not have supported ASDA over Tesco if 24 hour opening had been proposed originally.

6.5 Support comments

- No significant traffic impact since store opened;
- Greater convenience will be provided and additional jobs;
- Staff on site 24/7 will improve security and prevent anti-social behavior;
- Extended opening hours are beneficial to shift workers. The nearest 24 hour supermarket and PFS is in Batley, which is 6 miles away;
- Deliveries should be restricted to existing ring road, and directional arrows are required on the roundabout to assist drivers.

6.6 A further consultation has been undertaken on the revised hours and any comments received will be report to Members at Plans Panel.

7.0 **CONSULTATIONS RESPONSES**

7.1 Local Plans – With reference to the proposal to vary Condition 5 (retail floorspace) Local Plans advise that the increase of 36 square metres equates to less than a 1% increase in floorspace. They note that Policy P8 of the Core Strategy states that extensions under 200 square metres will not be subject to a Sequential Test and consider that due to the small scale nature of the proposal, the impact could not be considered as significantly adverse to the vitality and viability of the existing Town Centre.

7.2 Environmental Protection Officer – In response to the original proposal for 24 hour store opening and extended delivery hours between 0400 and 2300, the Environmental Protection Officer originally recommended that it could not support the variation of hours. The EPO raised concern about the methodology of the submitted Noise Assessment and recommended that an assessment in accordance with BS4142 (Guidance rating industrial noise impact) would be a more appropriate and accurate objective measure to try and assess the potential disturbance from extended delivery and opening hours. The EPO also requested additional information with regard to the number of vehicles accessing the car park during the night and the effect of these vehicles travelling at a higher speed than suggested as they pass near to the residential premises. Additional information with regard to the impact if the number of vehicles using the PFS during the night is higher than suggested was also sought.

7.3 Following further negotiation between the Council's Environmental Protection Officer (EPO) and ASDA's Noise Consultant, ASDA has submitted additional information with regard to customer numbers at night and vehicle speed on the access road. In addition, although ASDA believe their noise assessment to be favourable to their original proposal, they have also revised the proposed hours of opening and delivery hours as outlined above. The EPO comments that ASDA are now seeking store delivery hours of 06.00 to 22.00 Monday to Saturday and 07.00 to 22.00 on

Sundays. This represents an extension for morning deliveries of 1 hour on Mondays to Saturdays, although this extension moves deliveries into the night-time period from a noise assessment perspective. From discussions with ASDA's noise consultant, the impact on residential properties to the South will be due to the HGV movement along the site access road and not from noise within the delivery yard itself. The EPO comments that it is the short-lived, but loud noise events, (Lmax) which wake people up and cause sleep disturbance. From the figures provided, the EPO considers that the HGV movements from deliveries would result in levels likely to cause a level of disturbance. ASDA have put forward the argument that other Lmax events of a similar level are already taking place in the area. However, it is the Council's view that care needs to be taken to limit as far as possible Lmax events that will be above 45dBA inside residential flats and houses. It is also important to recognise the difference in the subjective disturbance to occupiers from an ASDA HGV driving through the supermarket site and passing bedroom windows than an anonymous noise of a similar intensity somewhere in the locality.

- 7.4 Although concerns on this issue remain, ASDA's noise consultant has advised that the Lmax data put forward was based on a refrigerated HGV and that other vehicles will be quieter. ASDA are also willing to accept a restriction of no more than two delivery vehicles between 06.00 and 07.00 and that a delivery management plan could be issued to all vehicles to reduce speed and take care to minimise noise while travelling along the site access road; both these options could be secured by means of additional conditions. The EPO considers that these measures would all help reduce the potential of disturbance to the nearby occupants and may allow the increased deliveries to take place without a significant loss of amenity.
- 7.5 With regard to the proposed extension to the store and PFS trading from the 0700 to 2200 on any day originally approved to 0600 to 2300 Monday to Saturday and between 0700 and 2200 on Sundays and Bank Holidays (as per approval), the Environmental Protection Officer notes that he is aware that ASDA have reconsidered the speed of customer vehicles along the site access road; it has been indicated to the EPO that this may well be around 20mph rather than the 10mph originally put forward. This change does indicate an increase in the impact from the customers coming and going during the night. However, the discussions with ASDA's noise consultant have indicated that the revised opening hours would mean that relevant objective noise criteria at residential properties would be met.
- 7.6 Members are advised to note that no amendment is sought to the opening hours of the office/warehouse approved as part of applications 09/02589/FU and 12/02334/FU such that they remain as previously stated. It is for this reason that the office/warehouse unit does not form part of the noise assessment prepared by the applicant.
- 7.7 Overall, the EPO considers that the reduction in changes to the proposed hours, together with the various measures and proposals outlined above, is positive in minimising any increased disturbance to nearby residents. However, any assessment of impact contains an element of uncertainty. Therefore, if planning permission is to be granted, EPO recommend that a temporary permission should be used to provide the opportunity for local residents to come forward and for Planning Services to gauge the actual impact from early morning/night time deliveries, increased store trading hours, and increased use of the petrol filling station.

8.0 PLANNING POLICIES

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 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.

- 8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- BD5 – General amenity issues.
- S2 – Development in Town Centres (Middleton)

- 8.4 The following DPD policies are also relevant:

GENERAL POLICY 1 – Presumption in favour of sustainable development.

Draft Core Strategy

- 8.5 The Local Development Framework will eventually replace the UDP but is presently still in production with the Core Strategy at an advanced stage.

- 8.6 On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These were published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this consultation he will publish his Report in August. The Plan is therefore at the most advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council. Accordingly, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications. Of relevance to this application is the following:

SP1 – Location of development in main urban areas on previously developed land.

P8 – Guidance on Sequential and Impact Assessments for Town Centre uses.

Supplementary Planning Guidance and Documents

- Belle Isle and Middleton Framework

National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.

- 8.8 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.

- 8.9 With regard to retail development, the NPPF advises at Paragraph 23 that planning policies should be positive and promote competitive town centre environments. It confirms at Paragraph 26 that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. This advice is further reflected within the National Planning Guidance, which confirms that local planning authorities should plan positively to support town centres.
- 8.10 With regard to noise impact, Paragraph 123 of the NPPF states that planning decisions should:
- (i) Avoid noise from giving rise to significant adverse impacts on health and quality of life.
 - (ii) Mitigate and reduce to a minimum other adverse impacts on health and quality of life.
 - (iii) Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - (iv) Identify and protect areas of tranquility.
- 8.11 Guidance in the NPPG states the following:
- (i) Neither the Noise Policy Statement for England, nor the NPPF expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
 - (ii) Decision-making should consider – (i) Whether or not a significant adverse effect is occurring or likely to occur; (ii) Whether or not an adverse effect is occurring or likely to occur and (iii) Whether or not a good standard of amenity can be achieved. This should include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest adverse effect level for the given situation.
 - (iii) Noise has no adverse effect so long as the exposure is such that it does not cause any change in behavior or attitude. Noise starts to have an adverse effect when it starts to cause small changes in behavior, such as having to turn up the volume on the television or speak more loudly. Consideration should then be given to mitigating against these effects. A significant adverse noise level causes a material change in behaviour, such as keeping windows closed for most of the time, or avoiding certain activities during periods when noise is present. Appropriate mitigation should be taken such as altering design and layout of a scheme. Economic and social benefits should be taken into account but it is undesirable for such exposure to be caused. At the highest extreme noise causes sustained and extensive changes in behavior with no ability to mitigate. The impacts

on health and quality of life are such that this situation should be prevented from occurring.

9.0 MAIN ISSUES

- 1) The impact of the variation of Condition 3 on the amenity of adjoining residents arising from the proposed extension of opening hours and the extension to delivery times to both the store and petrol filling station;
- 2) The impact of the variation of Condition 5 to extend the net retail floorspace by 36 square metres on the Middleton District Centre.

10.0 APPRAISAL

- 10.1 This Section 73 application seeks to vary Conditions 3 (hours of operation and delivery) and 5 (net retail floorspace) of 12/02234/FU. On the basis that it is a variation of condition, the principle of the development cannot be revisited unless there has been some change in adopted policy. In this case, the 2012 application was considered in the context of the NPPF such that there has been no fundamental change in planning policy that would render the principle of the development or the other conditions imposed at that time unacceptable and indeed, the development has been implemented in accordance with the 2012 approval. Accordingly, this report relates only to the application to vary Conditions 3 and 5 albeit that all the conditions attached to 12/02234/FU will need to be repeated as part of this decision on the grounds that it forms a new permission.

Condition 3 (Hours of opening and delivery)

- 10.2 The NPPF and accompanying guidance discuss noise in rather general terms and there is no British Standard that deals specifically with the impact of night-time noise from supermarkets. Relevant documents include BS4142:1997, which relates to rating industrial noise and guidance from the World Health Organisation. In this case, it is considered that the noise sources that relate to opening hours would be generated from customer cars, vehicle doors opening and closing, trolleys being moved about, pedestrian noise, noise from the PFS and noise from inside the store itself including potential tannoy announcements. There is also an issue of light emanating from vehicle headlights, car park lighting and the store lights.
- 10.3 The originally submitted noise assessment based its findings on the movements of 1 car per 5-minute period between the hours of midnight and 6 a.m. It also assumed a traffic speed through the site of 10mph. The Council's EPO queried whether this amount of movement was correct; it was felt that it was not inconceivable that several cars may turn up within the same 5 minute period. Furthermore, a site visit by Environmental Protection Officers also raised concerns that many vehicles do not accord with the 10mph limit. The applicant subsequently reassessed the speed of customer vehicles along the site access road, which it is considered may be around 20mph rather than the 10mph originally put forward. In the Council's response to the applicant, it was felt that this change did indicate an increase in the potential impact from the customers coming and going during the night and has contributed, in part, to the applicant's review of their original proposal and subsequent amendment to the opening and delivery times.
- 10.4 Following the applicant's decision to revise the proposed opening times and delivery hours, it is now essentially the case that the applicant is seeking to open the store and PFS one hour earlier and one hour later than the previous approval (Mondays to Saturdays), with the existing approved hours retained on Sundays and Bank

Holidays. They are also seeking to start delivery hours one hour earlier in the morning than the approved hours on Mondays to Saturdays with the existing approved hours retained on Sundays and Bank Holidays. This is a significant amendment to the originally proposed scheme and reflects the further consideration given to matters of noise impact by the Council's EPS and also the applicant's decision to have regard to concerns raised by local Ward Councillors and residents, which is welcomed. The applicant has also advised that they would accept a condition that no more than two delivery vehicles would access the site between 06.00 and 07.00 and that a delivery management plan to be approved by the Council could be issued to all vehicles to reduce speed and take care to minimise noise while travelling along the site access road. However, it is noted that the Council's EPO still considers that any assessment of impact contains an element of uncertainty. Therefore, if planning permission is to be granted, it is considered that a temporary permission would be appropriate and would provide the opportunity for local residents to come forward and for Planning Services to gauge over a reasonable period the actual impact from early morning/night time deliveries, increased store trading hours, and increased use of the petrol filling station. In this regard, a 24-month temporary period is recommended, which will provide the opportunity to meaningfully gauge the impact of the proposal.

- 10.5 Overall, it is considered that subject to an initial temporary permission, additional mitigating conditions to limit the number of delivery vehicles between 0600 and 0700 and a requirement to submit a delivery management plan, the proposed extension of hours and delivery times will not give rise to significant adverse impacts on health and quality of life and the effects such that a refusal is warranted. It is therefore considered that the proposal is not contrary to either guidance within the NPPF or Policies GP5 or BD6 of the UDP, which seek to protect residential amenity. A temporary permission is proposed, which is consistent with guidance within the National Planning Guidance, which states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development. It is therefore recommended that Condition 3 be amended as follows to create two conditions; one relating to opening hours and one relating to deliveries:

The opening hours of the premises (supermarket, petrol station and office/warehouse development) shall be restricted to between 0700 and 2200 Monday to Sunday except for a period of 24 months from the date of this permission whereby the opening hours of the supermarket and petrol filling station only shall be restricted to between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays).

Deliveries to the premises (supermarket, petrol station and office/warehouse development) shall be restricted to between 0700 and 2200 Monday to Sunday except for a period of 24 months from the date of this permission whereby the deliveries to the supermarket and petrol filling station only shall be permitted between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays.

Two additional conditions are also proposed:

Prior to the operation of the extended opening hours permitted by Condition 4 for a temporary two-year period from the date of this permission, a Delivery Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall include the following details:

- a *Code of conduct for drivers and delivery staff in relation to use of the access road and appropriate vehicle speeds.*
- B *Use of reversing alarms/bleepers, air brakes, goods trolleys etc.*

The DMP as approved shall be implemented prior to the commencement of the extended delivery hours and the store shall be operated in accordance with the DMP thereafter.

To ensure that deliveries do not cause adverse impact on local residents by virtue of noise and disturbance.

In accordance with the temporary two-year extension to delivery hours from the date of this permission permitted by Condition 4 above, between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays, no more than two delivery vehicles of any size shall access the site between the hours of 0600 and 0700 Mondays to Saturdays.

Concerns regarding light

- 10.6 The additional opening hours of the store could result in lighting being on for longer periods of time, although at present there is no restriction on the original permission in this regard. There are a number of lights within the car park, and also around and within the store, as well as within adverts. The nearest residential properties to the south are protected to some extent by the boundary treatment along the southern boundary which includes a tall acoustic fence and a landscape buffer. As this grows and matures any visual impact will be minimised further. In considering lights within the car park as part of the original approval, the light spill was taken into account and was not considered to affect nearby houses. Indeed, houses to the north are separated by the large roundabout and level changes so should not be negatively impacted on by light spill. Given the amendment to the hours now proposed, which is significantly less than the 24 hour opening originally sought, it is concluded that the additional hours of operation are not considered to give rise to undue concerns in relation to light spill or light pollution.

Condition 5 (Net Retail Floorspace)

- 10.7 The proposed increase in floorspace of 36 square metres has resulted from a store concept of selling seasonal goods in a separate, easy to reach location. The type of seasonal goods to be sold includes items such as plants, BBQ's, Christmas trees etc. that will vary throughout the year and are often bulky and consequently, not the sort of item a customer wishes to put in their trolley. The outdoor trading area has been designed to provide a separate till point so that customers can buy goods separately from their main shop whilst being close enough to the main entrance that they know it is there. The actual structure is the subject of a separate application; this application is only to consider the principle of allowing this additional retail floorspace.
- 10.8 Condition 5 of 12/02334/FU originally restricted the amount of net retail floorspace to that originally requested by the applicant, which amounted to a maximum of 3561 square metres. This is standard practice for new retail applications in out of centre or edge of centre locations as it then prevents the retailer from expanding through the use of mezzanines or external floorspace, which could potentially impact on the vitality and viability of town centres. In this instance, the new ASDA lies right on the edge of the identified town centre, which is provided by the District Centre. The

original application considered whether the store would result in detrimental harm to the centre as a whole and it was found that the size then proposed would not.

10.9 Policy P9 of the Draft Core Strategy provides up-to-date guidance on the requirement for Sequential and Impact Assessments for town centre uses. With regard to proposals for extensions to existing units, Policy P8 confirms that for extensions up to 200 square metres neither a sequential nor an impact assessment will be required. Accordingly, at 36 square metres, this proposal is well below the requirement for any form of retail assessment.

10.10 It is the view of Officers that the additional increase is very small and it has also generated very little comment from the public. Those that have questioned the proposal query whether it will be detrimental to retailers who already sell seasonal goods and also raise comment in relation to the structure itself, which is the subject of a separate application. With regard to the impact on those that already sell seasonal goods, it is considered that the additional floorspace would not result in any additional harm to neighbouring retailers as it represents an increase of less than 1% of the current total. Whilst neighbouring retailers may sell seasonal goods, ASDA are not obliged to assess the impact of the scheme due to its small scale in any event. Furthermore the new floorspace would have to relate to the existing ASDA store and could not feasibly be located elsewhere outside of the site. Consequently, Officers consider that the proposed variation is compliant with Policy P9 of the Draft Core Strategy and guidance within the NPPF and NPG and will not be detrimental to the vitality and viability of the Middleton District Centre such that it is not contrary to Policy S2 of the UDP. There is therefore no objection to the proposed increase in floorspace and it is recommended that the condition be amended to reflect the new net retail floorspace proposed as follows:

The net retail floorspace of the main retail store hereby permitted, which includes the retail sales area plus the checkouts, shall be limited to a maximum of 3597 square metres and no further mezzanines or other internal floorspace shall be created.

10.11 Section 106

Members are advised to note that whilst an application under Section 73 has the effect of issuing a new planning permission such that the Section 73 typically repeats the conditions applied to the original approval and seeks to attach the requirements of any previous Section 106, in this case, all the financial contributions and physical works associated with the original planning permission (09/02589/FU) in relation to off-site public realm works, public transport contributions, highway works and adoptions have been paid or completed such that they are no longer outstanding. There is therefore no requirement for a Section 106 agreement to be attached to this permission.

11.0 CONCLUSION

11.1 This is a full planning application submitted in accordance with Section 73 of the Town and Country Planning Act to vary Condition 3 (Hours of opening and deliveries) and Condition 5 (net floorspace restriction) of 12/02234/FU in relation to the development of the land at St George's Road for the construction of a detached retail unit, office/warehouse unit, petrol filling station with associated access, parking and landscaping. This application relates only to the ASDA store and petrol filling station, which is now operational, with the hours of opening and delivery in relation to the office/warehouse, which has yet to be constructed, remaining as approved.

- 11.2 In relation to Condition 3, the applicant initially proposed 24 hour opening Monday to Saturday with an extension of the delivery hours to between 0400 and 2300 every day. This has been substantially revised in the course of this planning application such that the applicant is now seeking to extend the opening hours of the supermarket and petrol filling station to between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays with deliveries to the supermarket and petrol filling station to be restricted to between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays. In addition, the applicant is willing to accept additional conditions to limit the site to no more than two delivery vehicles between 06.00 and 07.00 and the requirement for the submission and approval of a delivery management plan to be issued to all vehicles to reduce speed and take care to minimise noise while travelling along the site access road. The revised amendment to the hours has been fully considered by the Council's Environmental Protection Team who considers that the discussions with ASDA's noise consultant suggest that the revised opening hours would mean that relevant objective noise criteria at residential properties would be met. However, any assessment of impact contains an element of uncertainty such that a 24 month temporary permission is recommended to gauge the actual impact from early morning/night time deliveries, increased store trading hours, and increased use of the petrol filling station. Subject to the re-wording of Condition 3 as proposed and subject to the two additional conditions outlined above, it is concluded that the proposal will not give rise to significant adverse impacts on health and quality of life to the extent that a refusal is warranted. It is therefore considered that the proposal is in accordance with guidance within the NPPF and Policies GP5 and BD6 of the UDP.
- 11.3 With regard to Condition 5 and the proposal to increase the net floorspace restriction by 36 square metres, it is concluded that this variation represents an increase of less than 1% of the current total. Given this small scale, there is no requirement under Policy P9 of the Draft Core Strategy for the applicant to assess the impact of the scheme. Moreover, the new floorspace would have to relate to the existing ASDA store and could not feasibly be located elsewhere outside of the site such that it will not impact on the vitality of Middleton Town Centre. Consequently, Officers consider that the proposed variation is compliant with Policy P9 of the Draft Core Strategy and guidance within the NPPF and NPG and recommended that the condition be amended as proposed.
- 11.4 Subject to the amended scheme put forward by the applicant it is therefore recommended that Conditions 3 and 5 be varied as follows with Condition 3 being split into two conditions to separate the opening times and delivery hours:

Condition 3:

The opening hours of the premises (supermarket, petrol station and office/warehouse development) shall be restricted to between 0700 and 2200 Monday to Sunday except for a period of 24 months from the date of this permission whereby the opening hours of the supermarket and petrol filling station only shall be restricted to between 0600 and 2300 Mondays to Saturdays and between 0700 and 2200 on Sundays and Bank Holidays).

Deliveries to the premises (supermarket, petrol station and office/warehouse development) shall be restricted to between 0700 and 2200 Monday to Sunday except for a period of 24 months from the date of this permission whereby the deliveries to the supermarket and petrol filling station only shall be permitted

between 0600 and 2200 Mondays to Saturdays and between 0700 and 2200 on Sundays.

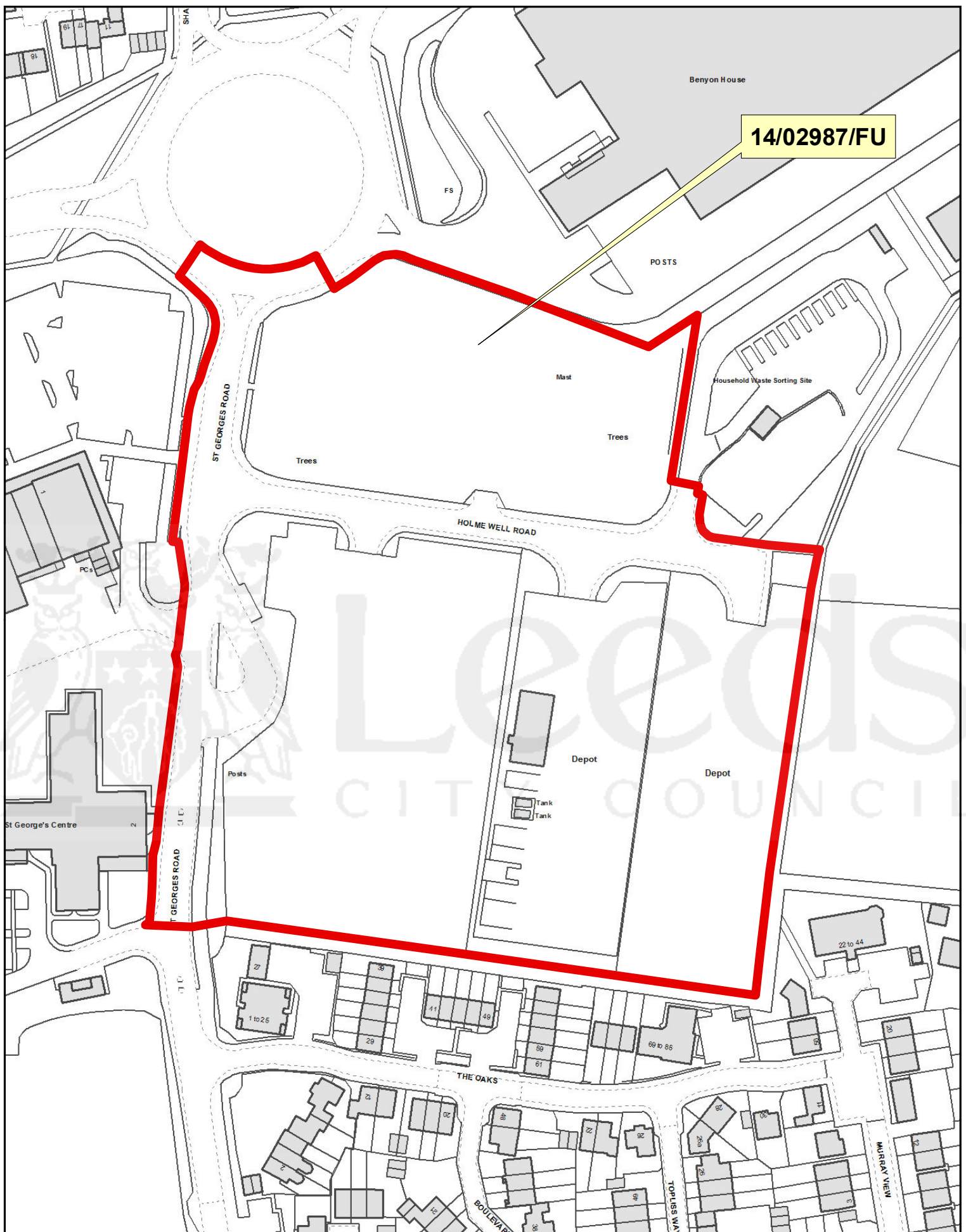
Condition 5:

The net retail floorspace of the main retail store hereby permitted, which includes the retail sales area plus the checkouts, shall be limited to a maximum of 3597 square metres and no further mezzanines or other internal floorspace shall be created.

- 11.5 Two additional conditions are proposed to limit the site to no more than two delivery vehicles between 06.00 and 07.00 and to require the submission and approval of a delivery management plan, which will be issued to all vehicles to reduce speed and take care to minimise noise while travelling along the site access road.
- 11.6 Finally, on the grounds that where an application under Section 73 is granted, the effect is the issue of a new planning permission; all other conditions pertinent to 12/02334/FU are repeated as part of this permission.

Background Papers:

Application and history files.
Certificate of Ownership



SOUTH AND WEST PLANS PANEL





Originator: Victoria Hinchliff
Walker
Tel: 51378

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4TH September 2014

Subject: 14/02461/FU: Variation of conditions 3 (site access), 4 (maximum retail floor space), 5 (hours of opening), 6 (hours of delivery), 12 (sustainability) and 13 (contamination) of previous approval 11/04306/OT.

Asda Store, Old Lane, Beeston, LS11 8AG

APPLICANT	DATE VALID	TARGET DATE
Asda Stores Ltd	24/04/14	24/07/14

**Electoral Wards Affected:
Beeston and Holbeck**

Y Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: .

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Deed of Variation to cover all matters in previous signed S106:

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

CONDITIONS:

The conditions which are being amended, or which are new, are in bold below.

1. Reserved Matters – layout, scale, appearance, landscaping to be submitted.
2. Outline time limit – reserved matters to be submitted by 20 June 2014 and development to commence within six months of approval of last reserved matter. *Note RM application is currently with the Council for a decision pending outcome of this s73 application.*
3. **Approved plans – to include amended access layout.**
4. **Sale of comparison goods to be no more than 747 square metres. The net sales area shall not exceed 2,064 square metres.**
5. **The opening hours of the store shall be restricted to 0800 hours to 2300 hours Mondays to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays, with the exception of a period of 24 months commencing from the date of first occupation of the store, when the opening hours of the store shall be restricted to 0600 hours to 2400 hours Monday to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays.**
6. **There shall be no deliveries to the premises before 0700 hours or after 2300 hours on any day from Monday to Saturday or before 0800 hours or after 2200 hours on Sundays or Bank Holidays, with the exception of a period of 24 months commencing from the date of first occupation of the store, during which there shall be no deliveries to the premises before 0600 or after 2300 on any day from Monday to Saturdays, or before 0700 or after 2200 on Sundays or Bank Holidays.**
7. Statement of construction practice.
8. Flood mitigation.
9. The rating level of noise emitted from the site (e.g. plant and machinery including ventilation and extraction systems), shall be at least 5dB below the existing background noise level (L90). The noise level shall be determined at the nearest noise sensitive premises, with the measurements and assessments made in accordance with BS4142:1997.
10. Surface water drainage.
11. Laying out of vehicle area.
12. **Sustainable construction – to be amended to approve submitted details.**
13. **Contaminated land – to be amended to approve submitted details.**
14. Remediation statement amendment if required.
15. Verification reports.
16. Off Site Highway Works
17. **Limit on the number of delivery vehicles coming to the site between 6am and 7am to two vehicles only.**
18. **The use of the store shall not commence until a Delivery Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall include the following details:**
 - a. **Number of deliveries to be made each day and approximate timings.**
 - b. **Type of delivery vehicles and approximate timings.**
 - c. **Routing information for drivers.**
 - d. **Code of conduct for drivers and delivery staff covering noise issues.**
 - e. **Use of reversing alarms/bleepers, air brakes, goods trolleys etc.**

The DMP as approved shall be implemented prior to first deliveries to the new store, and the store shall be operated in accordance with the DMP thereafter. To ensure that deliveries do not cause adverse impact on local residents by virtue of noise and disturbance.

1 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as it seeks to vary an outline permission that was originally determined by Plans Panel (11/04306/OT) on 20/06/13. The original application was determined by Plans Panel as it represented retail development in an out of centre location.

2 PROPOSAL:

- 2.1 This application is made under s73 of the Planning & Compensation Act, which gives applicants the opportunity to seek removal or variations to any condition placed on a planning permission. Having reviewed the permission granted, and considered the requirements of their current business plan Asda are proposing to vary the following conditions.
- 2.2 Condition 3, Approved Plans – Asda wish to submit revised plans which show an altered access point. This is required as they intend to keep the existing small Asda store open longer during the construction process and the access alterations should enable shopper and construction traffic to access the site safely. The alteration involves the shifting of the access point 2.4 to the north which shaves off a small area of the landscaped verge to the northern corner.
- 2.3 Condition 2, “The sale of comparison goods shall be no more than 340 sq m. The net sales area shall not exceed 1,903 sq m”. Asda wish to alter this to read “The sale of comparison goods to be no more than 747 sq m. The net sales area shall not exceed 2, 064 sq m. This is requested due to efficiencies in the use of floorspace within the store, and the provision of a 48 sq m outdoor trading area (the structure of which will be the subject of a separate application).
- 2.4 Condition 5, “The opening hours of the store shall be restricted to 0800 to 2300 Mondays to Saturdays and 1000 – 2200 on Sundays and Bank Holidays”. This is proposed to be amended to read “The opening hours of the store shall be restricted to 0600 Monday to 2400 Saturdays and 1000 to 2200 on Sundays and Bank Holidays”.
- 2.5 Condition 6, “There shall be no deliveries to the premises before 0700 or after 2300 on any day Monday to Saturdays, or before 0800 or after 2200 on Sundays or Bank Holidays”. This is proposed to be amended to read “The delivery hours of the store shall be restricted to 0600 to 2300 Monday to Saturday and 0700 to 2300 on Sundays and Bank Holidays”.
- 2.6 Condition 12, requires submission of sustainability information, Asda have submitted information to deal with part a) of this condition relating to BREEAM pre-assessment. This information suggests that Asda are on target to achieve a BREEAM Very Good rating on completion. The condition would be amended to reflect this.
- 2.7 Condition 13, requires contamination information. Again Asda have submitted information to deal with this condition and request that it be varied to ensure implementation of the agreed details.

3 SITE AND SURROUNDINGS:

- 3.1 The application relates to a site that is rectangular in shape and fronts onto Old Lane. To the northern boundary are a series of small single storey industrial units which are mostly vacant; beyond these is a cleared site which was formerly industrial. To the eastern edge the site has a wide grassed embankment with a number of trees on, some of which are protected. This embankment separates the site from Old Lane itself. The southern boundary is marked by a footpath, relatively wide which has been fenced to either side in the past, much of which is now missing. To the other side of the footpath is a residential property, and the footpath provides access through to a further residential estate. The western boundary however is formed by the edge of a small industrial estate.
- 3.2 Within the site are the small industrial units, an existing small Asda store (formerly Netto) and a cleared, previously industrial area. Most of the site is hardstanding, although this is in very poor condition, whilst the Asda store itself is a cheap construction that now looks very dated.

- 3.3 The site sits with residential properties to two sides and industrial (existing and cleared) to the other two sides. The area is predominantly residential though and of a dense suburban nature. There are some commercial premises in the area with a Post Office on Old Lane, and Beeston district centre at the northern end of Old Lane. The southern end of Old Lane is marked by the Tommy Wass junction with a small collection of shops.

4 RELEVANT PLANNING HISTORY:

Proposed Superstore

- 4.1 14/02462/RM – reserved matter application for appearance, landscaping, layout and scale following outline planning permission 11/04306/OT – this application is currently being considered by Officers and will be determined after the determination of this s73 application.
- 4.2 11/04306/OT – outline application to demolish existing buildings and erect retail food store with car parking, landscaping and access. Approved 20/12/13.

Existing Store

- 4.3 13/03074/EXT – extension of time application 10/02134/FU for a single storey side and rear extension to retail unit. Approved 23/08/13.
- 4.4 13/01355/FU – Variation of condition 7 of appeal approval 205304 to allow the store to receive deliveries from 0700 to 2300 Monday to Saturday and 0800 to 2200 Sundays and Bank Holidays. Approved 03/07/13.
- 4.5 Other applications relate to minor alterations to the store. Prior to becoming a food store the unit was a car showroom. The western portion of the application site was formerly used as a car maintenance depot whilst the single storey light industrial/warehouse units were built in the early 1980's. The change of use from a showroom to a store occurred via an allowed appeal, at the time the Inspector controlled delivery hours through a condition, however there were no restrictions placed on opening hours. The current store therefore has potential to open 24 hours if it wishes and is subjected only to legal trading restrictions.

5 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal to increase the floor area was discussed with Council Officers prior to submitting the application and advice was given regarding supporting information. Since obtaining outline permission Asda have provided regular updates regarding progress of reserved matters submissions.
- 5.2 Asda originally requested unrestricted opening hours i.e. 24 hour opening. Regular meetings have been held with Asda to negotiate on opening and delivery hours. Asda have also met with Ward Members regarding their proposals. Following the most recent reduction in requested opening and delivery hours Ward Members and the Beeston Community Forum were notified by email by the case officer.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 A major site notice was posted on 9th May 2014, the proposal was also advertised in the Yorkshire Evening Post, and previous commenters were notified by letter. Note all publicity was done on the basis of the request for 24 hour opening.
- 6.2 Cllr Congreve objects to any change to opening hours and delivery hours due to the detrimental impact of noise on residential amenity of residents living close by.
- 6.3 Cllr Ogilvie objects to any change in opening or delivery hours due to noise nuisance and detriment to neighbours.
- 6.4 Cllr Gabriel also objects to changes in opening and delivery hours.

- 6.5 Beeston Community Forum objects to the proposed changes to opening and delivery hours. The Forum originally lodged an objection to the outline planning permission and then sought assurances from Asda that the store would not open 24 hours a day and that there would be no deliveries between 11pm and 7am. The Forum were provided with such assurances by the representatives of Asda, and consequently the Forum withdrew their objection to the outline scheme. The Forum therefore note their disappointment in Asda going back on these assurances and object to 24 hour opening due to the location of the store in a residential area and the likelihood for noise and nuisance.
- 6.6 9 further letters of objection were received from local residents raising the following concerns:
- i) Impact on residents by virtue of noise and disturbance from customers comings and goings. *Addressed in appraisal section.*
 - ii) Impact on residents by virtue of noise from delivery vehicles. *Addressed in appraisal section.*
 - iii) Increase in anti-social behaviour due to late night visits to the store, extended selling of alcohol, and potential for litter etc. *Addressed in appraisal section.*
 - iv) Impact on house prices. *Not a material planning consideration.*
 - v) Damage to local businesses. *Addressed in appraisal section.*
 - vi) There is no need for a 24 hour facility as this is provided by White Rose. *Note Sainsbury's at White Rose is open 0800 to 1000 Mon to Sat and 1100 to 1700 on Sunday. White Rose itself is open for shopping 1000 to 2000 Mon to Fri, 0900 to 1900 Sat and 1100 to 1700 Sun.*
 - vii) Current disturbance from delivery vehicles for existing store which turn up at 5 a.m. Store Manager did not accept any responsibility. *Addressed in appraisal section.*
 - viii) Additional traffic will result from extended hours, thus impacting on pollution and congestion. *Addressed in appraisal section.*

7 CONSULTATIONS RESPONSES:

7.1 Statutory Consultees

7.2 Highways: The revised site access is acceptable and will not harm highway safety. The additional floorspace is also acceptable in terms of road and junction capacity. The revised opening and delivery hours are acceptable as they are outside peak network traffic times and therefore will have no detrimental impact on the local highway.

7.3 Non Statutory Consultees

7.4 Contamination: Additional information requested, no objections in principle though.

7.5 Local Plans: Comments regarding change to floorspace only – The variation will increase net floorpace by 163 sq m, however the gross increase is only 48 sq m, and consists of an outdoor trading area designed to sell seasonal goods. Other small changes to floorspace arise out of efficiencies achieved through the internal layout. The principal of a supermarket in this location has been established and the scale of changes proposed does not warrant a re-appraisal of the merits of the store. Whilst the change results in an increase in comparison sales floorspace there should be no adverse impact on vitality and viability of existing town centres due to the minor nature of the change.

7.6 Environmental Health: Initially raised objections due to concerns regarding impact on residents of extended opening and delivery hours. Following negotiations EHO

officers advise that they are happy for delivery hours to be extended to 0600 to 2300 subject to a limitation on the number of vehicles being only 2 between 0600 and 0700 and 2200 to 2300, and that a temporary permission is granted to enable assessment to be made. They are also reasonably comfortable with extending opening hours to 0600 to 2400 but would prefer 2300 hour closing.

8 PLANNING POLICIES:

8.1 Development Plan

8.2 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.

8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- T2 – New development and highway safety
- BD5 – General amenity issues.

8.4 The following DPD policies are also relevant:

- GENERAL POLICY1 – Presumption in favour of sustainable development.

8.5 Draft Core Strategy

8.6 The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at an advanced stage. .

8.7 The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. The Inspector's main modifications were published on the 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

- SP1 – Location of development in main urban areas on previously developed land.
- P8 – Sequential and Impact Assessments for Town Centre Uses – sets out that anything below 200 sq m does not require either a sequential or impact assessment.
- T2 – Accessibility.
- EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
- EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.
- ID2 – Planning obligations and developer contributions.

8.8 Supplementary Planning Documents

- Street Design Guide

8.9 National Planning Policy

8.10 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.

- 8.11 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.
- 8.12 Town and Country Planning Act 1990: Section 73 – Determination of applications to develop land without compliance with conditions previously attached. (2) On such an application the LPA shall consider only the question of the conditions subject to which planning permission should be granted and –
- i) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - ii) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 8.13 Paragraph 123 of the NPPF states that planning decisions should:
- i) Avoid noise from giving rise to significant adverse impacts on health and quality of life.
 - ii) Mitigate and reduce to a minimum other adverse impacts on health and quality of life.
 - iii) Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - iv) Identify and protect areas of tranquility.
- 8.14 Guidance in the NPPG states:
- i) Neither the Noise Policy Statement for England, nor the NPPF expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
 - ii) Decision making should consider –
 - Whether or not a significant adverse effect is occurring or likely to occur.
 - Whether or not an adverse effects is occurring or likely to occur.
 - Whether or not a good standard of amenity can be achieved.
 - iii) This should include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest adverse effect level for the given situation.
 - iv) Noise has no adverse effect so long as the exposure is such that it does not cause any change in behavior or attitude. Noise starts to have an adverse effect when it starts to cause small changes in behavior, such as having to turn up the volume on the television or speak more loudly. Consideration should then be given to mitigating against these effects. A significant adverse noise level causes a material change in behaviour, such as keeping windows closed

for most of the time, or avoiding certain activities during periods when noise is present. Appropriate mitigation should be taken such as altering design and layout of a scheme. Economic and social benefits should be taken into account but it is undesirable for such exposure to be caused. At the highest extreme noise causes sustained and extensive changes in behavior with no ability to mitigate. The impacts on health and quality of life are such that this situation should be prevented from occurring.

8.15 Noise Policy Statement for England (NPSE) March 2010, DEFRA

- Avoid significant adverse impacts on health and quality of life.
- Mitigate and minimise adverse impacts on health and quality of life.
- Contribute to improvement of health and quality of life through effective management and control of noise.

9 MAIN ISSUES

9.1 As the proposal is to vary conditions then these are the only matters that will be looked at:

- i) Change to approved plans.
- ii) Amendment to floorspace.
- iii) Amendment to opening hours.
- iv) Amendment to delivery hours.
- v) Other Conditions.

10 APPRAISAL

Change to Approved Plans.

- 10.1 Condition 3 of the outline planning permission requires that development is carried out in accordance with approved plans. As the application was made in outline, the approved plans include the red line, and the location of the proposed access point.
- 10.2 The applicants propose to amend the access point location, this will enable the existing store to continue trading for longer whilst construction of the new store commences. The result is the slight movement northwards of the access by approximately 2m. This can be achieved by a reduction in landscaping on the wide frontage verge section in the north east corner of the site, and by removal of a landscaped strip between car parking bays in the northern section of the site. The amendment does not result in additional parking spaces or in alterations to car parking layout or traffic flows around the site.
- 10.3 The site has a substantial strip of landscaping to the main road frontage, and consequently the movement of the access road is unlikely to result in any visual harm. Highways officers have assessed the alteration and the design raises no concerns regarding highway safety. The alteration does not affect the requirements for off-site highway works as required by the previous approval.
- 10.4 It is therefore considered that the changes can be viewed as a minor material amendment and that the revised plans can be substituted for the original approved plans.

Amendment to Floorspace

- 10.5 Condition 4 of the outline approval placed a restriction on the maximum net comparison sales area (340 sq m) and the total net sales area (1,903 sq m) of the store. This was imposed to ensure that the supermarket did not impact negatively on the vitality and viability of local businesses or the local centres at Beeston and Tommy Wass.

- 10.6 The applicants request an amendment to this so that the maximum net comparison sales area would be 747 sq m, and the total net sales area would be 2,064 sq m. This increase in the comparison sales area is achieved through the provision of a 48 sq m outdoor trade unit, an increase in net sales floor space of 113 sq m within the store, a reduction in convenience sales area (by 246 sq m) and internal layout efficiencies.
- 10.7 The outdoor trading area would be similar to a large trolley shelter in form, and would allow for the stocking and sale of bulkier goods associated with seasonal trades e.g. Christmas trees in winter, barbecue's in summer. The provision of these are being rolled out across a number of Asda stores in the Leeds area and nationally. The actual structure itself would be the subject of Reserved Matters application.
- 10.8 The internal changes and increase in floorspace are required for operational purposes. In considering the increase in floorspace it is necessary to assess whether this will result in any harm to the nearby town centres, as the store is located in an out of centre location.
- 10.9 Core Strategy policy P8 allows for gross floorspace extensions of up to 200 sq m without the need for further tests to be carried out. The increase in comparison goods sales is of some concern, however it is only a minor increase, and it is not considered to impact negatively on the vitality and viability of the existing town centres. There will also be no detrimental loss of convenience goods provision to local residents. There are therefore no policy objections to the alteration of this condition.

Amendment to Opening Hours

- 10.10 Condition 5 of the outline approval restricted opening hours to 0800 to 2300 Mondays to Saturdays and 1000 – 2200 Sundays and Bank Holidays. The applicants originally sought to vary this to allow for 24 hour opening on Mondays to Saturdays, and 0800 to 2200 on Sundays. Following negotiations the hours of opening are now proposed as 0600 to midnight, Mondays to Saturdays, and 0800 to 2200 Sundays (Sunday trading restrictions would apply). The applicants are keen to stress that this does not automatically mean the store will open these hours as this decision will be dependent on operational matters, however it gives the store flexibility to respond to customer, seasonal and operational demands.
- 10.11 The main potential impact will be on the amenity of nearby residents by virtue of noise and disturbance from customers – car noise, opening/closing of car doors, car radios, car alarms, chatter, trolley noise, and noise from the supermarket itself and associated plant. The applicant has submitted a noise assessment (by Acoustic Consultancy Partnership Ltd) which draws the following conclusions:
- i) Traffic activity on Old Lane was the dominant noise source, and there were occasional aircraft flyovers as well as distant traffic noise from the M621.
 - ii) The increase in noise levels as a result of car parking activity is considered to be negligible across the period of 2300 hours to 0800 hours (the most noise sensitive times).
 - iii) The highest predicted car parking noise levels would be below BS8233:1999/WHO guideline value and would be below or within the existing noise climate range.
 - iv) Due to negligible noise impact no mitigation measures are recommended.
- 10.12 The report was reviewed by Environmental Health Officers who raised some concerns about the methodology used, and the likelihood of complaints being received. The applicants have responded that the methodology used is an accepted method by both professional and other local authorities. Notwithstanding this they

have however agreed to withdraw the request for 24 hour opening, and to request an additional two hours in the mornings, and one additional hour in the evening.

- 10.13 The site sits on a busy road, and is bordered on the western side by industrial units. Currently the site is occupied by a smaller store, which has unrestricted opening times, and industrial units occupy the northern area. Most units in the area have hours of use restricted between 2000 and 0700, however most of the permissions are historical and it is not clear whether these are adhered to still. No records of noise complaints could be found for the site. The nearest property is 122 Old Lane which is 8m from the site to the south, whilst other properties to the south (on Waincliffe Crescent) are 16m away from the site boundary (to rear elevations). Properties on Waincliffe Square are 41m from the site boundary, and those on Old Lane are 16m away. The site will be surrounded by either landscaping or fencing, details of which are still to be determined via the reserved matters applications. Mitigation in the form of acoustic fencing could be required if necessary.
- 10.14 Given the existing context of the site, and surroundings, along with the existing high levels of background noise, then it is considered that the proposed extension to opening hours is unlikely to result in detrimental harm to residential amenity through noise and disturbance. However, as suggested by the EHO, it is recommended that the extended opening hours are granted for a temporary period of 2 years, commencing on the date that the store first opens, to allow any impacts in this respect to be monitored before deciding whether it is appropriate to allow the extended opening on a permanent basis.
- 10.15 Some objections have raised concerns regarding anti-social behaviour (ASB) – this could take the form of people congregating outside the store and being noisy, alcohol related ASB, mis-use of the car park area by vehicles, loud stereo systems being played etc. Longer opening hours may actually help to reduce such instances by making sure that there is a presence on site to deal with such incidences when they arise. It is noted that at present there is no gated access so such ASB can occur anyway. A delivery and operational management plan could address such issues.

Extension to delivery hours

- 10.16 Delivery hours were originally restricted to 0700 to 2200 and the applicants have asked for an additional hour in the morning to enable fresh goods to be delivered in time for store opening, this would include fresh baked products. Again a noise assessment looks at potential noises from this which includes the arrival of vehicles, unloading/loading and leaving of the vehicle. HGV's have potential to produce sudden, loud noises such as air brakes, reversing beepers, as well as producing more sustained noises particularly from chiller units.
- 10.17 The store is intended to be designed using a full docking bay, which would enclose the rear section of the trailer and enable goods to be unloaded within the warehouse section itself, rather than out in the open. This internalises the noise associated with this part of the procedure. The noise assessment recognises that the highest noise levels that can be predicted are marginally above the guidelines levels laid down by BS8233 and WHO, however the levels are within the range of noise levels that already exist. The conclusion is therefore that the noise will not be harmful and will not require mitigation.
- 10.18 Given that the intention is to ask for one additional hour in the morning, to enable fresh produce to be delivered, it is considered that this request would be acceptable and would be unlikely to lead to noise complaints. A condition requiring a delivery and operational management plan could seek to control the use of refrigerated vehicles, alarms etc. The EHO has requested that no more than two vehicles per hour visit during 0600 to 0700 and this, together with a condition requiring a delivery

management plan, are recommended. A temporary permission of two years is recommended to allow the store time to reach its maximum operational efficiency, establish routines and patterns, and then to allow these to be monitored for noise impact.

Other Conditions

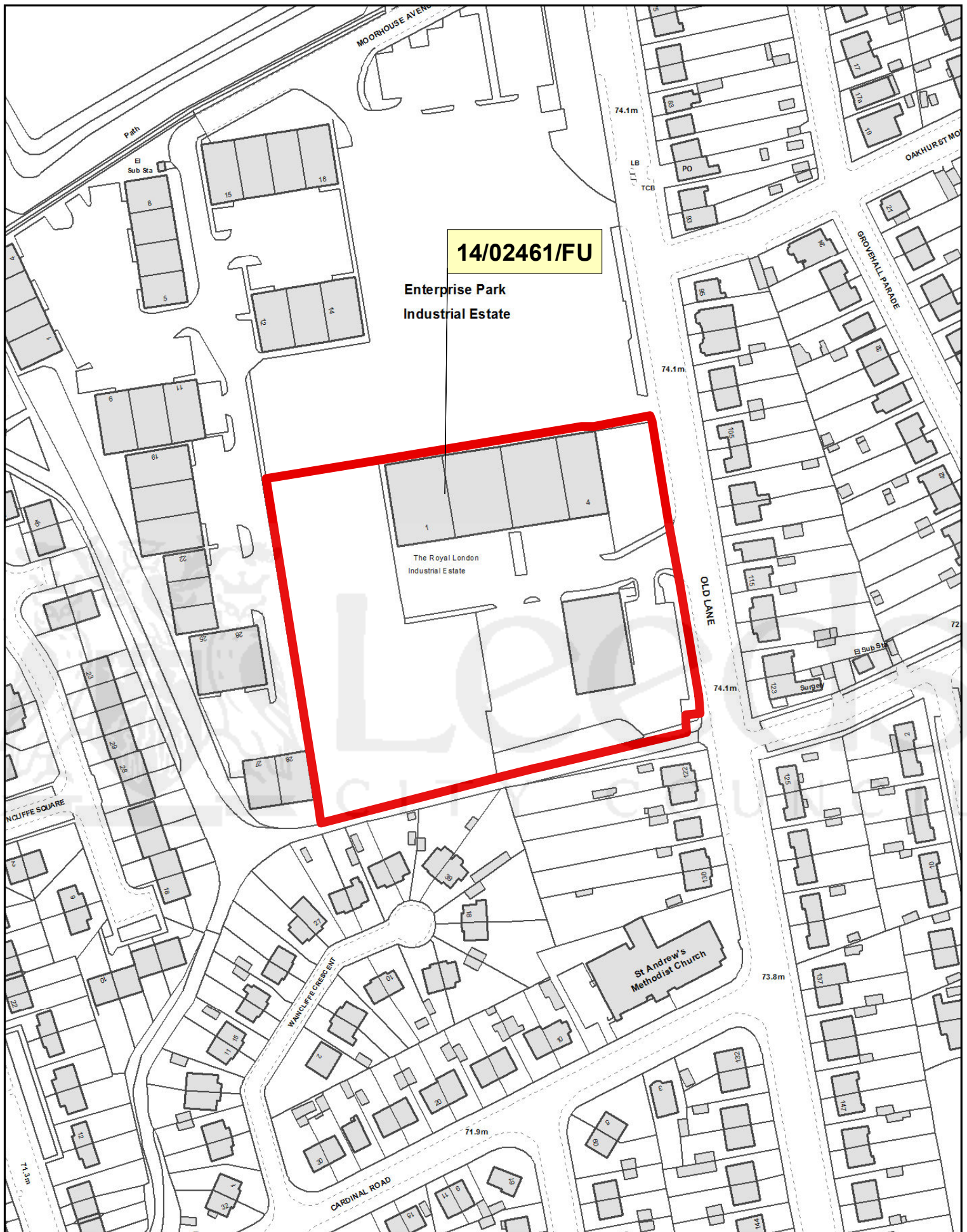
- 10.19 The applicant has submitted additional details regarding conditions that cover sustainable construction and land contamination. These raise no issues and would normally be covered by the discharge of condition procedure. However given that we have a s73 application in we can amend the relevant conditions to reflect any agreed details that have been submitted.

11 CONCLUSION

- 11.1 The proposed alterations to the site access and to conditions regarding contamination and sustainability raise no concerns. The issue of noise around extended opening and delivery has been of concern; however the applicant has listened to these concerns and has reduced the requested hours. The changes are brought about by a desire to provide flexibility for the Store Manager to operate in an efficient way, and it is likely that opening hours will reflect local demand rather than being a nationally dictated timetable. They also give some scope for additional opening hours at seasonally busy times such as Christmas and Easter. Asda have stressed that they are keen to ensure a good working relationship between the Store Manager and local residents and would encourage residents to take any concerns direct to them. Whilst this is acknowledged there is the opportunity for working practices to change in future, or for the site to pass into other hands, and it is considered therefore that a full 24 hour opening is not acceptable, but that the amended hours be recommended for approval.

Background Papers:

14/02461/FU



14/02461/FU

**Enterprise Park
Industrial Estate**

The Royal London
Industrial Estate

St Andrew's
Methodist Church

SOUTH AND WEST PLANS PANEL





Originator: Michael Howitt

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th September 2014

Subject: APPLICATION 14/03261/FU – Change of use of former allotment land to football pitch – Tingley Athletic Football Club, The Crescent, Tingley, WF3 2EG

APPLICANT

Tingley Athletic Football Club

DATE VALID

8th July 2014

TARGET DATE

2nd September 2014

Electoral Wards Affected: Ardsley and Robin Hood <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. Time limit
2. Plans to be approved
3. Details of specifications for construction and laying out of playing pitch (to reflect relevant Sport England advice) to be submitted.
4. Drainage scheme to be submitted

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (South and West) at the request of Ward Councillor Karen Renshaw as she considers that the proposal raises issues of concern with regard to highways and drainage of the site.

2.0 PROPOSAL:

- 2.1 The proposal is for the creation of a junior football pitch on an area that was previously allotments but that are now redundant apart from two plots that will remain. The application is supported by the Department of Parks and Countryside of Leeds City Council who has recently gained permission on Common Lane for new allotments that they confirm will offset the need in the area for such sites.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a sports ground consisting of a clubhouse, which is associated with a number of laid out sports pitches. The part of the site that is the subject of this application is an area to the South East of the site that was formerly used as allotments although it did not have any specific allocation for this use within the Leeds UDP. This part of the site is now greatly overgrown and unused. The main access to the site is from Casson Avenue. The site slopes gently from south to the north with various sections of hedging to all boundaries of the site. The site is located within the Green Belt and is bounded by residential properties to the East and South and open land to the West and North.

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.

07/03976/FU – Addition of glazed doors and roller shutter to club house. Approved August 2007.

06/06080/FU – amendment to previous approval 23/295/04/FU for laying out of sports pitches and detached clubhouse. Approved February 2006.

23/295/04/FU - laying out of sports pitches and detached clubhouse. Approved October 2004.

H23/327/89/ - laying out of car park and 3 playing pitches – Withdrawn November 1991.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There were no pre-application enquiries prior to the submission.

6.0 CONSULTATION RESPONSES:

Statutory Consultations:

- 6.1 Sport England – No objection but would require a condition to ensure pitch quality is achieved.

Non Statutory Consultations:

- 6.2 Highways – No objection. There is a car park providing 93 spaces, which is adequate for the existing and proposed development and the existing access is acceptable for the proposal.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice on 18 July 2014. 5 letters of objection have been received from this consultation.

- 7.2 The issues raised are

- a) There will be a lack of car parking provided.
- b) Casson Avenue is not wide enough for the traffic coming to and from the site.
- c) There have been flooding issues in the area to which this would add further problems.
- d) Trees and bushes have been removed from the site.
- e) There will be increased noise levels from the extra pitch.

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.

N32 and N33 Refer to development that is appropriate within the allocated Green Belt

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. Principle of Development
2. Highways
3. Residential Amenity
4. Drainage

10.0 **APPRAISAL:**

1. Principle of Development.

- 10.1 The locating of sports pitches is an appropriate form of development within the Green Belt. Planning policy N33 of the Leeds UDP states that essential facilities for outdoor sports are an appropriate use although this has been more recently altered by the wording in the National Planning Policy Framework that states that the facilities need only be appropriate. The site was formerly allotments that have been unused for some time, although the site was never allocated as N1A greenspace. However, even if the allotments had been allocated as such, policy N1A states that it is acceptable to change the use of allotments to uses for the purposes of

outdoor recreation and furthermore, the application is submitted with supporting documents for Leeds City Council Parks and Countryside Department stating that new allotment provision has recently been allocated at a site on Common Lane slightly to the North East of the existing site and as a result, it is considered that the proposal accords with both Green Belt and greenspace policy and is therefore acceptable in terms of principle.

2. Highways

- 10.2 A number of local residents have raised objections relating to access and parking issues, with the use being claimed to cause parking issues and access difficulties on Casson Avenue. The size of the car park has previously been increased to cater for the club's requirements, with 93 spaces now being provided within the site. Highways have considered the proposals in the light of the concerns raised, and have advised that the access arrangements and the amount of parking which currently exists within the site are adequate to cater for both the existing pitches and proposed pitch. Leeds City Council Traffic Management have been consulted, and have no record of overspill parking occurring as a result of the development at present.

In view of the amount of parking provided on site at present, highways do not consider that the proposed development of a smaller junior training/playing pitch would cause such a significant increase in parking demand as to cause additional overspill parking on nearby streets. The proposals are therefore considered acceptable in terms of access and highway safety.

3. Residential Amenity

- 10.3 The site is bounded on two sides by residential properties with the pitch being located nearer to some of those properties than the existing pitches. The use of the land as football pitches is not a use that would generate unusual or excessive amounts of noise, particularly when there are four other pitches on the site and they would not be used every day and so on balance it is considered that the use would be acceptable in terms of residential amenity.

4. Drainage.

- 10.4 No drainage details have been submitted with the application and whilst it is unlikely that creation of a further football pitch would dramatically affect the drainage within the local area, it is still considered that as part of any approval, a condition be added to ensure that a drainage scheme is submitted and approved, prior to any works commencing on the site to ensure no impact on the drainage of the surrounding area.

11.0 CONCLUSION:

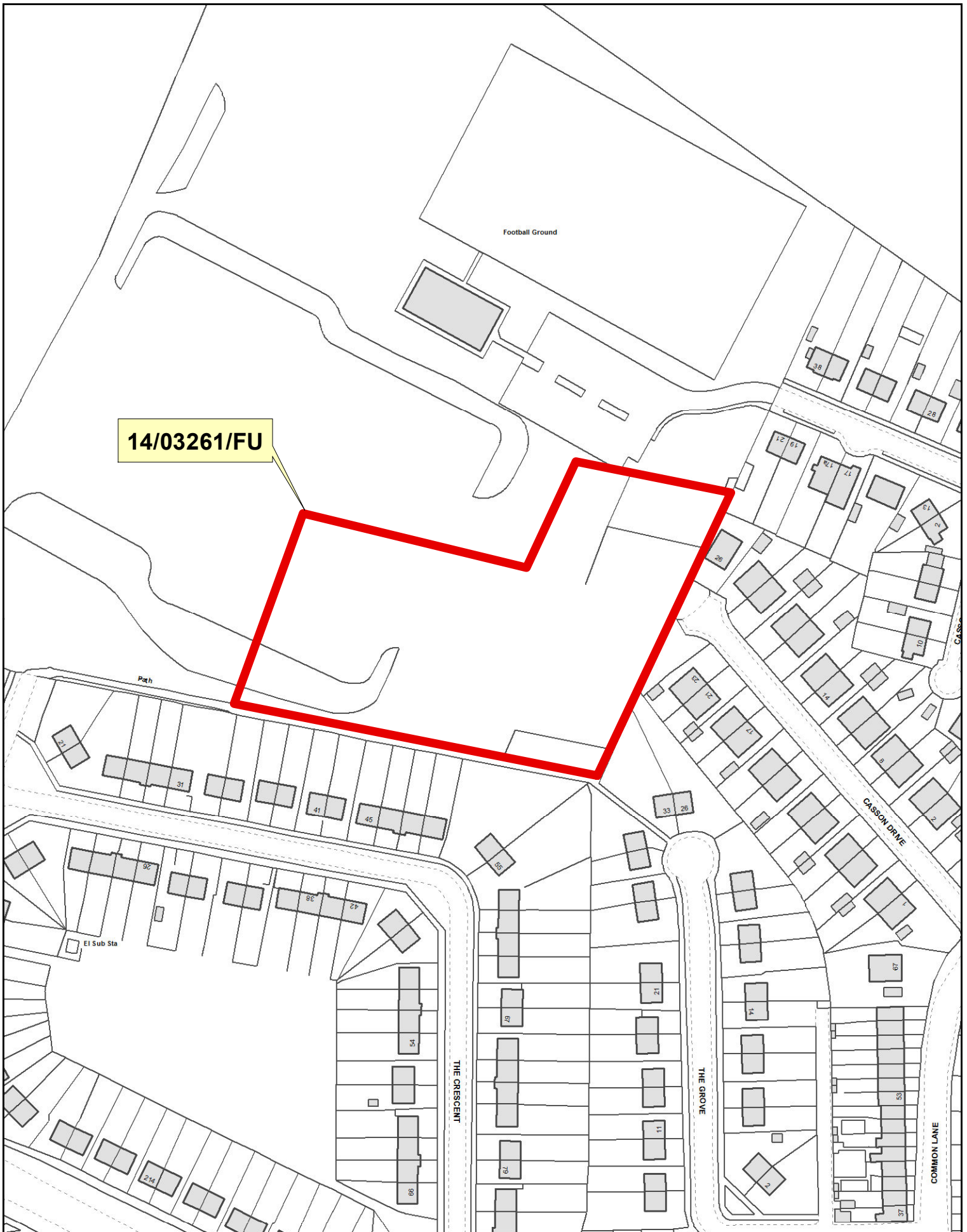
11.1 On balance, it is considered that as discussed above, the application is acceptable. The proposal complies with the relevant provisions of the Development Plan and there are no other material considerations that outweigh this finding.

Background Papers:

Application files 14/03261/FU

Certificate of ownership:

Signed as applicant



SOUTH AND WEST PLANS PANEL



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Originator: Mathias Franklin

Tel: 0113 24 77019

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: APPLICATION NUMBER 14/02073/OT: Outline planning application for amendments to the layout of extant planning permission 12/01236/FU to provide 50 Townhouses, 31 Apartments and 1 dwelling at Rose Court Lodge former Leeds Girls High School, Headingley Lane, Headingley

APPLICANT	DATE VALID	TARGET DATE
Stonebridge Homes	15.04.2014	15.07.2014

<p>Electoral Wards Affected:</p> <p>Headingley & Hyde Park and Woodhouse</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 completion of a Section 106 Agreement to be completed within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer and to cover: Affordable Housing (5% if built in accordance with interim policy), On site greenspace laying out and 10 year maintenance and off site contribution for equipped children’s play provision (£39,033.04), education contribution (primary £151,588.00 and Secondary £91,366.00) Public Transport Infrastructure contribution (£63,298), Travel planning measures (£39,425 for bus only metrocards or for other measures) and monitoring fee (£2500) and a bus stop contribution (£6000.00).

Conditions:

1. Outline Planning Permission granted for 3 years
2. Reserved matters to be submitted to cover External appearance and Landscaping. Development to commencement within 2 years of the date of approval of the last Reserved Matter.
3. Phasing plan and details including affordable housing plan and a timetable for implementation including restricting the rate of new build occupation to completion of the conversion of the Listed Building Rose Court.
5. Approved plans list including Design Code.

6. Development to be carried out in accordance with the design code guidance.
7. Sample of materials, walls, roofing, windows, doors, surfacing to be submitted and approved.
8. Natural slate to be used on all roofs and no uPVC to be used on any doors, or windows notwithstanding the information in the approved design code.
9. Boundary treatments to be approved. No close board fencing to be used on properties visible from public areas.
10. Survey of gate piers, steps and railings, and other features of interest and scheme for the retention and restoration of these to be submitted and implemented and the removal of existing timber fencing on Victoria Road frontage.
11. Levels plan to be submitted and approved showing existing and proposed and off site datum points; plus no change of levels within Root Protection Areas of all trees shown to be retained on the approved plans.
12. Landscaping scheme to be submitted to and approved in writing and then implemented in accordance with approved details and maintained thereafter.
13. Replacement tree planting scheme to be submitted and approved in writing including maintenance and management.
14. Protection of existing hedges, trees and shrubs not to be felled. No trees that are otherwise healthy to be felled along Headingley Lane except in the event of NGT being approved.
15. No change of levels within Root Protection Areas for lifetime of construction phase
16. Tree survey updated and approved prior to commencement of development
17. Pre-start meeting to agree protective fencing for tree scheme.
18. No mechanical dig technique scheme for western access road and around block 10 and block 9 and to be submitted and approved prior to commencement of development.
19. Submission of desk study, site investigation and remediation statements
20. Any unexpected contamination or where development cannot proceed in accordance with approved Remediation Statement notify LPA.
21. Works shall be carried out in accordance with approved Remediation Statement and the developer shall confirm on completion of works that the development has been carried out in accordance with the approved Remediation Statements.
22. Prior to the commencement of development details shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting (for species such as House Sparrow, Starling, Swift, Swallow and House Marten) opportunities to be provided within buildings and elsewhere on-site. The agreed Plan shall thereafter be implemented.
23. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
24. Replacement planting if trees die within 5 years of planting.
25. Demolition and construction including deliveries to and from the site should be restricted to 0800 hours until 1800 hours Monday to Friday and 0900 hours until 1300 on Saturdays with no operations on Sundays or Bank Holidays.
26. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.
27. Means of vehicular access to and from the site shall be as shown on the approved plan.
28. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).
29. The gradient of all drives shall not exceed 1 in 12.5 (8%).
30. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been

submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.

31. No vehicular access shall be taken from Headingley Lane.

32. Garages to be retained for the storage of motor vehicles

33. Details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the LPA.

34. All areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway.

35. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.

36. Development shall not commence until details of works comprising:

(i) a 'Residents Only' permit parking scheme on the highways within the development site;

(ii) the laying out of 2 'Car Club' parking spaces on the internal estate road and;

(iii) any necessary waiting restrictions on Victoria Road and Headingley Lane within the vicinity of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to the occupation of 10% of the dwellings.

37. The Area of on site public open space shall be laid out in accordance with the approved plan and the connections to the off site highway network shall be completed in accordance with a scheme to be approved by the LPA detailing the timing of implementation.

38. Removal of domestic PD Rights.

1.0 INTRODUCTION:

1.1 This application is brought to Panel for a determination. The application is in Outline with Access, siting and Scale applied for. The external appearance and Landscaping are matters reserved. Members will recall discussing this application in May 2014 when a Position Statement was presented. The amended Masterplan for the site is a consequence of additional widening of Headingley Lane proposed by the NGT scheme. The extant planning permission is based on NGT 'Design Freeze 6' plans which were the most update plans at that time. Since then as a result of consultation and further consideration of all road users there has been a requirement to amend the NGT design to accommodate wider footways and provide better cycling facilities. This change is shown in the 'Design Freeze 7' plans which were submitted with the Transport and Works Act application in September 2013. Also submitted as part of this application were Conservation Area Consent Applications to fully demolish the Lodge House and partially demolish the Stable Block, along with the setting back of the stone wall. A Listed Building Consent application was submitted to set back the wall in the vicinity of Rose Court. These applications have been called in by the Secretary of State and are being considered concurrently with the main TWA Order and deemed planning consent application.

1.2 Members of this Panel will recall they broadly welcomed the changes to the masterplan that provided more family dwellings with enlarged private gardens and reduced the number of apartments. The current outline planning application seeks consent for alterations to the approved layout of extant planning consent 12/01236/FU to allow a scheme to come forward that would work alongside the proposed NGT route that is currently the subject of a Transport and Works Act Order.

- 1.3 Leeds City Council and Metro are jointly promoting the Transport and Works Act Order for the implementation of the New Generation Transport (“the NGT”) system. The NGT system will take the form of a guided trolley bus that will provide a rapid transit system that will run from Holt Park to the North of the city centre, through Headingley and the city centre and will terminate at the south of the city at a new park and ride off junction 7 of the M621/M1. The proposed works along Headingley Lane will have a consequential impact upon the former Leeds Girls’ High School Site and would prevent the extant consents being brought forward as currently approved. An application for the TWAO was made to the Secretary of State in September 2013 and a Public Inquiry is ongoing.
- 1.4 In order to facilitate the construction of the NGT route the existing boundary wall along the north of the site will be realigned to the south which will have an impact upon the extant 2012 planning consent. In addition to the position of a new wall, a 2 metre maintenance zone will be required immediately adjacent to the wall. Should the works take place as currently proposed, this would prevent the extant permission being implemented in accordance with the approved layout. The current application therefore requires the demolition of the existing stone stables building and the red brick lodge house located in the north west corner of the site. Several high quality trees located against the boundary with Headingley Lane are also required to be removed to facilitate the NGT route.

2.0 PROPOSAL:

- 2.1 The main changes between the current application and the previous application which was approved in 2012 are:
- 2.2 The current application would see the existing stone two storey stable block located behind the Main School building demolished. The existing two storey brick lodge house located adjacent to the Headingley Lane access would also be demolished. The proposed 4 storey extension to the rear of the Main School Building has been omitted. The proposed two storey ‘garden’ house building located in the South East corner of the site in the sunken Rose Garden has also been omitted.
- 2.3 The façade of the main school building will be retained and 19 new apartments will be constructed behind the retained shell of the building. Only the southern elevation and flanks will be retained with a new build rear elevation and internal layout.
- 2.4 The proposed units in the Lodge and stable block will be relocated within a new block running parallel to the north elevation of the main school building, which are identified as blocks 1 and 4 on the indicative masterplan.
- 2.5 It is proposed to rotate block 8 by 90° so that the ridge of the buildings runs north to south rather than east to west.
- 2.6 The application now proposes the following mix of dwellings:
- 50 Townhouses;
 - 19 Apartments; and
 - 1 dwelling at Rose Court Lodge.
- 2.7 In total there would be 94 units built on site if the current application and the 12 apartments in Rose Court are combined. The current application involves less flats and more houses. Overall there are 12 fewer apartments and 1 less dwellinghouse proposed on site than was approved in 2012.

2.8 There will be no alterations to the scheme to the south of the main school building as this area is not affected by the proposed NGT route.

3.0 SITE AND SURROUNDINGS:

3.1 The main school site is a 2.44 hectare site located off Headingley Lane. The site is triangular in shape with Headingley Lane to the north east, Victoria Road to the south and Headingley Business Park to the west. The site is within the Headingley Conservation Area and there are two listed buildings within the school site: Rose Court and the Lodge building (outside the planning application site)

3.2 The site is located in a predominantly residential area with densely populated areas directly to the north east, south and south west. To the west of the site is Headingley Business Park and to the south east, Hyde Park.

3.3 The main school building is a 3 - 4 storey red brick building which has undergone a number of structural alterations and extensions to facilitate the growth of the school. The building is located on the north western part of the site facing Victoria Road to the south. Views of the building from Headingley Lane are obscured due to the topography and boundary treatment, whilst views from the south are interrupted by mature trees. The building is not listed but is a good quality building in the conservation area that makes a positive contribution towards the local character and appearance of this part of the Headingley Conservation Area.

3.4 Within the site are Rose Court and Rose Court Lodge, both listed buildings located to the eastern end of the site. Rose Court is set to the north eastern part of the site with landscaping to the front, whilst the Lodge is located in the south east corner of the site, adjacent to Victoria Road. Both buildings are built out of natural stone and have timber framed windows and doors and natural slate roofs.

3.5 The site also includes amenity areas constituting open space and tennis courts to the front of the main school building and car parking to the south of the site. The site also includes a large variety of mature trees both within the site and on the boundaries.

3.6 The site currently has two main access points, from Victoria Road to the south east corner of the site, adjacent to the Lodge and one to the North West directly onto Headingley Lane.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning history on the site is considered relevant:-

08/04220/LI & 08/04219/FU - Listed Building application for alterations and change of use of Rose Court to form 12 flats. Approved 2010.

July 2011: A public Inquiry was held following the refusal of Outline planning permission for residential development and also refusal of the change of use and extension of the Main school buildings and conversion of the stable block to apartments and dwellings. In total 5 applications were heard at appeal. 3 were

allowed and 2 were dismissed. The Conversion of Rose Court and associated Listed Building application along with the Conservation Area Consent application were all allowed. The Outline application and the change of use of the Main School Building were both dismissed. The Appeal established the established the principle of development on the former tennis courts and netball pitches.

12/01236/FU - Outline planning application including layout, scale and means of access for 48 dwellings (C3 Use Class) and full application for conversion and extension of the main school building and stable block to form 36 dwellings (C3 Use Class). Approved 2012.

14/02915/LI Listed Building Application for the conversion of Rose Court to form 12No. apartments & 14/02914/FU- Conversion of Rose Court to form 12No. apartments. Recommended for approval under delegated powers subject to the completion of a Section 106 agreement.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The landowner had previously held community consultation events on the 2012 approved application. There has been no formal community consultation on the current application but the landowner has met with officers prior to the submission of the application to discuss the changes required in order to accommodate the extra land required by NGT.

6.0 PUBLIC/LOCAL RESPONSE AND CONSULTATIONS:

6.1 The application has been advertised via a site notice and an advert in the local newspaper. There have been no representations received to the publicity of this application.

6.2 Environment Agency: No objection subject to a LCC Drainage being satisfied with the drainage proposals.

6.3 Mains Drainage: No objection subject to conditions to deal with surface water drainage to take account of the present requirements of the council and the guidelines of the SUDS Manual C697.

6.4 Highways: The proposals involve amendments to a previously approved layout in order to accommodate the revised requirements of the proposed NGT route. The changes result in a revised mix of house types involving a reworking of the layout along the northern edge of the site. The revised plans dated 7th August 2014 address Highways outstanding concerns, blocks 7 and 8 have been separated to 10m as requested and the parking space on the southern side of block 8 has been rotated to be parallel to the block.

6.5 Sport England: As this application only seeks to amend the layout of extant permission 12/01236/FU, Sport England has no comments to make.

7.0 PLANNING POLICIES:

7.1 The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.

7.2 Within the adopted UDP Review (Sept 2006):

- SA1 Securing the highest environmental quality.
- SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
- GP5: General planning considerations.
- GP7: Guides the use of planning obligations.
- GP9: Promotes community involvement during the pre-application stages.
- BD5: Consideration to be given to amenity in design of new buildings.
- H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- H3: Delivery of housing land release.
- H4: Residential development on non-allocated sites.
- H11, H12 and H13 Affordable Housing.
- H15, Area of Housing Mix
- LD1: Criteria for landscape design.
- N2 and N4: Provision of green space in relation to new residential developments
- N3; Priority given to improving greenspace within the priority residential areas identified.
- N6 Protected Playing Pitches.
- N12: Development proposals to respect fundamental priorities for urban design.
- N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.
- N14 to N22: Listed buildings and conservation areas.
- N19, Conservation Area assessment
- N23: Incidental open space around new built development.
- N38B and N39A: set out the requirement for a Flood Risk Assessment.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T15: Improving vehicle accessibility.
- T24: Requires parking provision to reflect detailed guidelines.

7.3 Supplementary Planning Guidance

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11:Section 106 Contributions for School Provision;
- SPG13: Neighbourhoods for Living;
- SPD Public transport improvements and developer contributions;
- Street design guide SPD, and
- Travel plans SPD (Draft).
- Headingley and Hyde Park NDS
- Headingley Hill, Hyde Park and Woodhouse Conservation Area Appraisal which states as the opportunities for enhancement:

'The key opportunity for enhancement is the reuse of the Leeds Girls High School site by the retention of the original main school building and other 'positive' buildings and features and the removal of unsympathetic 20th century buildings. The restoration of the garden setting of Rose Court, sympathetic new build in a landscape setting retaining existing trees and open views to Victoria Road and Cuthbert Broderick's United Reformed Church on Headingley Lane, together with

public access linking Headingley Lane with Victoria Road, should be key elements of any proposed scheme’.

7.4 Government Guidance

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 204 refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

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

7.5 Paragraphs 69 and 74 deal with matters relating to health and well being and existing recreation facilities. Paragraph 74 states that: 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 requirements; 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.

Paragraph 75 promotes creating new accesses and rights of way and also seeks to enhance existing rights of way.

Emerging Core Strategy

7.6 The Main Modifications Publication draft of the emerging Core Strategy has completed a period of public consultation. The Examination in Public hearings into Gypsy and Traveler’s accommodation and Affordable Housing was held in May 2014. Given the position of the emerging Core Strategy in the adoption process significant weight can be attached to the relevant policies identified below.

7.7 Draft Policy P11 refers to the need to preserve and enhance the historic environment. Enabling development may be supported in the vicinity of Listed Buildings and in Conservation Area where linked to the refurbishment or repair of heritage assets. This could be secured by planning condition or planning obligation.

7.8 Draft Policy H2: New Housing Development on Non Allocated sites will be acceptable subject to sustainability criteria

- 7.9 Draft Policy H3: Housing Density should be 40 dwellings per hectare, however in Conservation Areas consideration will be given to prevailing character and appearance.
- 7.10 Draft Policy H4: Housing Mix. Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.
- 7.11 Draft Policy H5: Affordable Housing.

8.0 MAIN ISSUE:

- 8.1 Principle of the development
- 8.2 Masterplan Layout Changes;
- 8.3 The impact on the character and appearance of the conservation and the setting of the listed building Rose Court;
- 8.4 Residential amenity considerations
- 8.5 Impact upon highway network
- 8.6 Greenspace /Landscaping
- 8.7 The S106 package; and
- 8.8 Conclusion

9.0 APPRAISAL:

Principle of the development

- 9.1 The context for establishing the principle of the development was set out in detail during the previous planning applications and the principle was established when the application 12/01236/FU was granted Outline planning permission for the redevelopment of the site. This application is for amendments to the 2012 approved scheme. The changes to the 2012 masterplan only relate to land north of the Main School building. There are no changes to the masterplan on the land designated as protected playing pitches. Accordingly this appraisal only relates to the changes that are proposed.
- 9.2 The application site lies within the Headingley Conservation Area and has an N6 designation within the UDP Review (2006).

Masterplan Layout Changes

- 9.3 Overall the masterplan is considered to have developed to a form that is acceptable. The changes are required in order to facilitate the NGT land requirements. The removal of 12 flats and the creation of more townhouses which are suitable for family occupation is considered a positive outcome.

The impact on the character and appearance of the conservation and the setting of the listed building Rose Court

- 9.4 The development has been assessed against the criteria of the National Planning Policy Framework Paragraph 131 which refers to the requirement of Local Planning Authorities to take account of:

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

9.5 There is a legal requirement to pay special regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area. The demolition of the entrance lodge and the coach house fronting onto Headingley Hill is harmful to the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area, but the harm is “less than substantial”. This is due to the buildings not being of the highest quality and also due to the buildings being located behind the existing boundary wall and set down from wider views. Where development will lead to less than substantial harm to the significance of a designated asset, the NPPF requires that this harm should be weighed against the public benefit of the proposal, including the securing the optimum viable use. The amended proposal will allow widening of Headingley Lane to enable a cycle lane to be incorporated into the NGT scheme which will deliver public benefit which will outweigh the harm to the conservation area. Widening on the south side is preferable to widening on the north side which will have a greater impact on the conservation area and listed buildings. The planning application to effectively renew the planning permission to convert Rose Court into 12 apartments has been recommended for approval under delegated powers as there are no changes to the previous permission for Rose Court. A planning condition has now been proposed in to accord with Policy N14 of the adopted Leeds UDP and also in light of the emergence of Policy P11 of the draft Core Strategy to restrict the rate of new build occupation to ensure that the conversion works to the listed building are complete. This is in order to safeguard long term interest of the listed building. The applicant own both the Main School site and Rose Court and are committed to bringing this site forward in a holistic manner. A Planning Condition to cover the phasing of the development will provide clarity as to the build out phasing of the site including when Rose Court will be brought forward for conversion to apartments.

Residential amenity considerations

9.6 The proposed changes to the masterplan will result in more family suitable housing. The houses have larger gardens than those of the 2012 approved scheme which is an improvement over the extant masterplan. The relationship of the majority of the new build blocks to each other is considered acceptable and will maintain sufficient space about the dwellings to provide a good level of light and outlook and privacy. Only block 8 will have a reduced level of privacy in comparison to its neighbours, this is due to its relationship to the side of Rose Court. The distance from the rear of block 8 to the proposed apartments in Rose Court is likely to lead to some potential over looking and a reduction in levels of privacy for future occupiers. Although this relationship is a departure from the guidance in Neighbourhoods for Living, in this instance there are acceptable reasons for this departure, namely providing a good masterplan layout to improve the garden areas for the houses over the extant 2012 permission. The future occupiers will also be aware of the relationship of the houses to Rose Court prior to purchasing their properties. It is also proposed to ensure that obscure glazing is used in the windows on the side elevation of Rose Court, whether in part or for the whole window opening to reduce the perception of overlooking. The detail of the layout of the houses is a Reserved Matter but it is considered overall there is sufficient space and outlook to achieve a good level of light and amenity for the future occupiers. The occupiers of the flats within the Main School building will also have a good level of light and outlook along with access to on site on space areas.

Impact upon the highway network

- 9.7 The site is in a highly sustainable location, a low level of car parking ratio has already been established by the previous 2012 approved scheme. The applicant has amended the plans to ensure that the car parking spaces allocated to each of the units is fit for purpose and the manoeuvring space required to gain entry to each space has been checked and is acceptable.
- 9.8 The proposed internal footpaths and cycle routes are considered positive and should create a site that is integrated within the existing community and should promote sustainable forms of travel and add to local permeability.

Greenspace /Landscaping:

- 9.9 The proposed layout is designed to create two areas of public open space within the site that can be enjoyed by both future occupiers and existing local residents. The larger area in front of the listed building Rose Court helps contribute to its setting and retains the sylvan setting which the Planning Inspector referred to in his report. The areas are both sufficient in quality and size to accord with the policy requirements for delivering public open space within residential development sites and is envisaged they will make a positive contribution to the character and appearance of this part of the Headingley Conservation Area. There are no changes to this element of the scheme from that already approved by the 2012 planning permission. The application assumes that NGT Trolley bus will be implemented. This is by no means certain. There is a public inquiry underway at present which will decide the fate of the Trolley Bus scheme. It will be some time before the outcome is known. At the Panel in May Members discussed the impacts on the existing trees arising from the development. The masterplan has been revised to remove one unit from the end of block 4 closest to tree T74 in order to provide sufficient separation distance to this tree which will be retained unless NGT is delivered. Blocks 6 and 7 were also revised to improve the relationship to T75 also adjacent to Headingley Lane in order to ensure this tree could be retained unless NGT was delivered. In total there are 7 high quality trees visible from Headingley Lane that are required to be felled to make way for NGT, it is considered that a planning condition can suitably cover this eventuality and ensure the trees are protected during construction and once the development is occupied until a time that NGT gets approval.

The proposed Section 106 package will include:

- 9.10 Affordable Housing: 5% of the total number of dwellings with a mix of property types and size subject to the development commencing in accordance with the interim affordable housing policy otherwise the development will provide affordable housing in line with the policy requirements at that time. All affordable housing should be sub-market tenure. On the previous application Members supported in principle that the Affordable housing contribution could be taken as a commuted sum and spent off-site to buy vacant HMOs in the locality and return them to affordable housing.
- 9.11 A package of travel planning measures similar in scope to those agreed during the 2012 application are likely to be agreed as part of this scheme. They included, bus stop improvements and a contribution towards public transport infrastructure. There will be Education contributions for primary and secondary school.

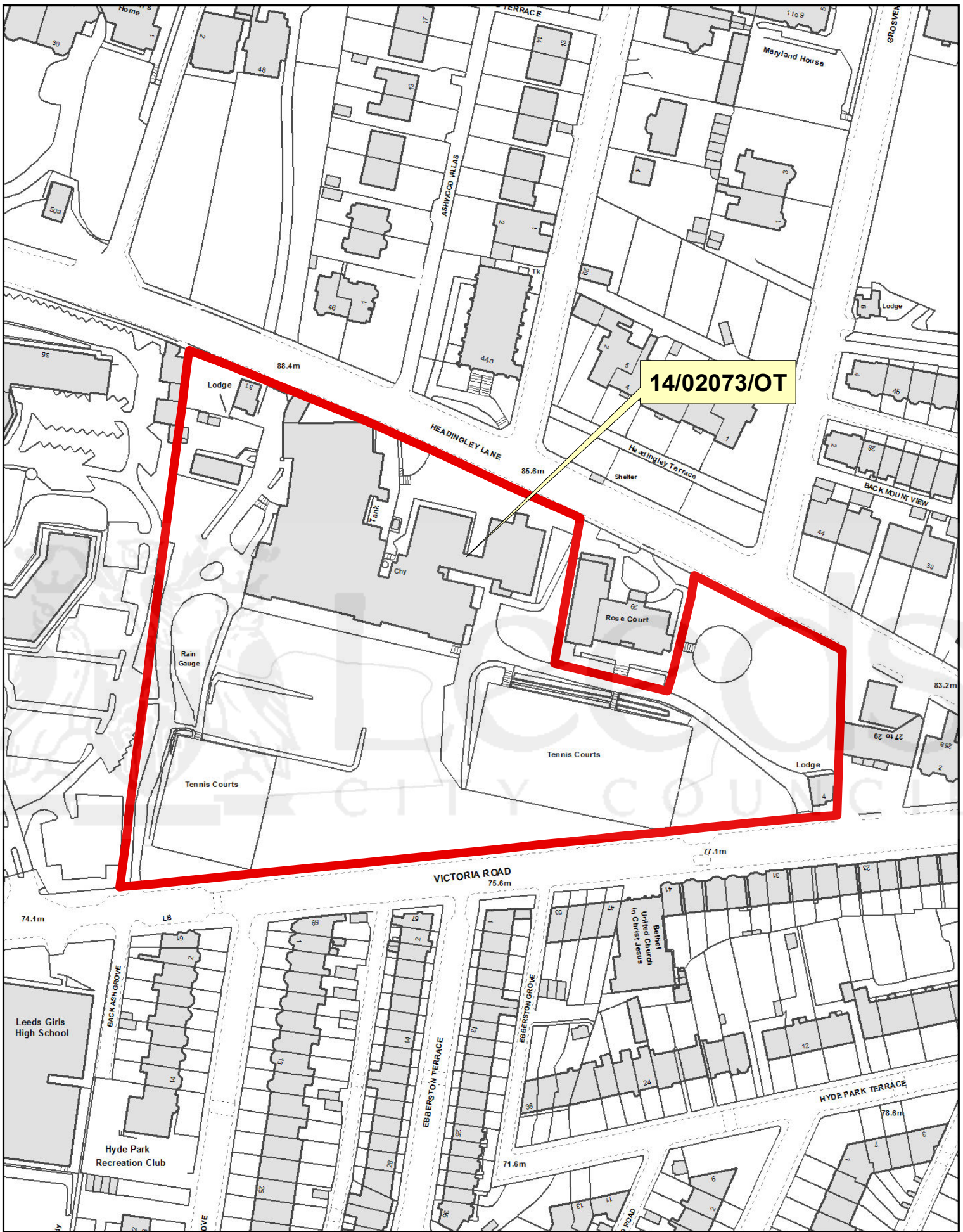
- 9.12 There will be a contribution towards equipped children's play provision. The contribution towards school places has been calculated and provided in the recommendation box.

Conclusion

- 9.13 Overall the revised masterplan is considered to be a well designed and considered redevelopment of the site. The increase in the number of family houses and the improvement to the garden sizes of these units is an improvement from the 2012 masterplan. The retention of the facade of the Main School building and its conversion and extension to form 19 flats represents a positive benefit to the character and appearance of this part of the Headingley Conservation Area. The demolition of the two existing buildings to facilitate NGT is on balance acceptable and the harm arising from their demolition is outweighed by the wider benefits of bring forward NGT and also the wider site's redevelopment. The good trees along Headingley Lane will have to be removed should NGT be approved but until that is determined a planning condition will ensure they are retained which will ensure they continue to make a positive contribution to the character of the area and the street scene. Overall having special regard to the desirability of preserving or enhancing the heritage asset including the setting of the listed building, Rose Court, this scheme is considered to achieve that outcome. Once complete and the site appropriately landscaped the scheme should provide a positive enhancement to the character and appearance of the Headingley Conservation Area.

Background Papers:

Site history files



SOUTH AND WEST PLANS PANEL



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Originator: Mathias Franklin
Tel: 0113 2477019

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th September 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	08.09.2014

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 approve an extension of 6 weeks to the time period given for the completion of the Section 106 Agreement to accord with the Plans Panel South and West Resolution of the 3rd April 2014 meeting.

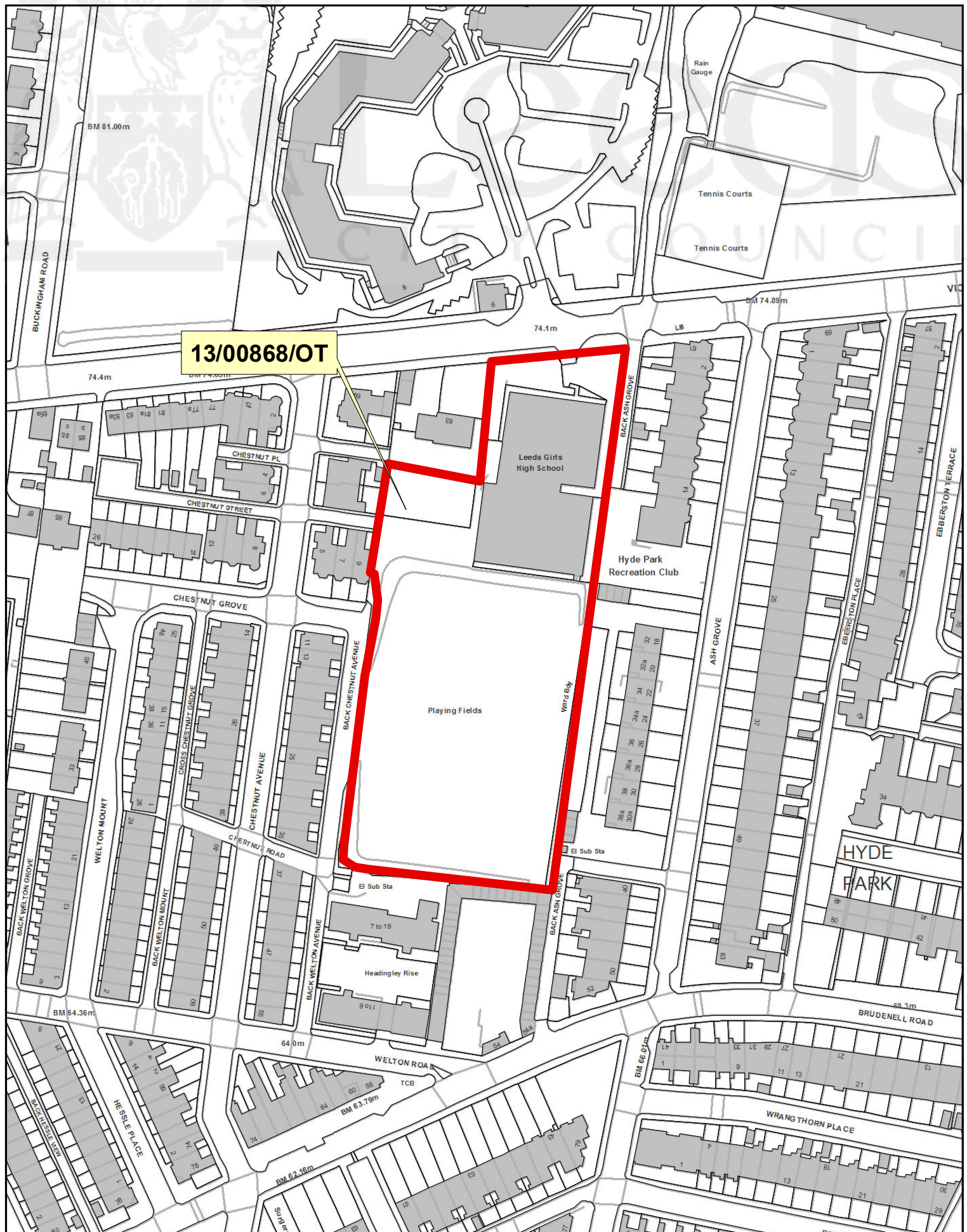
1.0 INTRODUCTION

- 1.1 Members will recall that at the Plans Panel South and West meeting of April 2014 that they resolved to defer and delegate approval of the application to the Chief Planning Officer subject to the completion of a Section 106 Agreement to cover matters including affordable housing, metrocards greenspace and play equipment. This agreement is nearing completion but the resolution from April Panel giving 3 months for this Section 106 Agreement to be completed has now expired. Officers are requesting Members extend the prior for completion by a further 6 weeks in order for the aims of the resolution of Panel to be achieved and planning permission granted thereafter.
- 1.2 The drafting of the Section 106 is largely complete the outstanding matter still to be resolved before the Legal Agreement can be completed and then the Decision Notice issued for the Outline Planning Permission relates to the signatories to the

agreement. It is anticipated this matter will likely be resolved within 2-3 weeks but in order to prevent a need to return to Panel should this be delayed further a period of 6 weeks to allow this matter to be resolved seems appropriate

Background Papers:

Previous South and West Plans Panel reports from April 2014, October 2013 and December 2013



SOUTH AND WEST PLANS PANEL



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