



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall on
Thursday, 2nd October, 2014 at 1.30 pm

MEMBERSHIP

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

J Bentley

A Castle
R Wood

R Finnigan

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>CONFIDENTIAL AND EXEMPT ITEMS</p> <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>	

2

EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

- 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.
- 2 To consider whether or not to accept the officers recommendation in respect of the above information.
- 3 If so, to formally pass the following resolution:-

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:-

No exempt items or information have been identified on the agenda

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration

(The special circumstances shall be specified in the minutes)

4

DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.

5		APOLOGIES FOR ABSENCE	
6		MINUTES To approve the minutes of the South and West Plans Panel held on 4 th September 2014. (minutes attached)	5 - 14
7	Pudsey	APPLICATION 14/02088/FU - FORMER BELL BROS, GREEN LANE, PUDSEY, LS28 To consider the report of the Chief Planning Officer on an application for the erection of 14 dwellings, laying out of access road and associated works off site road improvements to vehicular/pedestrian access. (report attached)	15 - 26
8	Morley South	APPLICATION 14/01886/RM - LAND AT OWLERS FARM, WIDE LANE, MORLEY To consider the report of the Chief Planning Officer on a reserved matters application for the construction of 117 dwellings with associated car parking and landscaping. (report attached)	27 - 40
9	Morley North	APPLICATION 14/01004/FU - 23 BRADFORD ROAD, GILDERSOME, MORLEY, LS27 7HW To consider the report of the Chief Planning Officer on an application for the change of use of former industrial unit to form storage and maintenance of vehicles and plant, offices and associated parking and access. (report attached)	41 - 50

10	Beeston and Holbeck	10.4(3)	<p>APPLICATION 14/01554/FU - CITY VIEW, KIRK BEESTON CLOSE, BEESTON</p> <p>To consider the report of the Chief Planning Officer on an application for the removal of conditions 24 and 25 of previous approval 06/01940/FU relating to greenspace provision and affordable housing.</p> <p>(report attached)</p>	51 - 64
11	Rothwell		<p>APPLICATION 14/01474/RM - LAND AT ROYDS LANE, ROTHWELL, LS26 0BH</p> <p>To consider the report of the Chief Planning Officer on a reserved matters application for 90 houses.</p> <p>(report attached)</p>	65 - 86
12	Horsforth		<p>APPLICATION 14/03987/FU & 14/03988/LI - CORN MILL VIEW, LOW LANE, HORSFORTH, LS18 5NJ</p> <p>To consider the report of the Chief Planning Officer on an application for the demolition of former corn mill building and erection of two storey offices and a listed building application to demolish former corn mill building.</p> <p>(report attached)</p>	87 - 106
13	Horsforth		<p>APPLICATION 14/01523/FU - HORSFORTH MILL, LOW LANE, HORSFORTH, LS18 4DF</p> <p>To consider the report of the Chief Planning Officer on an application for alterations and five storey extension to mill to form 84 flats with undercroft parking, one detached 3 and 2 storey block to form 5 flats, demolition of existing buildings, associated access, car parking and landscaping.</p> <p>(report attached)</p>	107 - 128

To consider the report of the Chief Planning Officer on a reserved matters application for residential development comprising of C2 (residential institution).

(report attached)

Third Party Recording

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

Use of Recordings by Third Parties– code of practice

- 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.

CONFIDENTIAL AND EXEMPT ITEMS

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

9.0 Confidential information – requirement to exclude public access

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

9.2 Confidential information means

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

10.0 Exempt information – discretion to exclude public access

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

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

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

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

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

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.

- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

To:

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

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: SV letter 02 10 2014
24 September 2014

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 2ND OCTOBER 2014

Prior to the next meeting of the South and West Plans Panel on Thursday 2nd October 2014, there will be five site visits in respect of the following;

- 1 On site 09.20 **Application 14/04075/RM** – Reserved matters application for residential development at Haworth Court, Chapel Lane, Yeadon, Leeds – Leave 09.40 (if travelling independently meet on frontage of site facing onto Chapel Lane).
- 2 On site 09.55 **Application 14/01523/FU** – Full application for residential conversion, demolition and new build to form 89 residential flats at Horsforth Mills, Low Lane, Horsforth – Leave 10.15 (if travelling independently meet on frontage of site facing onto Low Lane near Mini Roundabout).
- 3 On site 10.20 **Application 14/03987/FU** – Demolition of former corn mill building and erection of two storey offices and **Application 14/03988/LI** – Listed building application to demolish former corn mill building at Corn Mill View, Low Lane, Horsforth - Leave 10.30 (if travelling independently meet on frontage of site facing onto Cornmill View).
- 4 On site 10.50 **Application 14/02088/FU** - Erection of 14 dwellings, laying out of access road and associated works, off site road improvements to vehicular/pedestrian access, Former Bell Bros, Green Lane, Pudsey – Leave 11.05 (if travelling independently meet on frontage of site off Green Lane)

P T O

- 5 On site 11.25 **Application 14/01004/FU** - Change of use of former industrial unit to form storage and maintenance of vehicles and plant , associated offices , parking and access, 23 Bradford Road, Gildersome – Leave 11.45 (if travelling independently meet on frontage of site off Bradford Road)

Return to Civic Hall at 12.00 noon approximately

A minibus will leave the Civic Hall at 8:55 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 8:50 am

Panel will commence in the Civic Hall at **1.30pm**

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 4TH SEPTEMBER, 2014

PRESENT: Councillor M Rafique in the Chair

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

16 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

17 Late Items

There were no formal late items, however the Panel was in receipt of additional plans in respect of application 12/04737/FU – Land rear of Sandon Mount/Sandon Grove, which had been tabled by the Chief Planning Officer (minute 22 refers)

18 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however, Councillor Castle and Councillor Wood brought to the Panel's attention that they knew the applicant of application 14/03592/FU – 15 Woodhall Park Crescent East LS28 (minute 24 refers)

Councillor Leadley also brought to the Panel's attention in respect of application 12/04737/FU – Sandon Mount/Sandon Grove LS10, that he was the Chairman of the Lee Fair Committee which organised the country's oldest chartered fair (minute 22 refers)

19 Apologies for Absence

Apologies for absence were received from Councillor Finnigan, with Councillor Leadley substituting for him

20 Minutes

RESOLVED - That the minutes of the South and West Plans Panel meeting held on 31st July 2014 be approved

21 Application 14/02399/RM - Land at Fleet Lane, Oulton, LS26

The Panel's Lead Officer sought Members' approval to withdraw the report in respect of land at Fleet Lane Oulton – application 14/02399/RM, to enable Officers to have further discussions with Ward Members and Oulton Civic Society about elements of the scheme. The applicant had indicated they were content with this proposal and Officers hoped that following the discussions, approval of the scheme could be deferred and delegated to the Chief Planning Officer

RESOLVED - That the report be withdrawn from the agenda

22 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 - Land rear of Sandon Mount, Sandon Grove, Hunslet

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

The Chief Planning Officer presented the report which related to the use of a site, designated for allotment purposes in the 2006 UDP Review, for the one permanent mobile home, utility block, three temporary pitches and associated hardstanding on a site to the rear of Sandon Mount Hunslet LS10

Members were informed that the caravan would be sited adjacent to the motorway embankment and that there were concerns about the level of noise which would be experienced by the occupier. Furthermore, the nature of the caravans would not lend itself to suitable noise mitigation and that the approval of a previous housing development close by had included specific noise mitigation measures

The lack of greenspace of all types in the area was also outlined

The context of the application in respect of policy H7 of the Core Strategy Draft Site Allocations plans for the Inner South Area had been revised in response to comments by the Inspector was outlined together with details of the work undertaken by the Council to bring forward more traveller sites; the application for an extension to the Cottingley Springs site, which was currently with the Secretary of State for determination and that a further site at Kidacre Street which had been identified for 15 pitches and would be brought to Panel for determination shortly

The Chief Planning Officer also outlined other criteria for considering a site suitable for pitches/plots as set out in the submitted report; stressed that the current land use of the site was for allotment purposes; that the provision of future Gypsy and Traveller sites was through the Site Allocations process and that the application was premature in view of this

The application was recommended to Panel for refusal, with suggested reasons being included in the Chief Planning Officer's report

The Panel heard representations from the applicant's representative who highlighted the main aspects of the case, which included:

- the urgent need for accommodation for the applicant

- the length of time taken by the LPA to consider the application
- the lack of provision of Gypsy and Traveller Sites in Leeds
- the lack of evidence to demonstrate excessive noise levels at the site and that permission had been granted for other sites close to the M621
- the willingness to take measures to mitigate against the noise levels from the nearby motorway
- that use of the site as allotments was unlikely in the near future

The applicant who was in attendance responded to questions from the Panel

The Panel then heard representations from a representative of the Hunslet Carr Residents Association who supported the Officer's recommendation to refuse the application and who outlined concerns which included:

- the proximity of the site to residential dwellings
- the highway implications of the proposals; on-street parking and access arrangements for caravans
- the number of proposed and existing Gypsy-Traveller sites in South Leeds
- the lack of local support for the proposals
- that as a privately-owned site, it would be unregulated
- that the nearby school wished to use the land for growing produce, with there being local support for this use

The Panel discussed the application, with the main issues relating to:

- possible noise mitigation. The Chief Planning Officer read out the submission from the applicant's agent which declined to undertake any mitigation measures which could be implemented
- the need for the site to be considered as part of the Site Allocations process

At this point Councillor Coulson brought to the Panel's attention that he was a member of the Development Plan Panel which was considering site allocations

- the shortfall of suitable Gypsy-Traveller sites and when further provision would be available
- the existence of an earlier report which recommended approval of the application and what had changed since that time. The Chief Planning Officer stated that the previous Officer report was an earlier draft and did not carry the authority of the Chief Planning Officer
- the arguments put forward at the Public Inquiry into the Cottingley Springs expansion and concerns from the H&SE about aspects of the site proposed at Kidacre Street

- the difficulties in considering this site in view of the Site Allocations process which was ongoing and the importance of not having piecemeal development
- the lack of green space in the local area, particularly for the local primary school
- the needs of the applicant and equality issues
- the likely future use of the land
- that small encampments did not tend to give rise to some of the issues seen at the Cottingley Springs site
- highways issues. On this matter the Panel's highways representative stated that there was sufficient road width and good access to Belle Isle Road to accommodate a static and three touring caravans
- the robustness of the report before Members

The Panel considered how to proceed

RESOLVED - That the application 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

23 Applications 14/00493/FU & 14/00474/LI - 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 associated Listed Building application 14/00474/LI - for conversion of existing listed school building - Upper Wortley County Primary School, Ashley Road, Upper Wortley, LS12

Plans, drawings, photographs and artist's impressions were displayed at the meeting

Officers presented the report which sought approval for a residential development on a brownfield site, comprising 49 dwellings, with demolitions, conversion of the existing Listed school building, access and other works at Upper Wortley County Primary School. Members were informed there was an extant permission for a residential scheme which provided a higher number of flats and it was the view of Officers that the current proposals resulted in a more positive use of the school building which would be used to form 13 houses

The main difference between the current and consented scheme was in relation to S106 contributions, particularly affordable housing

Policy requirements for the size of the development would be for greenspace and 15% affordable housing (7 units). As a lower greenspace contribution had been proposed by the applicant and no affordable housing contribution offered, a financial viability statement had been sought which had been independently assessed by the District Valuer, who had concluded that the full level of the greenspace contribution and two affordable units could be provided. This had led to the applicant increasing the level of greenspace contribution to the policy requirement but still not offering an affordable housing contribution

Having considered this, Officers were recommending approval of the application to Panel as it felt that the benefits of the proposal outweighed the lack of affordable housing and a requirement of the S106 Agreement would be to reassess the affordable housing requirement if the development had not commenced within a year of consent being given

Receipt of a further letter of representation from the developer was referred to, the proposed greenspace contribution being confirmed as £120,065

Members discussed and commented on the application with the main issues relating to:

- the lack of affordable housing
- the size of the proposals and that no education contribution could be sought because of that
- concerns that the independent advice on the viability of the scheme had been ignored by Officers
- that the current scheme was an improvement on the previous proposals
- the possibility of negotiating further with the developer to seek the level of affordable housing considered to be viable in the scheme by the District Valuer

The Panel considered how to proceed

RESOLVED - Application 14/00493/FU

To defer and delegate to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to the 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 £120,065 greenspace contribution
- 2 Reassessment of the affordable housing requirement if the development is not commenced within one year of consent
- 3 Local employment clause

Application 14/00474/LI

To defer and delegate to the Chief Planning Officer subject to the conditions set out in the submitted report

24 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 - 15 Woodhall Park Crescent East, Stanningley, Pudsey, LS28

Draft minutes to be approved at the meeting
to be held on Thursday, 2nd October, 2014

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for alterations to an existing bungalow to accommodate additional bedrooms and bathrooms. The application had been brought to Panel as the applicant was married to an Elected Member

Members were informed that the original proposals had not been supported and that the revised scheme before Panel had not attracted any objections

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

25 Application 14/03475/FU - External alterations and relocation of an ATM - Yorkshire Bank, Church Street, LS10

Prior to consideration of this matter, Councillor Coulson withdrew from the meeting

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

Officers presented the report which sought approval of an application to remove of the existing ATM and relocate it to the Church Street frontage of the Yorkshire Bank building. Concerns about the proposals had been raised by Councillor Nash on the grounds of highways and pedestrian safety. Members were informed that although three accidents had occurred in this location none of these were attributable to the siting of the ATM

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

26 Application 14/02987/FU - Variation of condition 3 (opening hours and deliveries) and condition 5 (net retail floorspace) of previous approval 12/02334/FU - Land at St George's Road, Middleton, LS10

Plans and photographs were displayed at the meeting

Officers presented the report which sought the variation of two conditions relating to opening hours and deliveries and net retail floorspace of the previous approval for the Asda store at St Georges Road Middleton LS10

Members were informed that originally the operator had sought 24 hour opening but in response to local objections, revised operating hours had been proposed, along with amended delivery hours. A temporary permission for two years which would provide sufficient time to properly assess the impact of the additional hours was proposed

In respect of the variation to the net retail floorspace, this related to a small, outdoor trading area which would be used to stock seasonal products. Due to the size of this – 36 sqm – it was felt this would not impact on the nearby retail centre

Although there were no speakers for this item, it was noted that representatives of Asda were in attendance to respond to questions from the Panel

Members discussed the application and sought further details on the justification for a two year trial period of the extended hours

An amendment to limit the trial period to one year was made

The Panel considered how to proceed

RESOLVED – That the application be granted subject to the conditions set out in the submitted report; the amendment of condition 2 to specify the modified opening hours would be for a period of 12 months from the date of this permission and the amendment of condition 3 to specify the modified delivery hours would be for a period of 12 months from the date of this permission

27 Application 14/02641/FU - Variations of condition 3 (site access), 4 (maximum retail floor space), 5 (hours of opening), 6 (hours of delivery), 12 (sustainability) and 13 (contamination) of previous approval 11/04303/OT - Asda Stores Ltd, Old Lane, Beeston, LS11

Plans, photographs and an artist's impression were displayed at the meeting

Officers presented the report which sought the variation of several conditions to the previously approved scheme, which included hours of opening and delivery

Members were informed that the Reserved Matters application for the detailed design of the store was currently being considered by Officers

Regarding opening times, the Panel was informed that originally, the operator had sought 24 hour opening, with local objections being raised to this. Asda had now amended this request and reduced opening and delivery hours were now being sought. Local concerns remained about these and the receipt of a further letter of representation from Beeston Community Forum was reported. A temporary two year trial period of the amended opening and delivery hours was sought

Regarding the variation to the site access, this would enable the existing store on site to continue to trade longer before it was demolished and highways had not objections to the proposals

In respect of additional floorspace, this was sought to provide a small, outdoor retail area which would sell seasonal products. Members were informed this additional area was not of a scale which required a further retail assessment to be submitted and it was considered this small extension would not cause harm to other retail centres

If minded to approve the application two further conditions were recommended which related to the restriction of the number of delivery vehicles arriving between 06.00 – 07.00 and a delivery methodology statement to be submitted for approval

Members discussed and commented on the application. With permission of the Chair, representatives of the operator were in attendance to provide factual information to questions from the Panel

The view that for consistency of approach, the trial period of amended opening and delivery hours should be limited to 12 months, rather than the two year period being sought was proposed

The Panel considered how to proceed

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions; amendments to conditions 5 and 6 to limit the amended opening and delivery hours to a period of 12 months commencing from the date of first occupation of the store, additional conditions in respect of restricting the number of delivery vehicles arriving at the site between 06.00 – 07.00 and the submission of a delivery methodology statement to be submitted and approved and following completion of a Deed of Variation to cover all matters in the previous signed S106:

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

During consideration of this matter, Councillor Coulson resumed his seat in the meeting

28 Application 14/03261/FU - Change of use of former allotment land to football pitch - The Crescent, Tingley, WF3

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

Officers presented the report which related to a change of use of former allotment land to a football pitch for use by Tingley Athletic Football Club

The receipt of four additional representations was reported.

Members were informed that local residents had expressed concerns about flooding and although there had not been the chance to consult on the latest submitted drainage scheme, this was covered by a condition

Although highways had not objected to the proposals, local residents had raised concerns however it was felt these issues were existing and could best be dealt with by residents and users of the pitch working together

Members discussed the application with a suggestion being made that a working group could be encouraged to be formed to address the issues of on-street parking around the site

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

29 Application 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, Victoria Road, Headingley, LS6

Plans, photographs and graphics were displayed at the meeting

An amendment to the description of the scheme was made, with this being for 50 townhouses, 19 apartments and 1 dwelling at Rose Court

Officers presented the report which related to an outline application for amendments to an extant planning permission at the former Leeds Girls High School site. The reason for the application was because alterations to the NGT scheme the previous permission could not now be implemented

Officers were of the view that the proposals represented an improvement on the approved scheme as more houses would now be provided, with larger gardens

The NGT scheme would require the lodge and stable to be lost, however a condition requiring demolition of these buildings only if NGT did proceed was proposed

Amendments to condition 3 regarding the phasing for the provision of affordable housing was proposed to ensure the refurbishment of Rose Court was not left until the last part of the scheme

The Panel discussed the application and commented on the following matters:

- the level of affordable housing arising from the scheme, which was stated as being 5% in line with the current interim policy
- the current position of using the commuted sum to provide off-site affordable housing, particularly buying up HMOs in the area and returning them to family dwellings
- the need to ensure that a large enough affordable housing contribution was obtained to secure the equivalent number of properties off-site as would have been provided on-site. The Head of Planning Services stated that a standard formula within the S106 would be applied to calculate the planning contribution to be paid

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; the amendment of condition 3 to state 'The development shall not commence until the applicant has submitted to and received approval in writing from the local planning authority of a scheme of phasing for the provision of affordable housing and for the phasing of demolition and construction on the site. There shall be no occupation of more than 50% of the dwellings until a material start to the listed building works has been made and there shall be no occupation of more than 75% of the dwellings until the practical completion of the listed building works in accordance with the approved plans for Rose Court' and an additional condition to state ' There shall be no demolition of either the 'lodge' or 'stable' buildings except in the event of written agreement from the local planning authority following confirmation that the NGT public transport scheme is to proceed' and 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 the 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 £151,855.00 and secondary £91,366.00)
- public transport contribution (£63,298)

- travel planning measures (£39,425 for bus only metrocards or for other and monitoring fee (£2500) and a bus stop contribution (£6000.00)

30 Application 13/00868/OT - Outline application for residential development and retail store - Victoria Road, Headingley, LS6

The Panel considered a report of the Chief Planning Officer seeking an extension of the time period given for the completion of the Section 106 Agreement of an outline application for a residential development and retail store at Victoria Road Headingley, which Panel approved in principle at its meeting held on 3rd April 2014

Members were informed that the agreement was nearing completion but that a further period of 6 weeks was being sought by Officers

Members expressed disappointed that the application had needed to be returned to Panel and the Chair stated that a further extension would not be forthcoming if the S106 was not resolved within the additional 6 weeks requested

RESOLVED - 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

31 Date and time of next meeting

Thursday 2nd October 2014 at 1.30pm in the Civic Hall, Leeds



Originator: Gareth Jones

Tel: 2478017

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 2nd October 2014

SUBJECT: APPLICATION 14/02088/FU: Erection of 14 dwellings, laying out of access road and associated works, off site road improvements to vehicular/pedestrian access.

ADDRESS: Former Bell Bros, Green Lane, Pudsey, LS28 8JN

APPLICANT	DATE VALID	TARGET DATE
CHARTFORD HOMES LTD & BEGBIES TRAYNOR	23.04.14	23.07.14 EXTENDED TILL 03.10.14

Electoral Wards Affected:

Pudsey

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) £42,651.97 greenspace contribution.**

CONDITIONS

- 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 of boundary treatments.
- 7) Details retaining walls.
- 8) Visibility splays.
- 9) Area to be used by vehicles to be constructed, drained etc.
- 10) Cycle/motorcycle parking.
- 11) Highway condition survey.
- 12) Arboricultural method statement.
- 13) Submission and implementation of landscape details.
- 14) Replacement of trees.
- 15) Retention of trees.
- 16) Protection of trees.
- 17) Landscape management plan.
- 18) Bird nesting and bat roosting opportunities.
- 19) No vegetation clearance in bird breeding season.
- 20) Method statement for eradication of Knotweed.
- 21) Plans showing all levels.
- 22) Separate systems of foul and surface water drainage.
- 23) No piped discharge prior to completion of surface water drainage works.
- 24) Contamination report.
- 25) Unexpected contamination.
- 26) Verification reports.
- 27) Precautionary condition if shallow mine workings are discovered.
- 28) Contractor facilities.
- 29) Measures to prevent mud, dirt, and grit being carried onto highway.
- 30) Measures for suppression of dust on site.
- 31) Details of windows, doors, roof-lights and rainwater goods.
- 32) Removal of PD rights for extensions.
- 33) Local Employment.
- 34) Improvement of surface of public footpath.

1.0 INTRODUCTION:

- 1.1 The application is being reported to Panel at the request of Cllr Richard Lewis who has concerns regarding the design quality of the scheme and felt it would benefit from the input of committee members. This is supported by Cllr Coulson whom requested a panel site visit.

2.0 PROPOSAL:

- 2.1 The proposal seeks consent for 14 detached dwellings, laying out of access road and general site improvements on this 'brownfield' former industrial site. The site area is approximately 0.57 Ha.
- 2.2 Access to the site will be from Green Lane and a new cul-de-sac of dwellings will be formed around an access road running broadly through the centre of the site. The position of the access will be altered in comparison to the existing access point serving the now defunct industrial site with it being moved slightly further south along Green Lane towards Greentop. Road and footpath improvements are proposed along the Green Lane frontage of the site to bring it up to modern standards.
- 2.3 The dwellings are generally orientated north to south either side of the central access road with gardens adjacent to the gardens of the Smalewell Road dwellings

to the North and gardens adjacent to Greentop to the South. They comprise of three main different house types with two further sub variants of two of the main house types.

- 2.4 A standard substation will be located in the north-west corner of the site adjacent to plot1. The opposite south east corner of the site will provide the on-site greenspace protecting a dense grouping of trees in this corner of the site.
- 2.5 The revised proposal has introduced a greater variation in the housetypes particularly in terms of their principle elevations in order to provide greater visual interest to the streetscene as compared to the original submission.
- 2.6 The only Section 106 contribution required of the applicant is a policy compliant greenspace contribution of £42651.97 as calculated using the Council's standard formulae. In addition an area of on-site greenspace has been set aside within the development utilizing an existing copse of trees. The financial contribution is still applicable in addition to the on-site provision and the applicants are willing to provide both.
- 2.7 Each of the new units will be provided with 2 off-street parking spaces which exceeds the maximum requirement of 1.5 spaces contained within the UDP and the Leeds Street Design Guide.
- 2.8 The construction materials of the proposed new houses will be brick and render walls and concrete tiled roofing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within a predominantly residential area of Pudsey and is surrounded on all sides by residential dwellings of varying eras of construction. It is one of the few remaining industrial sites within this area as many have already been re-developed generally for housing.
- 3.2 The site is currently vacant and unoccupied and contains a mixture of industrial units related to the previous industrial use the owners of which unfortunately went bankrupt approximately 3 years ago. A large part of the site not previously occupied by the footprint of buildings is hard surfaced with tarmac save for a small woodland area to the south eastern corner of the site.
- 3.3 A disused railway tunnel (Green Lane Tunnel) runs along and under the northern part of the site. This has restricted access with locked steel gates at either end.
- 3.4 A public footpath runs along the eastern boundary of the site in a north-to south direction linking Green Top to Smalewell Road for pedestrians.
- 3.5 This site is relatively flat with a gentle slope down from Greentop towards Smalewell Road reflecting the prevailing topography. The site does sit below the level of the highway on Green top by approximately 1.5m with a fairly steep embankment.

4.0 RELEVANT PLANNING HISTORY:

H25/251/83/: 37 Greentop, Alterations, to form enlarged lounge and extension, to form enlarged kitchen, to side of detached house.

25/170/96/FU: Bell Bros, Extension to side and laying out of car park to factory (Approved).

5.0 HISTORY OF NEGOTIATIONS:

5.1 Informal pre-application discussions were held with the applicants in relation to the broad principles and quantum of development.

5.2 The applicants have indicated that they would be prepared to consult with the owners of number 37 Greentop and undertake a degree of cosmetic improvements at the applicant's expense in response to the issues raised by Cllr Lewis. They are however unwilling to accept a condition to that effect and even if they were, none could be attached as the property is outside the red-line boundary.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The planning application was advertised by means of 9 site notices posted around the site on 9th May 2014 as a major development and in the Yorkshire Evening Post on 8th May 2014.

6.2 Councillor Lewis with support from Councillor Coulson requested the application be determined at panel due to concerns regarding the blandness of the design. Councillor Lewis raised a further concern, when notified of the application being presented to panel, regarding the missed opportunity to improve the situation as regards 37 Greentop.

6.3 Six local residents have commented by email. Comments relate to:

- Although raising some concerns regarding the development 3 of the local residents express support for the principle of the residential development of this site.
- Parking both on-street on Green Lane and provision within the site is of concern to more than one of the local residents. In light of these concerns and those of Officers revised layout plans have been requested to ensure suitable and safe arrangements for the access to the site. Conditions have also been attached to ensure such works are carried out prior to occupation of the dwellings to ensure they are in place before required. Parking provision within the site exceeds the Council's maximum guidance levels on provision with two spaces per dwelling being provided.
- The presence of Knotweed on the site and how this will be dealt with is also of concern to a number of those who have commented. The applicants are aware of this issue as it was included in their submission. This has been controlled by condition and is also covered by separate legislation. Development of the site offers the best chance to remove this invasive species.
- The Smalewell Road residents who have commented have concerns regarding the brick wall which forms a significant proportion of the northern boundary of the site following demolition of the building. A suitable alternative boundary treatment has been conditioned to ensure a reasonable level of privacy for both the gardens of the existing and proposed dwellings. It is likely

that this will comprise of timber close boarded fencing 1.8m high similar to the boundary treatment being used (Boundary Treatment Plan CH/48/013) to subdivide the rear gardens of the plots plots.

- Flooding/Groundwater was raised as an issue by one objector. Drainage has been consulted and is satisfied with the proposal put forward in this regard.
- Materials were raised by one objector. Brick and render are the proposed walling materials and these are considered suitable and appropriate within the immediate local context.
- One of the local residents made a suggestion that access could be taken of Greentop rather than Green Lane. There would be issues with the level difference between the site and Greentop and in any case the Green Lane access proposed is considered acceptable.
- One resident expresses concern regarding demolition of the buildings and the structural effect this may have in terms of their property, requirements for access and how asbestos removal will be controlled. These issues are covered by separate legislation and are not significant planning material considerations in the assessment of this application. Planning consent does not grant nor infer rights of access to third party land.
- Although not a significant material consideration as regards the planning merits of the proposal, given the close proximity of other residential dwellings conditions relating to the construction works have been attached to minimise, noise, dust and disturbance during the construction phase.
- The proximity of the substation has been raised as a concern by one resident (the closest to it). The effect of this in terms of property value is not a material planning consideration. Right to light is not protected by the planning system, however the scale of the proposal and its proximity to the adjacent dwellings is not considered likely to lead to significant overshadowing or overdominance. Electro-magnetic fields are controlled by separate legislation.
- The existence of a disused railway attention is known both to the applicant's and the Local Planning Authority. The layout has been designed to ensure that only gardens will be on-top of the tunnel.
- The occupier of number 37 has raised concerns regarding the effect of the proposal on light received and their rights to access and maintain their property. The relationship between this dwelling and the development site is far from ideal due to the lack of curtilage to number 37. The layout of the scheme has been designed to minimise this impact as far as possible and overall on the planning balance the arrangement is considered acceptable. The Party Wall Act is the relevant legislation as regards future access and maintenance.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Coal Authority: No objection subject to conditions.

Yorkshire Water: No objection subject to conditions.

Non-statutory:

Contaminated Land Team: No objection subject to conditions

Public Rights of Way: Public footpath no.75 abuts the site and a request for surface improvements to it was made.

SDU Nature Conservation: Confirms that the bat survey requested is satisfactory, there is vegetation suitable for nesting birds and Japanese Knotweed is present on-site. No objection subject to conditions relating to the above three issues.

SDU Landscape: No objection subject to conditions.

Local Plans: No objection in principle, satisfied following submission of additional information that the site has been adequately marketed for other employment uses. A greenspace contribution of £42651.97 is required.

Highways: Following submission of a revised layout and access details no objection subject to conditions.

West Yorkshire Metro: Advise that residential metro cards (£6660.50) should be secured through a Section 106 Agreement.

Drainage: No objection following submission of a revised Flooding and Drainage Assessment.

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.
- N12: Urban Design.
- N13: Design Quality.
- 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 Designing for Community Safety.

Local Development Framework:

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan.

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
- P12: Landscape
- T2: Accessibility requirements and new development
- 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.
2. Layout, scale and design.
3. Impact on residential amenity.
4. Impact on highway safety.
5. 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 subject to sufficient justification being provided as regards the loss of employment. The scheme is therefore considered to accord with policies SA7, SP3, GP11 and H4 of the Unitary Development Plan and policies SP1 and H2 of the Core Strategy. The density and housing mix do not accord with the requirements of policy H3 and H4 of the Core Strategy; however this is outweighed by the compliance with the UDP policies and other Core Strategy policies in light of the appropriate weighting to be attached in the overall planning balance. Limited weight has been attached to policies H3 and H4 as they introduce density and housing mix thresholds (respectively) which were not included in the UDP. They effectively introduce new standards, by which future housing proposals, following adoption of the Core Strategy, will need to conform. Officers have not been instructed to apply these standards prior to adoption of the Core Strategy. It would therefore be unreasonable to assess the application against such thresholds.
- 10.2 The information submitted relating to the employment use demonstrates that the site has been marketed and is not attractive for an employment use. The site is not within an area of shortfall in terms of employment provision. The Core Strategies Employment Land Review does not identify this site for future employment. The proposal will not result in the loss of a deliverable employment site, and the existing land/buildings are considered non-viable. The proposal will not deliver a mixed use scheme, however the use proposed is considered the most suitable given the surrounding residential context. The proposal is therefore considered to broadly accord with the requirements of policy E7 of the UDP and EC3 of the Core Strategy.
- 10.3 In essence therefore there are two fundamental considerations. The first is whether the present proposal is considered acceptable in amenity and highway safety terms compared to the existing use of the site. The second is to consider whether the proposed residential scheme is acceptable on its own merits in relation to the relevant planning policies and material considerations.

Layout, scale and design

- 10.4 There is a broad mixture of detached, semi-detached and terraced dwellings within the immediate locality of varying eras of construction. The nature of the site, constrained on three sides and with an undevelopable strip along the disused tunnel and copse to the south-east corner, encourages the cul-de-sac approach adopted and as such the proposal will be very much judged within its own context. Given the eclectic mix of surrounding building styles there is a limited local pattern of development to follow. Although there are some detached dwellings in the locality

these are quite limited compared to the semi-detached dwellings and terraces so the proposal will introduce a better variety to the overall housing mix.

- 10.5 The scale of the dwellings proposed is considered appropriate to their detached form and all are two storey which reflects the dominant scale and form of the surrounding dwellings.
- 10.6 The design of the dwelling has been revised during the course of the application. This has led to the creation of two sub housetypes within the three main house types. The main difference is in the roof design with variation introduced into the orientation of the gables relative to the access road running through the site. This reflects the wider variation in roof forms within the locality and helps break the uniformity of the streetscene and introduces more visual gaps at the roof level creating a better sense of space. All the dwellings are also slightly staggered in their relationship to the access road which adds to visual interests.
- 10.7 The dwellings are set back from the highway and all have front garden areas of slightly varying sizes. The rear private garden areas all exceed, and mostly by a significant margin, the 2/3ds proportion encouraged in the Neighbourhoods for Living SPD. The site design lends itself to good natural surveillance and introducing a link the footpath will break up its rather secluded length.
- 10.8 On balance it is considered that the layout, scale and design of the proposal is acceptable and represents a significant improvement on the established use of the site which is standing idle and in a poor state of repair. The proposal is therefore considered to accord with policies N12 and N13 of the UDP and the guidance contained within the Neighbourhoods for Living SPD and the guidance on 'good' design appropriate to the local context contained within the NPPF and NPPG.

Impact on residential amenity.

- 10.9 In relation to the existing residential dwellings which surround the development site the proposal complies fully with all the minimum recommended guidance distances contained within 'Neighbourhoods for Living'.
- 10.10 The rear gardens of the proposed dwellings backing onto the northern boundary are generally 12m deep or more where guidance suggests a 10.5m minimum. The rear elevations of the Smalewell Road terraces are a similar distance away in respect of 40-46 and over 20m away in respect of 18-34. There will be approximately 29m between the rear elevation of plot 1 and the rear elevation of numbers 6 & 8 Green Lane.
- 10.11 The dwellings at the access (plots 1 and 14) are well positioned to minimise their impact on the amenity of the properties on the opposite side of Green Lane. The dwelling in plot 1 has been positioned such that it is opposite the gap between Wheatfield House and number 11 and presents a side gable to the street. The dwelling in plot 14 has been set well back from Green Lane with a large front garden and driveway providing a buffer to number 11 Green Lane and 39 Greentop.
- 10.12 In relation to Greentop the dwellings have between 12m and 14m deep gardens. There will be a distance of approximately 30m between the elevation of plot 4 facing Green top and number 38 Greentop on the opposite side of the highway and the levels difference will further mitigate the impact. There will be similar separation distances between the dwellings opposite number 36 Greentop. The retained copse

area will provide a significant landscape buffer to the terraced row of 26 – 34 Greentop.

- 10.13 The copse of trees will also provide a significant landscape buffer between 9 and the side gable of number 17 Greentop. A separation distance of approximately 12m will be retained between the side gable of the dwelling in plot 8 and the rear elevations of numbers 15-21 Smalewell Green protecting a reasonable outlook and protecting their privacy.
- 10.14 The development and particularly plot 14 will have a somewhat awkward relationship with number 37 Greentop. Number 37 does not have a significant curtilage around the dwelling and therefore the application site extends up to both the rear and side elevations of this dwelling. The development has responded to this by positioning the dwelling of plot 14 outside the direct view from the rear elevation of number 37 and providing a large front garden area which will act as a landscape buffer protecting the main outlook from number 37. The rear garden of plot 14 will then abut the side elevation of number 37. There are three secondary side windows in the gable elevation of number 37 which will overlook the rear garden of plot 14. The existing outlook and privacy to number 37 is limited by the previous and established use of the site. The proposed development is not considered likely to be materially worse than the existing or authorized use of the site. It is likely to improve the outlook and privacy to some degree especially in relation to the rear elevation. The privacy and amenity of plot 14 will be compromised by this relationship but it is one of the largest plots on the site which does help to mitigate some of the impacts. Potential future occupiers of plot 14 will be able to make their own assessment of these relationships. Therefore on-balance and light of the pre-existing site circumstances the relationship between plot 14 and 37 Greentop is considered acceptable.
- 10.15 Looking within the site and the inter-relationship between the proposed dwellings these have generally been staggered such that front elevations generally face directly towards the driveway areas of the dwellings opposite rather than dwelling to dwelling. There is also some side elevation to front elevation relationships between the varying house types. This is considered to compensate for the separation distances which at around 17m are below the 21m guidance. The spaces between dwellings and their relative relationships, ensures any shadow and dominance will generally fall against predominantly blank gables and areas of limited amenity value.
- 10.16 Overall therefore and taking a balanced view of the development as whole the proposal is not considered likely to lead to significant demonstrable harm to the amenity of neighbouring properties and will provide a reasonable level of amenity for future occupants. The proposal is therefore considered to accord with policies GP5 and BD5 of the UDP and the guidance contained within the Neighbourhoods for Living and Community Safety SPD's.

Impact on highway safety.

- 10.17 The original access details were revised following the input of highways Officers principally to achieve a less severe widening of Green Lane, improvements to visibility around plot 1 and the substation and a connection to the footpath was also introduced to improve accessibility to public transport routes.
- 10.18 Following the revisions outlined above the proposal is considered to result in an acceptable access onto Green Lane and appropriate linkages have been formed to the public footpath. The developer has also expressed a willingness to re-surface

the existing footway at their expense as requested by Highways and the Public Rights of Way Officers. The layout is considered acceptable both in terms of turning areas for refuse and standard vehicular traffic and the parking provision exceeds our standard maximum requirements. The proposal is therefore considered to accord with policies T2 and T24 of the UDP, policy T2 of the Core Strategy and the guidance contained within the Street Design Guide SPD.

Planning Benefits

- 10.19 The applicant has indicated that they are be willing to contribute the full greenspace contribution which has not been reduced even though a substantial area of greenspace has been set aside within the development to retain the existing copse. The proposal is therefore considered to accord with the requirements of policy N4 of the UDP, the aims of policy G4 of the Core Strategy and SPG4 Greenspace relating to new housing development.
- 10.20 The applicant is also willing to shoulder the cost of the re-surfacing of the public footpath (no.75) running along the eastern boundary of the site.

Other issues

- 10.21 Suitable revisions and further information has been requested and received to address the concerns raised by the consultees. The remaining issues relate to matters of detail and not principle and as such have been dealt with through the attachment of conditions where they were considered appropriate and necessary.
- 10.22 Given the improvements to Green Lane and accessibility to the footpath proposed and the scale of the development the request for a financial contribution towards travel passes put forward by Metro was not considered necessary or reasonable.

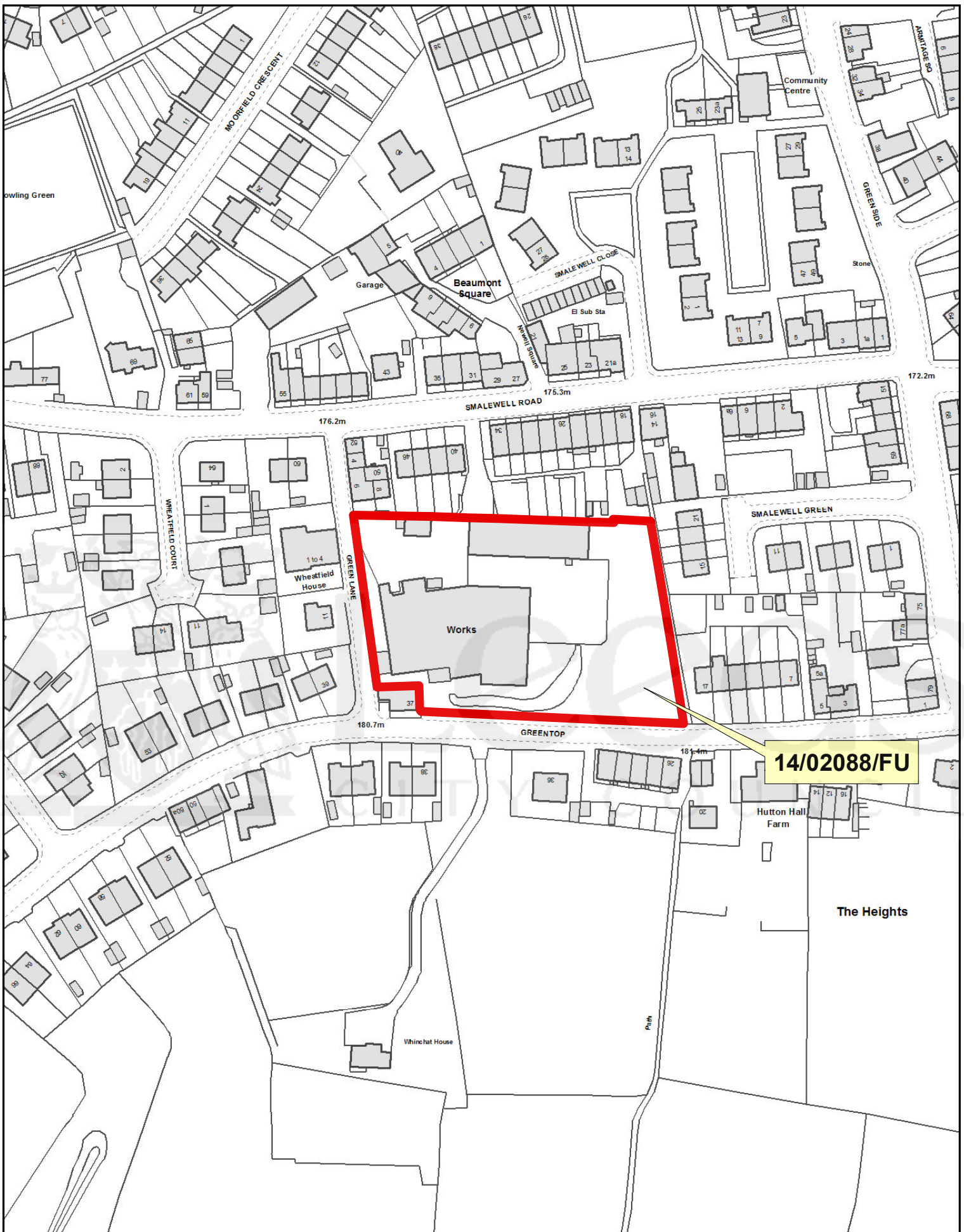
11.0 CONCLUSION

- 11.1 The proposal is considered acceptable subject to the recommended conditions and the completion of a Section 106 Agreement providing a £42651.97 greenspace contribution and a section 38 agreement regarding off site highways works.

Background Papers:

Application files: APPLICATION 14/02088/FU

Certificate of Ownership: Certificate A dated 04.03.14



SOUTH AND WEST PLANS PANEL





Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer -

PLANS PANEL SOUTH AND WEST

Date: 2nd October 2014

**Subject: Application 14/01886/RM Reserved Matters Application for the construction
Of 114 dwellings with associated car parking and landscaping on land at
Owlers Farm Wide Lane Morley LS27 8ST**

APPLICANT	DATE VALID	TARGET DATE
Persimmon Homes (West Yorkshire)Ltd and Priestgate Ltd	07.04.2014	07.07.2014 – extension of time to 3.10. 2014

Electoral Wards Affected:

Morley South

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
Approval subject to the specified conditions

Conditions

1. Time limit on permission 2 years
2. Plans to be approved
3. Details of materials to be submitted
4. Submission of level details
5. Details of boundary treatment to be submitted
6. Biodiversity Protection and Enhancement Management Plan to be submitted
7. No site clearance of vegetation , trees or shrubs during wild birds breeding season
8. Bat roosting survey to be carried out and submitted
9. Submission of method statement for control of Himalayan Balsam
10. Submission of floodlighting scheme to minimise the impact on nature conservation
11. Submission of Site Investigation Methodology as outlined in submitted report
12. Reporting of unexpected contamination
13. Site Investigation details of contamination to be submitted

14. Submission of highway details specifying visibility splays, vehicle access and vehicle spaces
15. Submission of drainage details and flood management works
16. Details of treatment of watercourse
17. No trees or structures within 9m of embankment of watercourse
18. Details of surface treatment to designated footpaths to be submitted
19. Submission of archaeological programme
20. Statement of construction practice
21. Submission and implementation of landscaping details
22. Landscape Management Plan
23. Details of landscape buffer to the southern and eastern boundary to be submitted
24. Coal Investigation works prior to commencement of development
25. No building works over or within 5m of sewers crossing the site
26. Details of wildlife buffer zone to be submitted
27. Local training and employment initiatives

1.0 INTRODUCTION

- 1.1 The application site is designated as a Protected Area of Search and 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 has been passed, however the applicant has agreed to an extension of time taking the new deadline to 3rd October 2014.

2.0 PROPOSAL:

- 2.1 The site measures 3.83Ha and the application seeks to erect 114 dwellings in a mix of detached, semi detached and terraced forms. The houses will range in size from 2, 3 and 4 bedroom family houses. 15% of the units will be affordable.
- 2.2 The main access into the site is to be taken from the existing Wide Lane, Bedale Court Junction which currently serves the 16 dwellings on Bedale Court. This existing vehicular access stops as a cul de sac at the top end of the Bedale Court development. This access is to be further extended within the development site and was the subject of a further report to City Plans Panel on the 13th February 2014 (see history below).
- 2.3 Part of the site is on the Wide Lane frontage where 5 properties are laid out in the form of a 3 terrace block, and a pair of semis. A further detached dwelling sides onto Wide Lane. These dwellings are set back from Wide Lane with landscaping. The access road flows through the site in both linear and spur formations serving dwellings on either side. The centre of the site has detached dwellings with garden areas backing onto each other. The Open space is located towards the west of these central dwellings. This has a pedestrian access running through this space towards the south of the site where further openspace is provided. The dwellings are designed at 2 and two and half storey in height with spacing between the buildings helping to reduce the massing further.
- 2.4 This application was originally submitted as a Charles Church scheme. This has subsequently been amended and revised as a Persimmon Homes development

3.0 SITE AND SURROUNDINGS:

3.1 The application site of 3.83 hectares is located on the eastern edge of the town of Morley and is approximately 300m to the west of the A653 Dewsbury Road which links southern Leeds to the M62. Leeds City Centre is 4.5km northeast of the proposed site. The site is bounded to the north by Wide Lane (B6123). Towards the north and west are residential properties along Bedale Court, Topcliffe Crescent, Mews and Avenue. The southern and eastern boundaries are Green Belt. Topcliffe Beck runs along the southern boundary of the site and the eastern boundary is formed by agricultural farmland. Newlands Farm is located to the east of the site and Topcliffe farm is situated to the southeast. Trees and landscaping are present along and close to the north, east and south boundaries of the site. Housing towards the west and north are predominantly modern two storey dwellings. The site is designated as a Protected Area of Search (PAS) on the Leeds Unitary development Plan and is currently in agricultural use.

4.0 RELEVANT PLANNING HISTORY:

4.1 13/00902/OT Presented to City Plans Panel 21st November 2013
Deferred for more information required in relation to the access into the site.
Presented to 13th February 2014 City Plans Panel with the additional access information.
Outline Approval Granted 21st February 2014

A section 106 has been signed which provides the following:-

- 15% Affordable housing provision on site
- Education contribution of £4,763 per dwelling
- Public Transport Infrastructure £1,226.00 per dwelling
- Travel Plan Management Fee £2,700
- Management Fee £4,000
- Residential Metrocard scheme £572.55 per dwelling
- Bus stop improvements £40,000
- Local training and employment initiatives during the construction of the development
- Off site highway works consisting of parking restrictions in general vicinity of the junction as well as works for a bus clearway

23/429/01 15 three bedroom dwelling houses
Approved 30th January 2003

H23/160/82 Outline application to lay out access roads and erect residential development to vacant agricultural site
Refused 13th September 1982

H23/168/80 Change of use of rhubarb sheds to form shop and stores
Approved 28th April 1980

5.0 HISTORY OF NEGOTIATIONS:

5.1 Council Officers have met with the applicant to discuss issues around the layout of the development. Which resulted in the proposal being amended from A Charles Church Development to a Persimmon Homes Scheme. This facilitated greater feasibility to amend the layout. Particularly with regard to reflecting the urban grain of the area

6.0 PUBLIC/LOCAL RESPONSE:

6.1 At outline application the applicant submitted a Statement of Community Involvement detailing the number of meetings and Community engagement having taken place.

6.2 The application was advertised by site notice posted on site on the 17th April 2014. Publicity expiry date being 8th May 2014.

6.3 As a result of the negotiations taking place on matters of layout (see history of negotiations section). The amendments required the proposed layout to be readvertised. A further site notice was posted on site on 22nd August 2014 publicity expiry being 12th September 2014. Local Ward Members also notified of changes.

6.4 To date the following local representations have been received:-

2 Bedale Court raising the following issues:-

- Additional traffic being generated through Bedale Court
- The road is not wide enough to accommodate this as several occupants currently parking on the closed road itself. This will prove extremely problematic with the extra flow of cars
- Congestion on already narrow road to increase exponentially, particularly in the mornings and late afternoon rush hour periods. It is already difficult to join Wide Lane due to the large volume of cars in the morning
- Plans show one route into site- Bedale Court which is insufficient for the number of commuters
- Amount of pollution that residences of Bedale Court and surrounding houses will have to endure. Noise levels will need to be considered. In addition to the noise from the building work as well as machinery and vehicles of the building site.
- Mud and debris left on pavements as well as road. Noise and disturbance will be exacerbated if full works commence. No capacity to accommodate this
- Local Infrastructure at full capacity
- Too many houses being proposed, how many affordable houses will there be?
- Land susceptible to flooding
- Impact on value of property
- Loss of view

314 Wide Lane

- Building of these dwellings will cause parking restrictions in Wide Lane, restrictions outside house where will we park?
- Wide Lane is busy, road safety concerns of children crossing the road when works taking place.

Morley Town Council

Have raised the following concerns to amended plans:-

- Outline established means of access and principle of development only. Did not support the means of access at outline stage. Access from Bedale Court introduces a cul de sac at the north western corner of the site. Cross sections must be provided to confirm that appropriate gradients down from Bedale Court will be achieved
- Neither of the reserved matters access arrangements are the same as that agreed in the outline permission.
- 117 dwellings will be more cramped than 88. Affordable housing has been increased from thirteen units to seventeen to maintain the 15%. There has been an improvement in that the affordable housing has been dispersed to some degree rather than being gathered into a single ghetto, though all are along the eastern boundary rather than being scattered at random throughout estate.
- Highway problem created by clearway. Even numbered dwellings across the road on Wide Lane are totally dependant on- road parking; any form of clearing would be totally unacceptable. Unless a dedicated parking area could be provided by Persimmons?
- Occupants of 304 to 322 were not sent consultation letters from Persimmons
- Deficiencies in local infrastructure remain including the schools issue
- Object to the reserved matters application.

7.0 CONSULTATION RESPONSES:

Nature Conservation

- 7.1 Landscape Master Plan needs to reflect the details shown on the Biodiversity Enhancement and management Plan.
(Applicant has addressed this)

7.2 Highways

- Gradients of adopted roads / footways would be no greater than 1:16. However gradients of 1:20 should be achieved where possible.
- Raised junction/ plateau should be introduced at the entrance to plots 100-114
- Beneficial for a platform to be introduced along the straight section of road between plots 56 and 65. Alternatively introduce a platform at the junction next to plots 37/66 would help to contain vehicle speeds as they enter the straight section of road.
- Shared surface street serving over 10 dwellings should be designed with designated pedestrian routes (usually on both sides of the road)
- Shared surface street serving plots 1-7/14-29 (23 dwellings) should be designed with the above routes. Extension of the turning head across the frontage of plot 6 would accommodate LCC refuse vehicles
- Merit in providing a footpath connection across the grass to the existing Bedale Court
- Shared surface street serving plots 65 and 68-78 (12 dwellings) should be designed with pedestrian routes. Hammerhead at end of road needs to be extended in order to accommodate refuse vehicles
- Similar situation for hammerhead serving plots 79-83/84-88 requires a hammerhead to serve refuse vehicle
- Shared surface road serving plots 89-99 (11 dwellings) is in excess of the limit of 10 houses that can be served without designated pedestrian routes. Recommend layout be reconfigured so no more than 10 dwellings are

served by the shared surface road. Turning head to accommodate a private car should be provided at end of road

- Shared surface for plots 100-114 should be designed with designated pedestrian routes. Turning head needs to be extended to accommodate refuse vehicle
- Plots 77,78,79,87 and 88 are located beyond the maximum dustbin carry distance of 25m
- Plot 5 requires minimum drive length of 5.6m
- 1800mm high screen fence to front of plot 8 would obstruct sightlines of vehicles exiting the drive
- Drive to plot 13 encroaching onto radius of adjacent junction
- Drive to plot 30 would conflict with position of ramp at junction to plots 1-7/14-29
- Bin storage facilities for the mid terrace properties plots 18,21,35,36,49,50 and 69 should be clarified
- Gradient of all driveways should not exceed 1:12.5

(Of the above concerns the applicant has addressed all but 2 in further revised plan drawing number OF-2014.01 Revision E . A footpath connection across grass to existing road Bedale Court has not been provided as levels would create a steep footpath. The 1800mm high fence in front of plot 8 is 900mm high railings- which will not obstruct visibility)

Neighbourhoods and housing

- 7.3 Requirement for 15% affordable housing split 50/50 social rent/submarket housing in this area. Therefore there is a requirement of 17 affordable units (based on 114 units) 9 for social rent and 8 for sub market. The 17 units provided are located along the eastern boundary of the site, 5 units (plots 66 to 70) are provided in the south east corner of the site. These are in the form of a pair of semi detached, and a block of three terraces. There is a landscape break with a further 4 affordable units in a terraced block(Plots 34 to 37). The remaining 8 units are provided to the site frontage on Wide lane with 3 units (plots 17-19) as a terraced block and a semi detached pair (plots 15 - 16)

7.4 Flood Risk Management

In reference to the revised layout plan, the open balancing ponds at the bottom of the site – adjacent to Topcliffe Beck have been removed. If so revised drainage /engineering layout drawing needed. This can be addressed by condition.

Yorkshire Water

- 7.5 Further to the comments and conditions included from the outline application which are still valid. The submitted drawings should show the site surveyed position of the public sewers traversing the site with the requested 5 metre stand off distance on either side.
(The position of the existing drainage easements are shown on the submitted plans, and is conditioned)

Environment Agency

- 7.6 Comments at outline application were to recommend conditions to meet the requirements of the NPPF. These are still valid, these conditions are carried through onto this reserved matters application.

- 7.7 Comments from outline application remain. These stated that the application site may have been subject to unrecorded shallow coal mining activity . Further site investigation is required, recommend conditions to be attached No further comments to make on the reserved matters application. This condition is carried through on this reserved matters application.
- 7.8 Landscaping
Overall the layout is an improvement. Scheme. Scheme layout would benefit from more detailed consideration to ensure the best development of the greenspace form amenity and biodiversity benefits.
(The landscape masterplan has been revised to address the above accordingly.)
- 8.0 PLANNING POLICIES:**
Development Plan
- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and The Natural Resources and Waste Development Plan. These are supplemented by supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.
- 8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Inspector`s Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the Core Strategy being referred to full Council for formal adoption. As the Inspector has considered the plan , subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded substantial weight. Once the Core Strategy has been adopted it will form part of the Development Plan.
- 8.3 Leeds Unitary Development Plan (UDP) Review:
GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N34: Protected Areas of Search
N38 (a and b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
BD5: Design considerations for new build.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T24: Parking guidelines.
H1: Provision for completion of the annual average housing requirement.
H2: Monitoring of annual completions for dwellings.
H3: Delivery of housing on allocated sites.
H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13th March 2013 (see 1.16 to 1.17 above)

8.5 Supplementary Planning Guidance / Documents:
Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

National Guidance

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

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

8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

9.0 MAIN ISSUES

- Principle of Development
- Layout and design
- Highways
- Impact on Residential Amenity
- Flood Risk Management and Drainage
- Local representations, and Morley Town Council representations received
- Section 106 Package
- All other matters

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of residential development on this site was established when approval was granted for the outline permission. This carried a number of conditions and there is also a S106 Agreement which places a number of requirements on the developer. As a result of these the development can be considered acceptable in principle. The location of the access to the site was approved at outline stage, all remaining matters including appearance, layout, scale and landscaping are reserved. This current application seeks approval for these reserved matters.

Layout and Design

- 10.2 The site is bound to the north by Wide Lane , to the north and west by Bedale Court and residential properties along Topcliffe Crescent , Topcliffe Mews , and Topcliffe Avenue , which are all to the west. The southern and eastern boundaries are Green Belt. Topcliffe Beck runs along the southern boundary of the site and the eastern boundary is formed by agricultural farmland as part of newlands farm. The site slopes from north to south towards Topcliffe Beck. The northern end of the site is lower than Wide Lane and there is a drop into the site from Bedale Court. At outline stage panel members requested additional information to illustrate the degree of infill material needed and the transport delivery of this material. Further sections and levels were requested to demonstrate that the access level changes will work in practice, and the impact this will have on the existing dwellings at Bedale Court and Topcliffe Avenue and Mews. This was demonstrated by the maximum gradient of the road to be no more than 1:16 and that the drives to be conditioned to be no more than 1:12.
- 10.3 The levels plans submitted show the predominant area to be infilled raises the ground level to the required standard. This achieves the 1:16 gradient for the access road. The access road runs from north to south through the site and three quarters of the way down it crosses the site from east to west. This linear road has a public sewer below. An easement of 5m either side has to be achieved and is addressed by a condition. The dwellings on either side are set back to allow for this easement. The central area of the site has a block of mixed housing in the form of two storey detached, semi and terraced dwellings, with garden areas backing onto each other. The east of the site has a mixture of detached and terraces which face the internal access road and back onto the green belt beyond. A landscaping buffer is proposed between the garden areas and the green belt beyond. Towards the south of the site the dwellings are detached and semi detached by design with plots 75 to 83 overlooking the open space and green belt beyond.
- 10.4 On entering the proposed site along Bedale Court the gradient is 1:16 being fairly even on entrance to the site sloping down to plot 43 being approximately 3m lower. Plots 109 to 114 sit to the south of development at Bedale Court. The row of plots also sit 3m below this development with a 2m fence as screening between.
- 10.5 Residential dwellings on Topcliffe Avenue and Mews are located adjacent to the western boundary. The sections submitted demonstrate that in the north west corner of the site the ground level is flat between proposed plot 104 and existing dwelling number 31 Topcliffe Mews. The levels are similiarly flat between proposed plots 96 to 99 and 30 Topcliffe Avenue.

- 10.6 9 affordable housing units are provided in the southeast corner of the site in the form of a 4 and 3 terrace block and a pair of semis. A further 8 are provided to the front of the site 5 backing onto Wide Lane and 3 backing onto the eastern boundary landscaped buffer. This fulfils the required provision of 17 units and are spread in three locations across the site albeit on the eastern side.
- 10.7 In terms of the built form the layout has been assessed by the Councils Design Review Panel and is considered to reflect the local character of the area. Overall the houses are spaced well and the relationship of dwellings to the existing in regards to distances has been achieved. There is provision for small gardens to the front and adequate rear gardens according to plot size. There is a provision of off street parking in the form of garages and car parking spaces. The southern boundary will be landscaped and will provide public open space. The eastern boundary provides a landscaped buffer of 9m. A central area of openspace is accessible to occupants of the site and the wider local community and in size is policy compliant . There is a sufficient level of landscaping and greening of the site. Site frontage to Wide Lane is landscaped, this sets the units which have their garden areas facing Wide Lane, further into the site away from the frontage.
- 10.8 The house types are from a fairly standard template, with some not featuring heads and cills, a condition is to be attached to provide these features. The mix of house types (two and two and half storey in height) are in the form of terracing semis and detached giving the development some character and assimilating with the local character of the area.

Highways

- 10.9 Highway initially have raised concerns as specified in the consultation section above. These have been addressed in the revised plans. Off site highway works in the form of provision for a bus clearway is part of the S106 agreement.

(To add further comments once received also in relation to representation received About impact of bus clearway on Wide Lane residents parking)

Impact on Residential Amenity

- 10.10 A modern residential development of approximately 16 dwellings, at Bedale Court is located towards the north of the site and is served by a vehicular access from Wide Lane. The existing development has a court layout with some of the dwellings facing the road which will be extended to be the main vehicle access into this site. Currently the residents enjoy a low level of vehicular and general activity. The proposed development will therefore give rise to a significant increase in vehicle and pedestrian movements which will impact on the living conditions of existing residents. The western boundary of the site also adjoins existing dwellings and there will be some impact. The layout and design section (above) considers the impact on neighbouring dwellings.

Flood Risk Management and Drainage

- 10.11 A Comprehensive Flood Risk Assessment and Surface Water Management Strategy (Report 3676/FRA1 (Rev A) dated January 2013) has been undertaken, and has been submitted as part of the outline application. The report acknowledges and addresses the flood related issues in accordance with the present regulatory framework, guidance and council policies appropriate for the development of this

greenfield site. The final surface water drainage design and details should be in accordance with the proposed drainage strategy set out in the Report. Conditions are to be attached for the submission, approval and implementation of flood risk management measures and drainage design details.

Representation Received

- 10.12 2 representations have been received from individual households on Bedale Court and Wide Lane. Representation has also been received from Morley Town Council. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:
- Highway concerns (Paras: 7.2 and 10.2 and 10.3)
 - Noise and disturbance – condition to be attached
 - Drainage and flooding concerns (Paras: 10.10)
 - Cross sections and dwelling number and layout (Paras 10.2 to 10.8)

Section 106 Package

- 10.13 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development. .

The Section 106 Package consists of the following:-

- 15% affordable housing provision on site
- Education Contribution of £4,763 per dwelling
- Public Transport Infrastructure £1,226.00 per dwelling
- Travel Plan Management Fee £2,700
- Management Fee- £4,000
- Residential Metrocard scheme £572.55 per dwelling
- Bus stop improvements - £40,000
- Local training and employment initiatives during the construction of the development.
- Off site highway works consisting of parking restrictions in general vicinity of the junction as well as works for a bus clearway.

All Other Matters

- 10.14 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land and landscaping.
- 10.15 It considered that the development respects the character of the area in relation to the spatial setting of the houses, their scale and appearance and the landscaping of the site.

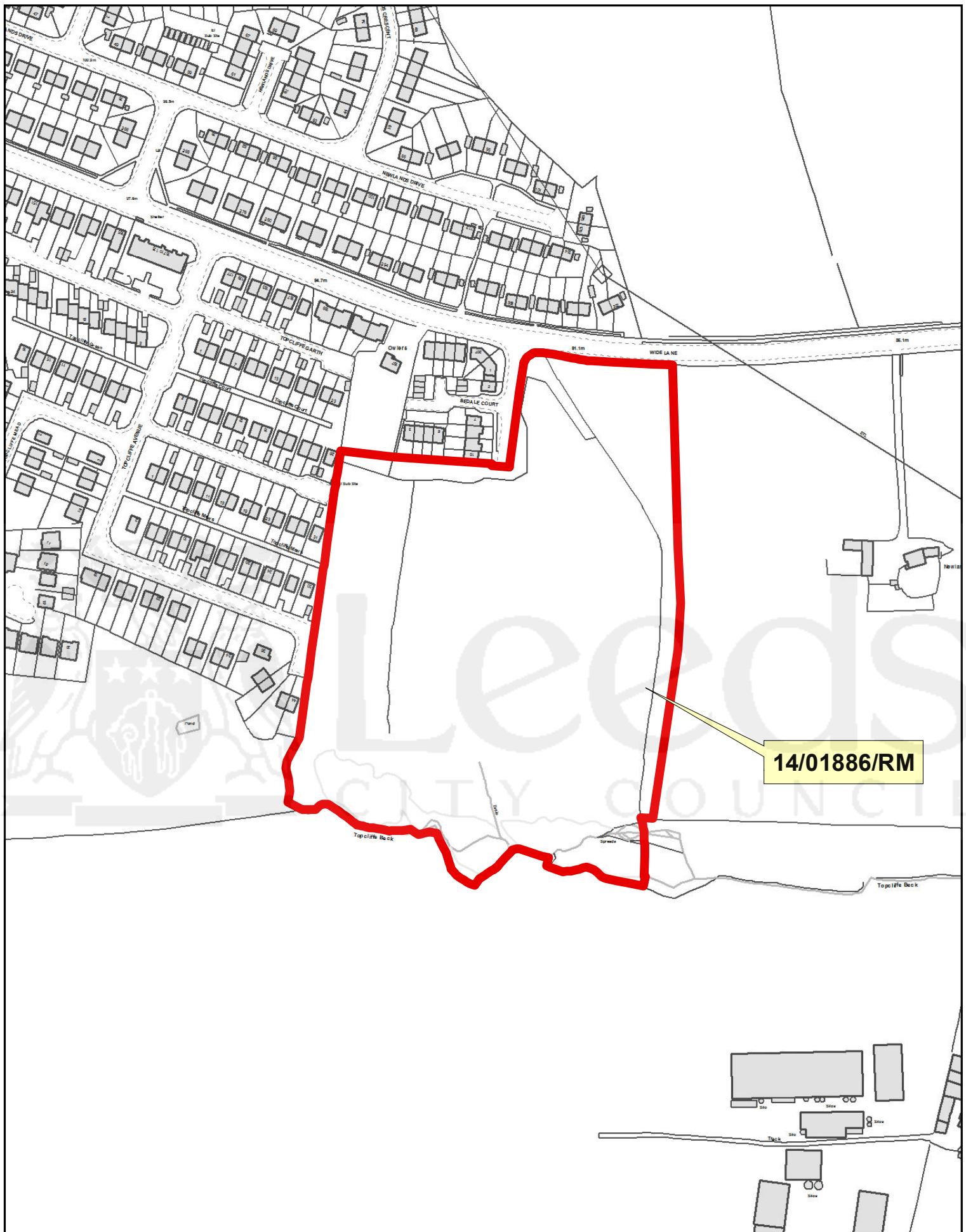
- 10.16 It is also considered that the development does not cause demonstrable harm to the amenities of neighbouring residents from the positioning of housing, and meets the guidelines set down in Neighbourhoods for Living.
- 10.17 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.
- 10.18 It has been demonstrated that the layout of 114 dwellings can be accommodated by matters of design and layout and is considered acceptable.

11.0 CONCLUSION

- 11.1 The proposed development is considered to provide a suitable setting and character for its location, providing a suitable rounding off development to the edge of the Morley 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 conditions.

Background Papers:

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



SOUTH AND WEST PLANS PANEL



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Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer

SOUTH WEST PLANS PANEL

Date: 2nd OCTOBER 2014

**Subject : Application number 14/01004/FU for change of use of former industrial unit
To form storage and maintenance of vehicles and plant , associated offices ,
parking and access at 23 Bradford Road Gildersome Morley LS27 7HW**

APPLICANT	DATE VALID	TARGET DATE
JW Crowther and Son - Mr Paul Crowther	19 th February 2014	21 st may 2014 – extension agreed to 3 rd October 2014

Electoral Wards Affected:

Morley North

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
Grant permission subject to the conditions below

Conditions

1. Time limit on permission
2. Compliance with approved plans
3. Specified hours of operation 07.00hrs to 19.00hrs not Sundays and Bank Holidays
4. Maintenance and repairs to take place within building workshop only
5. Extended office hours of operation (24 hours) with 4 members of staff during specified winter months only
6. Details of proposed acoustic fence to be submitted
7. Details of acoustic fence adjacent to 23a Bradford Road to be submitted
8. Sound insulation of premises
9. Details of lighting scheme to be submitted
10. Highways –white lining scheme to be submitted
11. Provision of long stay cycle facilities
11. Details of storage and disposal of litter to be submitted
12. Submission and implementation of landscaping details

1.0 INTRODUCTION

- 1.1 The application proposes a change of use of former industrial unit to form storage and maintenance of vehicles and plant, offices and associated parking and access at 23 Bradford Road Gildersome, Morley
- 1.2 The application is presented to South West Plans Panel at the request of local ward Member Councillor Finnigan raising concerns regarding the greenbelt, highways, noise and impact on residential amenities

2.0 PROPOSAL

- 2.1 The application proposes the change of use of former industrial unit to form storage and maintenance of vehicles and plant. With associated offices, parking and access The applicant currently operates adjacent to the site from the depot behind number 11 Bradford Road (under ownership of applicant).The established business is unrestricted and has operated for a number of years.The proposal is to expand the business into this application site with a secondary access between number 25 (under ownership of applicant) and number 23a (Residential dwelling). The use proposes to work in conjunction with the established operations on adjacent site which involve the storage of gritting/ rock salt with vehicles delivering and collecting the salt from the existing access to the front. The proposal for the application site is the maintenance and storage of these vehicles. The related office use is to operate from the existing building behind number 23a Bradford Road .Staff parking is located behind 25 Bradford Road. Acoustic fencing is proposed along the boundary with neighbouring dwelling number 261 and an acoustic gate and screen to the front. A landscaping strip is proposed between the staff parking area and the garden area to neighbouring dwelling number 261.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is approximately 0.72ha in size with an existing access point located between number 25 and 23a Bradford Road. The site is currently vacant, previously operating as manufacturing and sales of conservatories to the public, having associated parking and office use operating from number 25 Bradford Road. The site has a large workshop building within the middle of the site and another building located behind the garden area of number 23a Bradford Road.The immediate area is a mixture of longstanding established industrial uses and residential. Towards the west of the site adjacent to the boundary are residential dwellings, with the garden area of number 261 immediately adjacent to the site. To the east is an established Industrial use. Adjacent to the access way is a residential dwelling namely, 23a Bradford Road. Towards the rear of the site is the designated green belt. Bradford Road itself is a wide carriageway which comes to a dead end at its junction with the main roundabout, with residential dwellings located on the opposite side of the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/313/03/FU Change of use of vehicle repair workshop to manufacture sales and new Showsite for upvc windows, doors and conservatories
Approved 24th July 2003

5.0 HISTORY OF NEGOTIATIONS

5.1 The application as submitted requested 24 hour operation similar to the current operation of applicant on adjacent site. However the access is located adjacent to residential dwelling (Number 23a Bradford Road). The garden area of number 261 also sits adjacent to the vehicle maintenance building. Negotiations have resulted with the applicant agreeing to the following conditions:-

- Vehicle maintenance to take place within the building only during the hours of 0700hrs to 1900hrs
- The hours of operation of the use to be restricted from 0700hrs to 1900hrs
- Office hours of operation restricted from 0700hrs to 1900hrs outside of winter months
- During winter months specified as 21st October to 21st April office hours extended to 24 hour operation for 4 members of staff (at any one time) to work in office building.
- The implementation of an acoustic screen adjacent to 23a Bradford Road to be submitted and agreed, to minimise the impact of vehicle movements.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Immediate neighbours notified individually by letter printed on 25th February 2014
Application advertised by site notice posted on site 7th March 2014
The following local representations have been received:-

- 25 individual households
- Gildersome Parish Councillor

The comments received are summarised as follows:-

- Area is more residential than industrial
- Industrial area should not be located within a residential area
- Noise and disturbance by Industrial vans going up and down
- Need to expand onto an Industrial site
- Dirt and odour emanated into environment
- Existing problems from HGVs speeding along Bradford Road ,causing highway safety Issues , this will just exacerbate the current situation
- Level of noise and disturbance to residents
- Concerns around extended hours of operation
- Further extension of Industrial use onto this site will have negative impact on surrounding residential area
- More vehicles travelling from one site to the other, increase in highway traffic, causing a nuisance and additional noise and disturbance
- Previous hours of use restricted to daytime
- Do not agree with Environmental Health hours of recommended use
- Letters from agent provides inaccurate information on previous industrial uses
- Material intensification of use
- Must be expanding operations as there would not be the need to double the site
- Height of acoustic fence is not acceptable
- Operational activity will increase

- HGVs will be passing next to bedroom and room accommodation (number 23a Bradford Road)

Gildersome Parish Councillor comments summarised:-

- Noise and traffic will be generated
- Transport Assessment says little change , do not agree with this , there will be an increase in vehicular movements
- Further expansion at the expense of Local Community
- Need to strike a balance between residential and industrial needs

7.0 CONSULTATION RESPONSES

7.1 Highways

The previous use of the site from the manufacturing and sales of conservatories, would have generated significant traffic in its own right. However given that the staff car park is to be relocated from the adjacent site, it is acknowledged that staff numbers and traffic movements are to remain as existing. On this basis it is accepted that the proposals will not result in a material increase in traffic. Highways have no objections subject to conditions as the proposal will not result in an increase in traffic and would therefore not create any traffic impact or highway safety concerns. The proposals are therefore acceptable in highway terms.

Environmental Protection Team

7.2 Following comments summarised :-

- Proposed will generate noise levels by the nature of the operation , potential for any loss would be increased if these operations were carried out during night time hours (23.00hrs to 0.700hrs)
- Potential for noise and disturbance from access road to numbers 23a Bradford Road and 261 Bradford Road. Will increase during night time hours (as above)
- Noise report submitted by applicant does not fully address all the noise potential issues, ie noise from access road
- Although Environmental Protection Team have not recently received complaints, historically complaints relating to noise from vehicles and on site activities at 11 Bradford Road have been received. An assessment under BS8233:1999 indicated that noise levels within the bedrooms of nearby sensitive premises would be above guideline levels. The report recommends mitigation measures in the form of an acoustic fence 4.5m high acoustic barrier of solid construction with no holes or gaps. The report suggests that this would prevent noise impact from operations on the site any time of night or day.
- Barrier will only provide mitigation from sources on the opposite side of the barrier from the sensitive premises and not noise associated with vehicles entering or leaving the site at the proposed access adjacent sensitive premises or associated use of the office. The gate in acoustic barrier when opened will reduce its effectiveness
- Noise assessment represents day time noise levels (0700hrs to 2300hrs) noise monitoring results indicate that background noise levels can drop in the early hours. As background noise levels drop the noise from activities is heightened during the night creating a greater potential for night time noise disturbance.

- Recommend conditions around hours of delivery from 0800hrs to 1800hrs, Monday to Friday , 08.00hrs to 13.00hrs Saturdays with no demolition and construction activities on Sundays and Bank Holidays
- Hours of operation restricted to 06.30hrs to 22.30hrs Monday to Saturday with no operations on Sundays and Bank holidays
- Repair and maintenance of vehicles plant and machinery not to take place anywhere on site except within the vehicle repair and maintenance workshop
- Sound Insulation scheme to be submitted designed to protect the amenity of nearby residential occupants

8.0 PLANNING POLICIES: Development Plan

8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Inspector`s Reports into the Core Strategy and the Cil examinations have now been received and reports on these were considered by Executive Board on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption . As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded substantial weight. Once the Core Strategy has been adopted it will form part of the Development Plan

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP11: Sustainable development.

N12/N13: Urban design principles.

23/N25: Landscape design and boundary treatment.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T24: Parking guidelines.

LD1: Landscape schemes.

8.4 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide

SPD- Street Design Guide

National Guidance

8.5 National Planning Policy Framework: Paragraphs 18 to 20 Paragraphs 18 to 20 advises on building a strong, competitive economy by securing economic growth in order to create jobs and prosperity.

9.0 MAIN ISSUES

- Principle of Development
 - Economic Growth
- Highways Issues
- Residential Impact
- Representations received

Principle of Development

9.1 The application site previously operated as manufacturing and sales of windows and conservatories with offices. The proposed use of storage and maintenance of vehicles and plant with associated office use and parking is a further commercial use. Therefore the principle of the development has already been established.

9.2 Economic Growth

The following paragraphs of the NPPF are relevant:

Paragraph 18

“The government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future”

Paragraph 19

“The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 20

“To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”

The proposal provides an existing established business to extend onto a neighbouring industrial site, which is currently vacant. The business is bringing a currently vacant site into use. This all contributes towards the economic growth in accordance with the advice given in the NPPF and is a consideration which is given significant weight in this decision.

9.3 Highway Issues

The proposal involves the storage, repair and maintenance of vehicles. A turning area is provided within the site with a parking area. Staff parking is to be located behind the existing office building at number 25, (number 25 is not within the red line boundary but under the ownership of applicant). In considering the highway impact the previous use of the site would have generated significant traffic in its own right. The proposal will effectively remove all of these potential traffic movements. Given the provision of the relocated staff car park, any staff related traffic generation would transfer from the adjacent access to the site access. The staff numbers and traffic movements are to remain as existing. It is therefore accepted, that the proposal will not result in a material increase in traffic, and would therefore not create any traffic impact or highway concerns.

9..4 Residential Impact

The application site has an established Industrial Use by reason of the previous authorised manufacturing operations. The applicant currently operates from the adjacent site with no restrictions to the established use. The proposal is for part of the business to operate from this site. The operations include vehicle maintenance and storage with associated office and parking. The western site boundary is adjacent to number 261 Bradford Road which is a dwelling. Vehicle and staff parking are proposed adjacent to the garden boundary. An acoustic screen of 4.5m in height and a landscaping strip is proposed to reduce the impact of the noise generated. Number 23a is located adjacent to the access way to the east and has a bedroom window on this side elevation. The previous use operated during daytime hours only. The applicant has requested 24 hour operation from the site. It is considered a 24 hour operation will have a detrimental impact on the neighbouring dwellings. Environmental Health have assessed the noise report submitted and conclude that the hours of operation should be restricted, and recommend 06.30hrs to 23.30hrs Monday to Saturday. On balance taking into consideration the proximity of the dwellings, it is considered that the hours of operation should be restricted to 07.00hrs to 19.00hrs Monday to Saturday with no operations on Sundays and Bank holidays. Details of the proposed acoustic fence and the introduction of an acoustic fence between number 23a and the access are to be submitted and agreed. A further condition that is recommended is that vehicle maintenance and repair are to take place within the buildings only during the specified operating hours. The applicant has requested 24 hour operation of the office staff during the winter months as it is considered that, an office use will generate a lower level of activity. Therefore on balance a restriction to 4 members of staff (at any one time in 24 hours) during the winter period of 21st October to 21st April is acceptable and to be addressed by condition.

9.5 Representations received

The representations received raise concerns in relation to the impact on residents and the noise and disturbance caused by the current operations on the neighbouring established Industrial site. The concerns raised around impact on residential amenities are addressed in paragraph 10.4 above. The highway concerns raised are addressed in paragraph 10.3 above. Local concerns have been raised regarding an industrial use located within a residential area. The previous use operated as a manufacturing and sales business, this is a further commercial use. The dirt and odour concerns are addressed by condition. A concern is raised that inaccurate information on the history of the site has been submitted by Agent. The proposal is considered against the planning history records of the site (section in report) and is not based on the history given by applicant or agent. Details of the acoustic fence are to be submitted and agreed by condition, at which point the height and details will be considered.

9.6 Green Belt

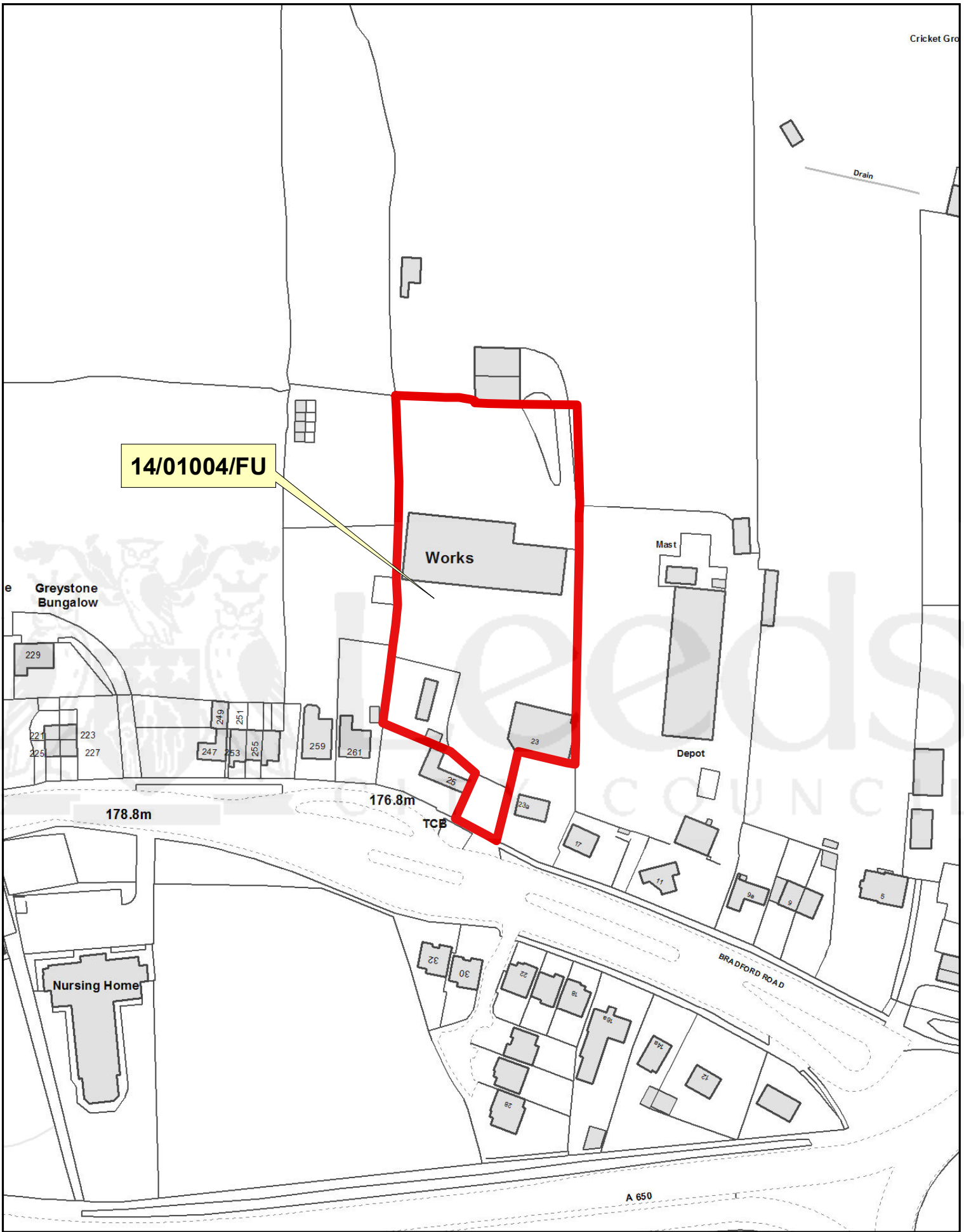
Land to the rear of the application site and the to the rear of the adjacent dwellings is designated as Green Belt, the proposal does not introduce any additional built development and it is therefore not considered to have any detrimental impact on the character and openness of the designated Green Belt.

10.0 **CONCLUSION**

The application on balance is considered acceptable subject to the conditions recommended, as it strikes a balance between the needs of the company and the surrounding residential occupants. As the principle of the commercial development has already been established by the previous use, the conditions protect the

residential amenities of neighbouring residents. Therefore the officer recommendation is for Approval.

Background papers
Application File



SOUTH AND WEST PLANS PANEL



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Originator: Jillian Rann

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 2nd October 2014

Subject: Application 14/01554/FU – Removal of conditions relating to greenspace provision and affordable housing on previous approval for 35 flats (06/01940/FU) at City View, Kirk Beston Close, Beeston, LS11 8TL

APPLICANT
David Boulton

DATE VALID
8th May 2014

TARGET DATE
20th October 2014

Electoral Wards Affected:

Beeston and Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions and the payment of the agreed greenspace contribution (£87,694) within 3 months of the date of the Plans Panel meeting.

1. All walls, fences and/or other permanent boundary treatments shall be retained as constructed and in accordance with the details on acropolis design drawing 1216/A(90)-01 revision A, approved by letter 18th December 2008.
2. All areas laid out for use by vehicles within the site shall be retained in accordance with the plans approved under application 06/01940/FU and shall not be used for any other purpose other than the vehicle-related use approved.
3. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main i.e. a total protected strip width of 6 metres, which crosses the site.
4. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer i.e. a protected strip width of 6 metres, which crosses the site.

Appendix A to this report is exempt under Access to Information Procedure Rule 10.4(3).

1.0 INTRODUCTION:

- 1.1 This application seeks the removal of conditions regarding greenspace and affordable housing provision in relation to a development of flats in Beeston which has been completed and occupied for some time. The developer has agreed to pay the relevant commuted sum to discharge the requirements of the greenspace condition, but seeks to remove the affordable housing requirement altogether. In view of the history of the site and the policy implications of this proposal it is considered appropriate for the application to be referred to Plans Panel for a decision in this instance.

2.0 PROPOSAL:

- 2.1 Permission was originally granted in June 2006 for a development of 35 flats on the site of a former working men's club at the junction of Town Street and Kirk Beston Close in Beeston. The permission was subject to conditions relating to the provision of affordable housing and greenspace. The development has been completed and occupied for some time. However, although discussions took place regarding affordable housing requirements following the commencement of the development, no affordable units have been provided on site, and the required contributions for affordable housing or greenspace were never received from the developer.
- 2.2 All of the flats are rented at present. The developer is currently seeking to refinance the development, but has been unable to secure alternative finance as the greenspace and affordable housing obligations remain undischarged. A viability appraisal submitted with the current application advises that to comply with these conditions would render the scheme unviable and would be likely to result in the company that owns the flats going into liquidation.
- 2.3 The application as originally submitted sought to remove both the greenspace and affordable housing conditions, however following further officer discussions with the three Ward Members, the developer has subsequently agreed to pay the required greenspace sum, and now seeks only to remove the affordable housing requirement. If this proposal is agreed by Plans Panel, the developer has agreed to pay the greenspace contribution within 3 months, and the decision removing this condition and the affordable housing condition would not be released until these funds had been received.
- 2.4 Although the development has been completed and occupied for some time, it has been agreed that the application would be assessed on the basis of current policy requirements relating to affordable housing and greenspace, including the Interim Affordable Housing Policy adopted in 2011. The relevant obligations have been calculated accordingly.
- 2.5 Because of the size and nature of the development it has been agreed to deal with the greenspace requirements by commuted sum, to be used towards greenspace provision or enhancement in the local area. In accordance with current policy requirements this has been calculated as £87,694.
- 2.6 Affordable housing would usually be required on-site. However, correspondence on the original application file from late 2008 between planning and housing officers confirms that neither the developer nor the Council's housing team were able to gain agreement from any Registered Social Landlords (RSLs) to take on units within the scheme. It was therefore agreed that a commuted sum would be acceptable in

principle, however this was never provided by the developer. In agreement with affordable housing officers, the current application to remove the condition has been considered in the same way, based on a requirement for a commuted sum for affordable housing, rather than provision on-site. Based on the current Interim Affordable Housing Policy this sum has been calculated as £225,660.

2.7 In summary, the application before Members seeks the following:

- Removal of Condition 24 (greenspace) by payment of the commuted sum of £87,694 in full within 3 months of the Plans Panel meeting and before the decision on the application is issued.
- Removal of Condition 25 (affordable housing).

2.8 The applicant has provided a viability appraisal as part of the application, which has been independently assessed by the District Valuer. Further details on the viability assessment are provided in an exempt appendix to this report, which will be provided to Members in advance of the Plans Panel meeting on 2nd October. The information contained in this exempt appendix is confidential as it relates to the financial or business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that the supplementary report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a development of 35 two-bedroom flats on the site of the former Beeston Working Men's Club on the corner of Town Street and Kirk Beston Close in Beeston. The development was approved in 2006 and appears to have been completed in early 2009.

3.2 The flats occupy a three storey L-shaped brick building which follows the site frontage along Town Street to the south and Kirk Beston Close to the west, stepping down gradually in height as land levels fall from south to north. Access to the site is taken from Kirk Beston Close to the west, through an archway in the building and into the car parking area in the north eastern part of the site. The site is enclosed by brick walls and timber fencing.

3.3 The surrounding area is predominantly residential, with houses of varying ages and designs on Town Street to the east and west and flats on Kirk Beston Close to the north. There is a pub on the opposite side of Town Street to the south east, and an area of open land, designated as protected greenspace, to the south west, with a community centre and Hugh Gaitskell Primary School beyond.

4.0 RELEVANT PLANNING HISTORY:

4.1 Permission was originally granted for the flats development in June 2006 (application 06/01940/FU). It is understood that the development was commenced in late 2007 and completed in early 2009.

4.2 A previous application to remove the greenspace and affordable housing conditions was withdrawn in March 2010.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application as originally submitted sought the removal of both the greenspace and affordable housing obligations, however in the absence of any supporting viability information and in the light of objections received from Ward Members, the applicant was advised that the scheme could not be supported on this basis.
- 5.2 A viability appraisal was subsequently received from the applicant, and an independent assessment has been carried out by the District Valuer. Further details of the report and conclusions are discussed in Section 10 below and in the exempt appendix referred to in paragraph 2.8. In summary, whilst differing in some aspects of their methodology, the District Valuer concluded that the development would not be profitable if the required contributions were to be provided. Further discussions have subsequently been held with the Ward Members in the light of this.
- 5.3 The Ward Members, Councillors Congreve, Gabriel and Ogilvie, have expressed their significant disappointment at the development having been completed without the relevant obligations having been provided. However, in the light of the District Valuer's report and conclusions, and noting that the development does provide some local benefit in terms of providing relatively low-cost housing close to local amenities, they agreed on balance that they would be more likely to support the removal of the affordable housing condition if the developer would agree to provide the greenspace sum in its entirety and without further delay in the event that the application is approved.
- 5.5 Subject to Plans Panel's agreement to the suggested approach and removal of the affordable housing condition, the developer has subsequently agreed to provide the greenspace contribution in full within 3 months, and on the basis that the decision removing this and the affordable housing conditions would not be issued until this payment had been received.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 6.1 Councillor Gabriel objected to the application as originally submitted. Councillor Congreve was also briefed when the application was originally received, and advised that he also objected to the proposals to remove the conditions, as these requirements had previously been agreed by the developer when permission was granted in 2006.
- 6.2 Following the receipt of a viability appraisal from the developer and further officer discussions with the Ward Members as detailed above, and in the light of the developer's agreement to pay the full greenspace contribution, Councillors Congreve, Gabriel and Ogilvie have all confirmed that they are prepared to support the removal of the affordable housing condition subject to the receipt of the greenspace contribution in full from the developer within a short timescale.

Other public response

- 6.3 The application has been advertised as a major application by site notice, posted 11th April 2014, and press notice, published 17th April 2014. No representations have been received in response to these notices.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 None.

Non-statutory

District Valuer

- 7.2 The developer's appraisal has been reviewed using land values and build costs based on the time of the original permission (2006) and current greenspace and affordable housing requirements. Some aspects of the developer's assumptions, such as the build costs, appear reasonable when compared with RICS Build Costs Information Service figures, and are accepted. Others, such as the sale values cited by the applicant, appear too low, and higher figures have been applied in this respect.
- 7.3 Using my residual land value and methodology of arriving at a gross development value, I consider that the project is not profitable enough to provide a contribution to affordable homes or green space.

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 consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD. 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.

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

GP5 – General planning considerations

GP7 – Planning obligations

H11 – Affordable housing

N4 – Greenspace as part of residential development schemes

- 8.4 Because of the nature of the application there are no DPD policies relevant to its consideration in this instance.

Draft Core Strategy

- 8.5 The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the Core Strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded substantial weight. Once the Core Strategy has been adopted it will form part of the Development Plan.

- 8.6 The following draft core strategy policies are relevant:

ID2 – Planning obligations and developer contributions.

H5 – Affordable housing

G4 – Greenspace

Supplementary Planning Guidance and Documents (SPGs and SPDs)

- 8.7 The following SPDs and SPGs are relevant:

National Planning Policy

- 8.8 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.
- 8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

9.0 MAIN ISSUES

- 9.1 The application seeks to remove conditions relating to greenspace and affordable housing provision on a flats development originally approved in 2006. The main issues to consider are:
1. Whether the proposals comply with current development plan policy and relevant supplementary guidance, taking into account any changes in adopted policy and guidance since the development was originally approved.
 2. If the proposals are not compliant with development plan policy, whether there are any other relevant material considerations which justify a decision contrary to policy in this instance.

10.0 APPRAISAL

Development plan policy

- 10.1 The original application for the development was approved in June 2006, shortly before the adoption of the current UDP Review in July 2006. However, although some of the policy reference numbers have changed in the meantime, the general aims of the policies in the previous (2001) version of the UDP have been carried forward in the current version of the UDP and therefore remain relevant.
- 10.2 The specific requirements in relation to greenspace provision are detailed in SPG4, adopted in 1998. In view of the layout and nature of the current development, it is considered appropriate for the greenspace requirements to be dealt with by the payment of a commuted sum. In accordance with the SPG guidance and based on the number of units and current greenspace needs in the area, a commuted sum of £87,694 has been calculated for the development.
- 10.3 The developer has confirmed that, subject to a positive resolution from Plans Panel Members in relation to the proposed removal of the affordable housing obligation, they will provide the £87,694 commuted sum for greenspace in full within 3 months of the Plans Panel meeting. The payment of this contribution would be sufficient to discharge the requirements of condition 24, and therefore the removal of this

condition from the decision is considered acceptable, subject to the required sum being received within the agreed timescale and before a decision is issued.

- 10.4 Since the original application for the development was approved, there has been a change in affordable housing policy in the form of the Interim Affordable Housing Policy which was formulated to reflect changes in the economic climate and adopted in 2011.
- 10.5 Both the Interim Policy and previous affordable housing guidance specify that affordable housing will usually be expected to be provided on site. However, as documented on the original application file, following unsuccessful attempts by both the developer and the Council's housing section to gain agreement from any Registered Social Landlords to take on units within the development at the time of its construction, it was agreed that a commuted sum would be accepted in this instance. In agreement with affordable housing officers, the current application to remove the condition has been considered in the same way, based on a requirement for a commuted sum for affordable housing, rather than provision on-site. Based on the current Interim Affordable Housing Policy this sum has been calculated as £225,660.
- 10.6 Although the developer has agreed to provide the greenspace contribution, they have advised that they are unable to provide the required affordable housing contribution and that they wish to proceed with the application to remove this condition altogether. To do so would be contrary to adopted development plan policy and supplementary guidance, and it is therefore necessary to determine whether these are outweighed by other material considerations in this instance.

Other material considerations

- 10.7 The applicant has provided a viability appraisal which concludes that the provision of the required sums for affordable housing and greenspace makes the scheme unviable. The District Valuer (DV) has carried out an independent appraisal of the scheme's viability on the basis of the applicant's appraisal, as well as commuted sums for affordable housing and greenspace as calculated by the local authority, established data on build costs and sales values, and their own calculations and methodologies on matters such as land and development values.
- 10.8 The DV has accepted a number of the assumptions made by the applicant and applied these in their own appraisal. However in some respect the DV has applied different assumptions and methodologies, for example in the case of sales values, which the DV considers to have been set too low in the applicant's report based on sales data for the time that the development was carried out. There are therefore some differences in the conclusions of the two reports. However, in both cases, and even assuming the greater level of profit arising in part from the DV's assumption of higher sales values for the flats, both reports concur in their conclusion that the development is not profitable enough to provide a contribution to affordable housing or greenspace. Specific details of the appraisal and the DV's assessment are included in the exempt appendix to this report which is to be circulated separately.
- 10.9 The conclusions of the developer's appraisal and the DV's independent assessment regarding the implications of the commuted sum requirements for the profitability of the scheme are noted. However, the process of considering the viability implications of planning obligations is intended primarily to deal with schemes which are either unable to commence or which have commenced but stalled for viability reasons, rather than to provide a mechanism for developers to retrospectively renegotiate obligations based on their implications for profits having taken the risk of carrying

out a development in breach of these requirements. Therefore whilst material to the consideration of the application, it is not considered that the weight which can be attached to the conclusions highlighted by the DV is sufficient in itself to justify setting aside adopted policy in this instance. It is therefore necessary to consider whether there are other benefits arising from the suggested approach which justify such a decision.

- 10.10 Although the developer has advised that they consider the flats to be 'affordable', the units cannot be defined as such with reference to the definitions in the NPPF, since the absence of an RSL to manage relevant units within the scheme means that there is no mechanism for controlling their affordability or occupancy by eligible households now or in the future. However, it is significant to note that, despite attempts by both the developer and the local authority at the time of the development's construction, no RSL could be found that was prepared to take on units within the development, and therefore it has already been established and accepted that no affordable housing would be provided on site, with a commuted sum having been agreed as an acceptable alternative in principle. Although the developer has agreed to pay the greenspace contribution, they have advised that they are unable to provide this sum and that they wish the application to be determined on this basis. In considering the proposals it is therefore necessary to consider the implications if the application were to be refused.
- 10.11 Although not 'affordable' in terms of planning policy definitions, the size, layout and situation of the flats is such that they are likely to be targeted at and occupied primarily by individuals and couples seeking smaller, low-cost housing units, rather than by families or those higher up the property ladder. It is understood that taking into account a reasonable level of turnover that would be expected for units of this nature, the flats have been fully or almost fully occupied since their completion over 5 years ago, and the buildings appear to be in a good state of repair and well-maintained. Whilst not including any managed 'affordable' units, it is nonetheless considered therefore that the development provides some local benefit as a source of reasonably low-cost housing close to local amenities.
- 10.12 The possibility of the affordable housing contribution being paid at a future date in the event that the development were to become viable has been raised with the developer. However, they have advised that, even were they to secure alternative finance, the terms of any such finance would be so restrictive and repayments so high compared with rental income from the flats that there would be very little surplus for the payment of any further sums for the foreseeable future. The developer has therefore reiterated their request for the application to be considered as set out above.
- 10.13 Even in the event of the required commuted sum being provided, it is unlikely to be sufficient in itself to provide an affordable housing scheme, and the ability to do so would therefore be reliant on this being pooled with other contributions and/or funding and on the availability of suitable deliverable sites within the area. Even though suitable sites may be coming forward, there would nonetheless be a considerable delay in any commuted sum being realised in the form of affordable housing provision. If the application is refused, there is the likelihood of an appeal, with associated time and cost implications, and, even even if such an appeal was dismissed, there would be further delay in any sum being provided, particularly in the event of the site being repossessed and a new owner having to be sought. Furthermore, refusal of the application would result in the loss of the opportunity to secure the greenspace contribution that the developer has agreed to provide, or at

least a considerable delay in the receipt of this sum pending the outcome of an appeal.

- 10.14 Although the current situation is regrettable, and the merits of current proposal are finely balanced, it is considered that the suggested approach which has been agreed with Ward Members provides a positive and pragmatic solution to a long-running situation which provides the developer with the certainty to secure alternative finance, allowing continuity in the ownership, management and maintenance of the building as a source of low cost housing close to local amenities, whilst securing an immediate and considerable contribution towards greenspace, allowing such benefits to be realised and the matter to be drawn to a close without further delay. On balance therefore, and with the support of the Ward Members, it is recommended that the application application to remove the conditions is approved, subject to the receipt of the £87,694 greenspace contribution from the developer within 3 months and before a decision is formally issued.

11.0 CONCLUSION

- 11.1 Whilst the merits of this case are finely balanced, it is considered in the light of the above that the proposed approach, to remove the affordable housing requirement subject to the receipt of the greenspace contribution, represents an acceptable compromise which would provide the opportunity for community benefits in the form of greenspace enhancements to be delivered in the short-term and without significant further delay, whilst providing some certainty in terms of the ownership and maintenance of the building to continue to provide a source of relatively low-cost housing in the local area. On this basis, and with the support of the three Ward Members to this approach, the application is recommended for approval.

Background Papers:

Application file and history file 06/01940/FU

Certificate of Ownership: Signed by applicant.

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Originator: Jillian Rann
Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 2nd October 2014

Subject: Application 14/01474/RM – Reserved matters application for 90 houses at Land at Royds Lane, Rothwell, LS26 0BH

APPLICANT	DATE VALID	TARGET DATE
Taylor Wimpey	4 th April 2014	6 th October 2014

<p>Electoral Wards Affected: Rothwell</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<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:

GRANT PERMISSION subject to the following conditions (and any other subsequently considered necessary by the Chief Planning Officer) and the completion of a deed of variation to the Section 106 Agreement for the outline application (12/03400/OT) to cover:

- a) Possibility of public transport contribution (£110,339) to be used, in full or in part, towards off-site highway measures such as speed or parking restrictions or further footpath widening on Royds Lane, subject to an appropriate scheme for the delivery of such measures, in agreement with Ward Members;
- b) Additional contribution of £6000 to cover the cost of a Traffic Regulation Order (TRO) for waiting restrictions on Royds Lane along the site frontage in the event that additional on-street parking is found to be taking place along this stretch as a result of the development.

1. Approved plans
2. Parking spaces for plots 16,17, 18, 31, 32 and 33 to be marked out and allocated for the use of these properties as shown on approved site plan, and thereafter retained solely for the use of these units.

As all other matters are covered by conditions already on the outline permission, no further conditions are recommended as part of the reserved matters application. However, an informative note drawing the developer's attention to the need to comply with all conditions on the outline decision is recommended.

1.0 INTRODUCTION:

- 1.1 Outline planning permission for residential development was granted on this Protected Area of Search (PAS) site in October 2013, subject to a condition restricting the development to a maximum of 90 houses. The current application seeks detailed reserved matters approval for a scheme of 90 houses.
- 1.2 Members considered a position statement relating to this application at the meeting of Plans Panel South and West on 3rd July 2014, and raised the following concerns regarding the proposals submitted at that time:
- Size of greenspace did not meet policy requirements in terms of overall area, and Members felt that the main greenspace area should be more central, rather than in the more remote and undevelopable north eastern corner of the site.
 - Reduction in numbers of houses may give greater scope for providing larger greenspace area and addressing concerns regarding highways layout.
 - Affordable housing should be more 'pepper potted' throughout the site rather than being clustered in a single group.
 - Lack of turning area and visitor parking for affordable housing, and concerns regarding parking layout for these properties in terms of balance between hardstanding and landscaping.
 - Need to incorporate greater mix of house types.
 - Two and a half storey properties were not appropriate on the Royds Lane frontage but may be acceptable elsewhere within the site, using falls in land levels to minimize their visual impact.
 - Highways layout, in particular access for larger vehicles around the S-bend proposed to the south east of the cricket pitch, and general lack of visitor parking across the site.
- 1.3 Following a subsequent meeting with the applicant and their agent involving planning, design and highways officers, revised plans have now been received which seek to address the concerns raised by Members.

2.0 PROPOSAL:

- 2.1 The application seeks detailed approval for the layout, access, scale, appearance, and landscaping of the development, all of which were reserved at outline stage.
- 2.2 The application proposes 90 dwellings, the maximum number permitted by the outline permission. In accordance with the requirements of the section 106 agreement which forms part of the outline permission, 15% of the proposed dwellings (14 houses) are proposed as affordable homes, and areas of public open space are proposed on-site.
- 2.3 Following the discussion of the application by Plans Panel in July, revised plans have now been received which incorporate a series of revisions seeking to address the concerns raised by Members. These are detailed further below, but in summary they are as follows:

- Enlargement of the central area of greenspace. A secondary area of open space is still proposed in the north eastern corner of the site, but this would now be the smaller of the two greenspace areas.
- Increase in overall area of greenspace overall across the site so that this would now exceed the policy requirement of 3600m².
- Greater separation of affordable units throughout the site.
- Revisions to parking layouts of affordable units.
- Deletion of 2½ storey properties from Royds Lane site frontage.
- Redesign of highways layout, including removal of S-shaped bend to south east of cricket pitch.

2.4 The affordable housing is proposed to comprise two 2-bedroom properties and twelve 3-bedroom properties, which the housing team have confirmed are acceptable in terms of housing requirements in the area. In response to comments made by Members at Plans Panel in July, the affordable units are no longer proposed in a single group, but have been split up into smaller groups as follows:

- Five houses (two semi-detached, three terraced) on the site frontage on a private drive accessed via the second access point proposed from Royds Lane.
- Three terraced houses to the south of the cricket pitch, backing onto the five units on the frontage but accessed from the site's internal road to the north west of the central greenspace area.
- Six semi-detached houses in the north western corner of the site, to the east of the cricket pitch.

2.5 In response to concerns about the provision of parking for the affordable units in large courtyard areas with little landscaping, amendments have been made to the layouts of these areas to break up communal parking areas with landscaping and reduce the number of properties with parking in their front gardens, including the provision of drives to the side of some units .

2.6 Most of the remaining units are proposed as 4-bedroom detached or semi-detached houses, with a small number of larger 5 bedroom detached properties. The designs proposed are a selection of the developer's standard house types, constructed in brick with tiled roofs. Most of the properties are proposed to be 2 storey in design, although around a third would be 2½ storey, incorporating rooms in the roofspace served by dormers and rooflights. In response to concerns raised by Members at Plans Panel in July, none of these 2½ storey properties are now proposed on the site frontage along Royds Lane.

2.7 Two access points are proposed into the site from Royds Lane: one in the central part of the site frontage serving the majority of the site, and a smaller private drive serving the five properties on the northern part of the site frontage. In response to concerns raised by highways officers and Members at the Plans Panel meeting in July, the internal road network has been revised to delete the previously- proposed S-shaped bend to the south east of the cricket pitch. The internal road would now form a loop around the enlarged central greenspace area, with a series of adopted stretches of road and private drives leading off to serve properties in the northern, eastern and southern parts of the site. Pedestrian footpath connections are proposed from the eastern part of the site onto the golf course to the east, where a public right of way runs close to the site boundary, providing connections to amenities and public open space in Rothwell to the north.

- 2.8 In accordance with Leeds' policy on the provision of public open space as part of new developments, there is a requirement for 3600m² of public open space to be provided on-site as part of the development (based on 90 units), in addition to the provision of a commuted sum for enhancements to off-site greenspace provision, secured as part of the Section 106 for the outline permission.
- 2.9 It is still proposed to divide the on-site greenspace into two areas, one in the centre of the site and one in the north eastern corner. However, in response to concerns raised by Members at the previous Plans Panel meeting, the central area of greenspace has been enlarged to form the larger of these two areas, with the north eastern area being a smaller secondary area. The revisions to the highways network in the central part of the site also mean that the central greenspace would now be surrounded and overlooked on all sides by houses, whilst amendments to the layout of the north eastern corner would also provide greater overlooking of the smaller area. As a result of these changes, the total area of greenspace now proposed on site would be around 3725m².

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an area of former farmland on the outskirts of Rothwell, designated as a Protected Area of Search (PAS) in the Leeds Unitary Development Plan. The site is L-shaped, wrapping around the southern and eastern sides of cricket and football pitches at Rothwell Athletics and Squash Club and extending southwards along Royds Lane, and eastwards towards the golf course beyond. The land slopes downhill from Royds Lane towards the golf course to the east, and also from south to north. The site frontage along Royds Lane is open, with fencing around the boundaries with the athletics club in the north western part of the site, boundary fences to the rear gardens of houses of properties on Arran Way and Rona Croft to the north, and trees and low fences along the boundaries with the golf course to the east. There is a larger area of woodland to the south of the site.
- 3.2 The site is on the southern edge of Rothwell, and is surrounded by mid-to-late 20th century dormer bungalow-type housing on the opposite side of Royds Lane to the west, relatively recently-built brick housing on Arran Way to the north, the Athletics Club to the north west, and the golf course to the south and east.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline planning permission for residential development on the site was granted in October 2013 (application 12/03400/OT). The decision included a condition restricting the maximum number of units on the site to 90, and is subject to a Section 106 Agreement which includes obligations relating to the provision of public open space and affordable housing on-site, a travel plan, local employment and contributions towards off-site greenspace, education provision and public transport, in accordance with the requirements of relevant supplementary planning guidance and documents.
- 4.2 A previous outline application for residential development on the site was refused in May 2008 on the grounds of prematurity and that insufficient information had been submitted with the application at that time to demonstrate that the development could be accommodated on the local highway network. A subsequent appeal was dismissed. Additional details in this respect were submitted with the 2012/2013 application which was subsequently approved.

5.0 HISTORY OF NEGOTIATIONS:

5.1 A Statement of Community Involvement (SCI) has been provided as part of the application, providing details of consultation which took place within the local community prior to the submission of the application, including:

- Letters to local residents and Ward Members advising them of the intention to submit an application and inviting them to a public exhibition in Rothwell Methodist Church Hall.
- Meeting with Rothwell Neighbourhood Forum and Ward Members.

5.2 Before the position statement report to Plans Panel on 3rd July, discussions had previously been held with the developer both at pre-application stage and following the submission of the application in the light of initial responses from members of the public and consultees, including highways and the Council's internal Design Advisory Group. The following issues were discussed:

- Layout of housing to front onto Royds Lane and primary access routes within the site was welcomed, with rear gardens backing onto each other to avoid inactive frontages, and properties overlooking cricket pitch (subject to an acceptable road layout).
- Public open space (POS) to be in a single block, centrally located and well overlooked. Area of 3400m² required based on 90 houses. Noted need to locate drainage tank in north eastern corner means this area can't be developed, but suggested if this is to be included as POS it should be as a secondary area, with the principal area more centrally located and better overlooked. Some initial revisions were made to introduce a central area of greenspace following early input from Design Advisory Group.
- Although no objection to incorporating some 2½ storey units, these should not be on the site frontage, as they are not characteristic of the scale and pattern of surrounding development or the semi-rural character of the area.
- Garden sizes of several properties within the scheme were substandard and fell well below *Neighbourhoods for Living* recommended depths and areas.
- Concerns raised regarding prevalence of closely-spaced properties with integral garages and drives to the front, leading to large expanses of hardstanding and parking in prominent locations on site frontages. Suggestion to include more drives to side, to reduce levels of hardstanding to front, provide better separation between properties, and allow for the provision of landscaping/planting in front gardens.
- Highways concerns regarding creation of a second access point onto Royds Lane and potential for additional on-street parking if visitor parking was insufficient within this part of the site.
- Highways comments regarding detailed layout, design requirements, areas of concern regarding tight bends, access and turning for refuse vehicles, numbers of parking spaces and other points of detail.
- Need for additional planting along eastern boundary to provide a landscape 'buffer' between the site and the open land to the east.
- Neighbours' concerns about a pedestrian access route proposed from the POS in the north eastern part of the site onto Arran Way, and security implications of this. Agreement that this would be deleted from the proposals, and an alternative pedestrian access link directly onto the golf course in the north eastern part of the site proposed instead.

- Possibility of making changes to the original Section 106 agreement to provide funding of speed and/or parking restrictions on Royds Lane, possibly as an alternative to providing public transport contribution.

5.3 Revised plans were subsequently received and were discussed by Plans Panel as part of the position statement report on 3rd July. Members at that time made the following comments:

- Size of greenspace did not meet policy requirements in terms of overall area, and Members felt that the main greenspace area should be more central, rather than in the more remote and undevelopable north eastern corner of the site.
- Reduction in numbers of houses may give greater scope for providing larger greenspace area and addressing concerns regarding highways layout.
- Affordable housing should be more 'pepper potted' throughout the site rather than being clustered in a single group.
- Lack of turning area and visitor parking for affordable housing, and concerns regarding parking layout for these properties in terms of balance between hardstanding and landscaping.
- Need to incorporate greater mix of house types.
- Two and a half storey properties were not appropriate on the Royds Lane frontage but may be acceptable elsewhere within the site, using falls in land levels to minimize their visual impact.
- Highways layout, in particular access for larger vehicles around the S-bend proposed to the south east of the cricket pitch, and general lack of visitor parking across the site.

5.4 After the Plans Panel meeting on 3rd July, planning, highways and design officers met the applicants to discuss the concerns raised by Members and how these might be addressed, and revised plans have subsequently been received in response to these discussions. These were re advertised to local residents, the Neighbourhood Forum and Ward Members in late August, and additional comments received are noted below.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

6.1 Ward Members were notified of the application when it was originally submitted, and no formal comments were received. The Ward Members have been kept up to date of revisions and progress on the application, most recently upon receipt of revised plans in late August. In response to the most recent revisions, Councillor Golton and Councillor Nagle have both advised that they agree with the most recent comments submitted by the Neighbourhood Forum regarding these plans, which are noted in paragraph 6.4 below.

Rothwell Neighbourhood Interim Forum

6.2 The following comments were received from Rothwell Neighbourhood Interim Forum in response to the plans as originally submitted:

- Public open space does not contribute to the site's rural character, and is not balanced relative to the distribution of houses within the site. The area in the north eastern part of the site is not easily accessible or well-overlooked, and raises security concerns meaning that parents would not feel they could safely allow children to play there.

- Note that the surface water storage tank is proposed in the north eastern part of the site, but do not consider that the amenity and wellbeing of future residents should be compromised because of drainage requirements.
- The development needs a central village green feature, reflecting the character of the area, rather than a 'boulevard' as proposed. A centrally-located area surrounded by housing would be more integrated and better overlooked. This would also be of greater benefit to the affordable houses in the centre of the site, some of which have little amenity space and front onto roads and parking areas.
- Affordable housing should be better integrated and have better amenity space provision.
- The developer was requested at pre-application stage not to include 2½ storey houses on the site frontage, however these are still proposed. They are too high and not considered to blend aesthetically with the style and character of existing properties.
- Creation of a second access onto Royds Lane. Outline plans only showed one access – concerns regarding highway safety and additional on-street parking taking place on Royds Lane by visitors and refuse and delivery vehicles unable to park or turn within this private drive area.
- Additional traffic and pedestrians on Royds Lane. Existing parking and speeding problems at certain times. Other developments approved nearby already expected to worsen this situation. Lower speed limits and road improvements are suggested.
- Existing drainage systems may not have adequate capacity to cope with additional development.
- Education contributions secured under outline permission will not be sufficient to cover the costs of additional school places required.
- Existing problems with parking in Rothwell town centre, exacerbated by sale of existing car parks.
- Disagree that there are good public transport links to the site.
- Inadequate provision for bin storage and collection.
- Lack of local consultation or engagement by the developer prior to submitting the application and little opportunity for dialogue with the Forum.
- Problems accessing some of the information on the Council website.

6.3 The case officer attended a meeting of Rothwell Forum on 19th May. The discussion focused mainly on the concerns raised by the Forum in their comments to the local planning authority which are summarised above, particularly:

- Lack of consultation by the developers
- Drainage concerns
- Creation of a second access onto Royds Lane – additional on-street parking.
- Possibility of changing S106 requirements to allow public transport contribution to be spent on speed/parking restrictions on Royds Lane.
- Could a condition be imposed requiring construction vehicles to arrive at/leave the site outside of school drop-off/collection times?
- 2½ storey houses on the site frontage – incongruous and out of character.

6.4 Following the receipt of revised plans in mid August seeking to address the concerns raised at Plans Panel in July, the Neighbourhood Forum were re notified. They have advised that although the revised plan is an improvement on the previous submission considered by Panel in July, there are still a number of issues raised by the Forum and by Panel which have not been addressed or are still inadequate. The following specific issues are raised:

- The total number of dwellings has not been reduced – main theme relating to all issues raised is that they cannot be addressed without reducing number of houses to provide additional space.
- The second access from the site onto Royds Lane has not been removed – this could be avoided if there was more space available.
- Provision of a lay-by on Royds Lane for delivery/refuse vehicles.
- Other highways issues remain relating to parking, sightlines and traffic restrictions, which highways were ‘still considering’ at the time of the previous meeting. These should be addressed before determining the application.
- No further details of drainage have been provided.
- No bungalows are included in the scheme to address needs of ageing population.
- Distribution of affordable housing has still not been fully addressed – separated to some degree but still not pepper potted. They are now in two groups in extreme corners of the site, not integrated.
- Large expanses of parking in front of affordable housing has still not been fully addressed and some are cramped with limited outlook. These issues could be addressed by reducing number of dwellings.
- Greenspace has been increased but this is at the expense of the rest of the development, in particular the affordable units.

Other public response

- 6.5 The application was originally advertised as a major application and as affecting the character of a conservation area by site notices, posted 17th April 2014, and by press notice, published 8th May 2014.
- 6.6 2 letters of comment and 11 letters of objection to the originally-submitted scheme were received from local residents, raising the following concerns:
- Inclusion of 2½ storey houses on the Royds Lane frontage does not complement or blend in with appearance and construction of existing properties, and would be too dominant on what is effectively a country lane.
 - POS location has been proposed by the developer solely to use an isolated and ‘inconvenient’ space which cannot be developed, rather than addressing the demands for this space and siting it in the most appropriate location where it can be accessed by all residents and is visible from as many houses as possible to provide security for children playing there.
 - Additional information on materials is required – details on submitted plans are only minimal.
 - Further detail of landscaping proposals required, particularly along Royds Lane.
 - Affordable housing is contained in one area of the site rather than being integrated into the development.
 - Lack of mix in housing proposed. All properties are either allocated to those eligible for affordable housing or are much larger detached and semi-detached houses outside the price range of first-time buyers and young families. A greater mix of house types should be included to create a more diverse community reflective of the local area.
 - Overlooking of properties on Rona Croft to the north – properties in this part of the site should be no more than 2 storeys high, and landscaping should be provided along the boundary.
 - Additional traffic on Royds Lane – existing problems with its width, lack of visibility and on-street parking around schools.

- Second access onto Royds Lane – insufficient space for parking and turning within this part of the site will lead to parking on Royds Lane.
- Visibility from access points onto Royds Lane and whether this can be achieved and maintained once the development is complete.
- Inadequate refuse storage provision.
- Increased likelihood of vehicles ‘rat-running’ on surrounding roads.
- Safety implications of large vehicles using Royds Lane during construction. Can deliveries etc be timed to avoid school drop-off/collection times?
- Can school buses be rerouted off Royds Lane?
- Possibility of speed/parking/weight restrictions on Royds Lane.
- Developers previously agreed to delete pedestrian access onto Arran Way following concerns raised by residents about security and antisocial behaviour in this area. However, this access is still referred to in one of the submitted documents, and plans show removal of trees in this area. Confirmation is sought that this access will not be reintroduced.
- Inaccuracies in submitted documents relating to local amenities and public transport connections.
- Whether drainage system on Arran Way is sufficient to cope with new development, who is responsible for ensuring that this is correctly taken into account?
- A balancing pond for drainage on the site has previously been objected to. This should not be reintroduced.
- Loss of open countryside land.
- Large birds seen around the site, concern that development could impact on them.
- Insufficiency of school places in the area.
- Capacity of local GP surgeries.

6.7 A further letter has been received supporting the removal of the pedestrian access which was previously proposed between the site and Arran Way.

6.8 Following the receipt of revised plans in mid August, the application was readvertised by site notices posted 29th August 2014 and by individual notification letters to those residents who have commented previously. Two further letters of comment have been received, raising the following points:

- Although open space provision has been improved, other issues previously raised have not been addressed, including existing issues on surrounding highway network and lack of proposal to address these as part of the development, new private drive access onto Royds Lane, drainage and bin storage.
- Tandem parking is proposed to some of the units – is this practical?
- Noise and disturbance.
- Additional traffic.
- Impact on character of the area.
- Lack of capacity at local doctors and dentists.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

- 7.2 Revisions were requested in relation to the layout as originally submitted. The following key issues are raised:
- Introduction of a second access point onto Royds Lane – not part of outline plans. Further details required regarding width and visibility. Concerns that this access would introduce a demand for visitor parking, which would be undesirable on Royds Lane. Provision for visitor parking and turning should be made within the site, and a TRO may be necessary along the site frontage to compel visitors to park within the site.
 - Various requirements in relation to design of internal roads, in accordance with requirement for these to be adopted.
 - A number of tight bends remain within the layout.
 - Concerns regarding dimensions of parking bays in communal parking areas around terraced houses, and lack of visitor parking in these areas.
 - Specifications for drives and garage dimensions.
- 7.3 Revised plans have subsequently been received which include the provision of additional visitor parking within the site, the deletion of the sharp S-shaped bends and revision of the road layout around the central greenspace, and increases to the size of turning heads and the widths of various parts of the internal roads to meet adoption requirements. On the basis of the revisions which have been received, the scheme is now considered acceptable in terms of the internal layout of the site.
- 7.4 Highways do not object to the provision of a second access point onto Royds Lane in principle as acceptable sightlines have been demonstrated at the junction. However, concerns remain that, although additional visitor parking is now proposed within the private drive area that this access would serve, there is still the potential for additional on-street parking, particularly by those making quick visits or deliveries to these properties, who may find it easier to park on Royds Lane than drive into the site. As this access was not indicated or considered as part of the outline application, highways have recommended that this could be addressed through the provision of an additional contribution from the developer to fund a Traffic Regulation order (TRO) for parking restrictions on Royds Lane in the event of additional on-street parking taking place as a result of the development. The developer has now agreed to pay this sum, up to a maximum of £6000.
- 7.5 Following discussions with local residents on the Neighbourhood Forum, highways have also been investigating the possibility of further off-site highway works being carried out in the local area in connection with the proposed development through the re-allocation of some of the public transport funding which was previously secured in the Section 106 agreement for the outline application (an agreed contribution of £110,3390). Again, the developer has agreed to revisions to the S106 to make provision for some or all of this sum to be re-allocated to local highway improvements, subject to an acceptable scheme being brought forward by highways and agreed with the Ward Members. A draft deed of variation to the outline S106 is anticipated shortly from the applicant to cover this and the additional TRO funding referred to above.

Affordable Housing

- 7.6 Local housing demand data supports the development of smaller family accommodation (2 and 3 bedroom as proposed). The proposed mix of affordable housing units on the site is therefore supported. Usually it would be requested that

the units be 'peppercotted' around the development, however as the other units on the development are all 4 or 5 bedroom houses, the proposed affordable terraced and semi-detached units are considered acceptable in a group as proposed.

Yorkshire Water

- 7.7 No objections to the additional information in the supplementary drainage strategy submitted in support of the reserved matters application.

Flood Risk Management

- 7.8 No objections, subject to condition requiring details of surface water drainage scheme (required as a condition of the outline permission). The drainage scheme should be designed in accordance with the principles outlined in the supplementary drainage statement submitted with the reserved matters application.

City Services

- 7.9 The refuse collection arrangements for the development appear acceptable.

West Yorkshire Combined Authority

- 7.10 Recommend improving pedestrian access links between the site and bus stops, and providing new residents with Travel Cards.

West Yorkshire Police Architectural Liaison Officer (ALO)

- 7.11 Security concerns are raised in relation to the proposed footpath links from the site onto the adjacent golf course, the proposed design of some plots which have rear access points. Recommendations and suggestions are made in relation to door and window design, security lighting, boundary treatments and alarm systems. The comments have been referred onto the developer for information.

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 designated as a Protected Area of Search (PAS) in the UDP, however the principle of developing this PAS site was considered and has been established with the grant of outline permission in October 2013. The current application seeks approval of reserved matters pursuant to this outline permission, and therefore policies and issues relating to the principle of the development, including those relating to PAS land, are not reconsidered here. The following UDP policies are relevant to the consideration of this application for reserved matters approval:

GP5 – General planning considerations, including amenity.

GP7 – Use of planning obligations.

GP11 – Sustainable development.

N2/N4 – Greenspace provision/contributions.

N10 – Protection of existing public rights of way.

N12/N13 – Urban design principles.

N23/N25 – Landscape design and boundary treatment.

N24 – Development proposals abutting the Green Belt.

N29 – Archaeology.
BD5 – New development and amenity.
T2 – Highway safety
T5 – Consideration of pedestrian and cyclists needs.
T7/T7A – Cycle routes and parking.
T24 – Parking guidelines.
H11/H12/H13 – Affordable housing.
LD1 – Landscape schemes.

8.4 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

8.5 The following DPD policies are also relevant:

WATER1 – Water efficiency, including incorporation of sustainable drainage
WATER6 – Flood Risk Assessments
WATER7 – Surface water run-off

Draft Core Strategy

8.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and examination has now taken place. Some modifications have been suggested and further hearings are scheduled in relation to specific aspects of the draft Core Strategy. In view of its current status, some weight can now be attached to the document and its contents.

8.7 The following draft core strategy policies are relevant to the consideration of the application:

P10 – High quality design.
P12 – Good landscaping.
H5 – Affordable housing
T2 – Accessibility.
G8 – Biodiversity improvements.

Supplementary Planning Guidance and Documents

8.8 The following Supplementary Planning Guidance (SPGs) and Supplementary Planning Documents (SPDs) are relevant to the consideration of the application:

SPG3 – Affordable Housing (including Appendix A: Interim Affordable Housing Policy 2011).
SPG4 – Greenspace Relating to New Housing Development
SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
SPD – Street Design Guide
Affordable Housing – Interim Policy

National Planning Policy

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

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

9.0 MAIN ISSUES

9.1 The principle of residential development on the site has been established with the grant of outline permission in 2013. This application seeks the approval of the outstanding reserved matters, namely access, layout, scale, appearance and landscaping. The following issues are relevant to the consideration of the application:

1. Affordable housing
2. Greenspace proposals
3. Housing design and layout
4. Landscaping
5. Residential amenity
6. Highway safety
7. Nature conservation
8. Drainage and flood risk
9. Other issues and representations.

10.0 APPRAISAL

Affordable Housing

10.1 Leeds' Interim Affordable Housing policy requires 15% affordable units on a 50:50 social rented/submarket split basis. In accordance with this, 14 of the 90 units in the detailed scheme are proposed as affordable units (two 2-bedroom and twelve 3-bedroom).

10.2 At the Plans Panel meeting on 3rd July, Members requested greater 'pepper potting' of the affordable units throughout the site. In response to Members' comments in this respect the layout has been revised to provide the affordable units in three groups: one on the site frontage (plots 1-5) accessed from Royds Lane, one to the rear of these on a private drive with access adjacent to the central greenspace (plots 16-18), and one in the north western corner of the site, adjoining the cricket pitch (plots 30-35). Although comments from the Neighbourhood Forum suggest a requirement for further separation and distribution of the affordable units, it is also noted that the provision of affordable units in groupings assists the Registered Providers in managing the units and helps with maintenance issues. In the light of this, it is considered that the revisions in this respect now represent an appropriate balance in providing greater integration of the affordable units within the wider development whilst still allowing for their effective management and maintenance.

- 10.3 Housing officers have confirmed that that the size and number of affordable units proposed are acceptable based on local housing demand data, which supports the provision of smaller family units.
- 10.4 At the meeting in July, Plans Panel Members also raised concerns regarding the parking layout for the affordable units, with particular reference to the amount of hard surfacing and lack of landscaping to these areas, and to the lack of adequate parking for the units themselves and for visitors. Specific concern has also been raised by the Neighbourhood Forum in response to the revised plan which has subsequently been received, regarding the proposed tandem parking arrangements for some of the affordable units, and the impact these parking areas would have on the outlook from these properties. These matters, which relate to the layout, access and parking and residential amenity of the affordable units, are considered in further detail in the relevant sections below.

Greenspace

- 10.5 UDP policy N2 requires the provision of on-site greenspace at a rate of 0.2Ha per 50 dwellings, and this is re-iterated in SPG4, which advises that this rate should be applied pro-rata to all schemes. On this basis 0.36Ha (3600m²) of public open space (POS) is required as part of the current scheme for 90 dwellings.
- 10.6 SPG4 advises that greenspace should be designed taking into account the needs of all users, and the range of functions it is intended to fulfil, which may include formal and informal play, visual and residential amenity, nature conservation and green corridor functions. It also advises that 'as a general rule the greenspace should be in one block to ensure its function is performed and to facilitate maintenance, centrally located, and overlooked by dwellings (to assist in self-policing)' and that 'greenspace must not simply be relegated to 'left over' areas of land or areas which are 'undevelopable' due to gradients, drainage problems etc.'
- 10.7 Noting the constraints relating to the development of the north eastern part of the site, officers have advised that it may be possible to consider including this area as part of a wider POS strategy for the site. However, because of its relatively remote location and limited surveillance from surrounding properties, officers advised that if this area was to be included in the POS provision, it would only be considered acceptable as a secondary or ancillary area of greenspace, and that the principal area of greenspace for the development should be centrally located and well overlooked, in accordance with the guidance in the SPG. Members at the Plans Panel meeting in July were generally in agreement with this approach, but raised concerns that the total amount of POS proposed on site as part of the scheme put forward at that time was below the 3600m² area required by the SPG policy.
- 10.8 Following the Panel meeting in July, the layout of the central and northern part of the site has been revised considerably in order to provide a larger central greenspace area surrounded and faced by properties on all sides. This central area would now be the larger and principal area of greenspace within the site, and the revisions to the road layout around this area, as well as addressing concerns previously raised by highways regarding a sharp S-shaped bend previously proposed, also ensure that this central area is surrounded and overlooked by houses on all sides, providing greater surveillance and a significantly improved sense of integration of this area within the site. The north eastern area would now serve as a smaller area of public open space overlooked by a number of properties and with a footpath access leading across it and providing access to public footpath links on the golf course beyond which lead northwards towards the east of Rothwell centre and larger areas of community greenspace at Springwell Park as was

previously proposed. The developer has confirmed that the total area of these two areas of open space, at around 3700m², is now in excess of the 3600m² required for a development of this size by the SPG4.

- 10.9 In the light of the increases in the size of the central area and the improvements to the layout of this area, and the increase in the total area of greenspace across the site as a whole, it is considered that the greenspace proposals for the development are acceptable, subject to conditions relating to landscaping.
- 10.10 The plans submitted with the outline application indicated the provision of a public footpath link from the north eastern part of the site, connecting into Arran Way to the north. However, during pre-application discussions with the developer, concerns were raised by residents of Arran Way and by Ward Members that this could lead to crime and antisocial behaviour, and in response to these concerns, the proposed link was not carried forward as part of the detailed reserved matters scheme. An alternative route is proposed, linking into the public footpath across the adjacent golf course, although as this is less direct, and its narrow width and lack of surfacing and lighting may compromise its usability in some respects, this would not serve as a direct replacement for the previously proposed route. It is understood that the greater connectivity provided by the originally proposed route was a factor in calculating the commuted sum for off-site greenspace at outline stage, and that the deletion of the route from the detailed scheme is likely to have some implications in terms of the connectivity of the development to the nearby greenspace. However, the plan showing this route at outline stage was only an indicative drawing, and no conditions were imposed on the outline permission requiring such a route to be provided. In the light of this, and as this link was specifically deleted from the scheme at the request of local residents and Ward Members during pre-application discussions, on balance it is not considered reasonable to insist on its re-introduction into the scheme or that an additional contribution towards greenspace could be justified in this instance, and therefore no further information has been requested in this respect.

Housing design and layout

- 10.11 The houses proposed are a selection of the developer's standard house types, constructed in brick with tiled roofs. Most would be 2 storey in height, although around 30% of the units are proposed to be of a 2½ storey design, with higher, steeper roofs incorporating additional living accommodation.
- 10.12 The site is located on the outskirts of Rothwell, with late 20th century dormer bungalows to the west and a late 1990s housing development to the north. In this context, the proposed use of standard house type designs is generally considered acceptable. In response to concerns raised by Members at Plans Panel in July, the 2½ storey houses previously proposed on the site frontage have now been deleted, and where these houses are proposed within the site it is in less prominent positions. The proposals are therefore now considered acceptable in this respect.
- 10.13 As noted above, the public open space area and layout is now considered acceptable. In revising these aspects of the development revisions have also been made to the internal road layout within the site to remove the sharp S-shaped bend previously proposed alongside the south eastern corner of the adjacent cricket pitch, and instead to provide a central road loop around the main greenspace area, with spurs leading off into the northern, western and southern parts of the site. As well as removing a highway feature which was of significant concern to highways, this provides the opportunity to improve the layout of the central greenspace area, which is now overlooked by houses on all sides. Highways have advised that they are

satisfied with the new layout, subject to various conditions relating to its design to ensure that it meets adoptable standards, and which can be achieved based on the plans as submitted.

- 10.14 A further concern which has been raised previously remains relates to the relationships between properties in terms of their spacing and setting, and achieving a balance between providing appropriate levels of parking, whilst minimising its prominence and visual impact and ensuring that appropriate provision is made for landscaping within the site.
- 10.15 *Neighbourhoods for Living* advises that when designing parking layouts, 'the convenience of residents needs to be balanced with the need to avoid car-dominated frontages,' and recommends that residential layouts should avoid car parking dominating streetscenes and ensure that parked cars are unobtrusive. In particular it recommends the use of levels and landscaping to break up and soften the visual impact of parking areas, avoiding large groups of parked cars that can be seen from a distance and providing sufficient space for planting around these areas.
- 10.16 At the Panel meeting in July Members indicated that in general they were satisfied with the general balance of landscaping and parking across the site and the relationships between properties, with the exception of the areas around the affordable housing, where large uninterrupted car parking courtyards were previously proposed. Following further discussions with planning and design officers after the Panel meeting, a revised plan has been received from the developer which seeks to overcome some of these concerns, however as noted above, Ward Members and the Neighbourhood Forum have still expressed some concerns about certain aspects of the revised plan in this respect, with specific reference to the areas around the affordable units.
- 10.17 Whilst some of the parking to the affordable units is still proposed in 'courtyard' arrangements, including the tandem parking referred to above, greater separation of the spaces within these areas is now proposed, with spaces being angled in relation to each other and the incorporation of larger areas of planting around these areas and between groups of spaces, particularly on the site frontage, and the incorporation of front garden to provide greater separation between the built forms and these areas of hardstanding. Although slightly more densely laid out and more communal in their nature, the actual balance between parking and landscaping in some of these areas is similar to that in other parking and drive areas elsewhere in the site where properties have wide driveways to the front and are clustered around central access areas, such as that around plots 57-60 or 79-83 for example.
- 10.18 The revised plans have been reviewed again by design officers who have advised that in the light of the revisions which have been made, and taking the site as a whole, it is considered that the development now achieves an appropriate balance between hard surfacing and landscaping, and subject to an acceptable landscaping scheme and management arrangements, required by condition as discussed below, it is not considered that refusal on this basis could be justified.
- 10.19 Concerns raised by local residents regarding the mix of housing proposed on the site are noted, and Ward Members and the Neighbourhood Forum have asked for bungalows to be included as part of the development. Although policy requires developments to provide a mix of house types, it is not prescriptive in terms of this mix and there is no policy which specifically requires the provision of bungalows. The development does incorporate a mix of house types, and those shown are capable of adaptation to provide for the mobility requirements of future residents. It

is not therefore considered that refusal of the application on these grounds could be justified.

Landscaping

- 10.20 The site abuts the Green Belt to the east and south, and in addition to on-site landscaping as part of the development, the developer has previously been advised that planting may be required within the site to provide a soft landscaped transition between the built development and this open land, particularly in areas where off-site planting along these boundaries is lacking, in accordance with UDP policy N24, and as was provided to the east of the Arran Way development to the north at the time of its construction.
- 10.21 The land immediately to the south of the site is an area of woodland within the golf course, and although in general policy N24 requires planting to be carried out on-site rather than relying on off-site planting, this area is relatively well established and provides a wide 'buffer' between the site and the open land beyond, which is unlikely to be removed, and no further on-site planting has been requested in this part of the site. The proposals are considered acceptable in this respect.
- 10.22 Along parts of the eastern boundary, off-site planting is more intermittent, particularly alongside the southern part of the site. Although the scheme does not include a dedicated strip of 'buffer' planting within the site, the buildings in the southern part of the site are set further away from this boundary, separated by access areas with smaller landscaped areas adjacent to the site boundary and, in the area where off-site planting is sparsest, a wider gap between buildings affording views through from the adjacent open land onto the site's central greenspace area. Houses in the northern part of the site, where off-site planting is denser, are closer to the boundary, where the submitted plans indicate that existing boundary planting is proposed to be retained.
- 10.23 As the scheme is largely reliant on off-site planting to provide this transition between the development and the adjacent green belt land, the landscape officer has raised some concerns about the visual implications of this, and that the development is not in accordance with the requirements of policy N24 in this respect. However, as the layout does seek to respond to this relationship by providing greater separation from the adjacent open land in the southern part of the site and maintain visual connections between this land and the on-site greenspace, and as Members at the Plans Panel meeting in July did not raise any specific concerns in this respect, it is not considered that refusal of the application on these grounds could be justified in this instance.

Residential amenity

- 10.24 In response to concerns raised previously that the gardens to a relatively large number of properties within the site were deficient in terms of their area and depth, amendments to the spacing and setting of properties within the development have been incorporated as part of the revised layout plans which seek to address this, which represent a significant improvement in this respect. The majority of properties within the site now have private rear garden areas which are at least 10.5m in depth, in accordance with the guidance in SPG13, and in the small number of instances where rear gardens are irregularly shaped or fall slightly below this depth, this is compensated for by increases in width to these gardens, and revisions have been made to the layout to ensure that properties' garden areas are in excess of the 2/3 of the floor area of the house they serve, as recommended in SPG13. As the garden areas and separation distance between the proposed houses are

considered acceptable, it is considered that the development would provide an appropriate level of amenity for future residents.

- 10.25 Concerns have been raised by the Neighbourhood Forum regarding the outlook from some of the affordable units which face onto tandem parking areas for these units and their neighbours. The properties in question are set back from the parking areas behind small front gardens 3-4m deep, providing defensible space and soft landscaping to the front of these units. The relationship between the front of these units and adjoining parking areas is not dissimilar to that of other properties elsewhere in the development which face directly onto main circulation routes within the site or onto private drive accesses used by greater numbers of vehicles, some of which are closer to these roads than the affordable properties are to their communal parking areas. As well as these smaller front garden areas, all properties have adequately sized rear gardens which comply with the recommended sizes in SPG13, and it is considered that the levels of outlook and amenity to the properties within the development, including the affordable properties, are acceptable.
- 10.26 Concerns have been raised by residents of properties on Rona Croft to the north of site that the new houses which are proposed to back onto their rear gardens, some of which would be 2½ storey in height, would detract from their privacy and amenity. The closest of the proposed houses would be around 11m from the northern boundary, with a further 14-18m to the neighbouring houses themselves. There does not appear to be a significant difference in land levels between this part of the site and the neighbouring properties, and as the separation distances exceed the recommended 10.5m to the rear boundary suggested in *Neighbourhoods for Living*, it is not considered that refusal of the application on these grounds could be justified. The existing planting along this boundary is proposed to be retained, and conditions could be attached to ensure that this is retained as a screen between the development and these neighbouring properties.

Highways

- 10.27 In response to concerns previously raised by highways officers and Plans Panel Members relating to the design of sharp S-shaped bends which were previously included in the layout, parking provision for the affordable units, visitor parking across the site, and certain aspects of the design specifications including turning areas for refuse vehicles, revised plans have been received which seek to address these issues.
- 10.28 The revisions to the central area of the site around the primary public open space area have resulted in the deletion of the S-shaped bends in the internal access road which were previously proposed. Additional visitor parking has been provided through the addition of lay-bys and further parking spaces at various points across the site, including within the private drive area accessed from Royds Lane which now serves affordable units at plots 1-5 and on the private drive serving plots 16-18. Capacity for some on-street parking has also been indicated on the revised site plan. Revisions have also been made to clarify sightlines at junctions at the entrances to the site, increase the size of various turning heads to accommodate larger vehicles, including refuse collection vehicles where necessary, and confirm that road and drive gradients are in accordance with relevant guidance and requirements for those sections which would need to be adopted.
- 10.29 The revised details have been reviewed by the highways officer who has advised that they are now satisfied with the levels of parking provision across the site, including the parking and access arrangements for the affordable units. Although these include the provision of tandem parking, highways have advised that as this

provides the same level of parking in the same tandem layout as a drive to the side of a property would, they have no objection to this layout, subject to conditions requiring the spaces to be clearly allocated to the units indicated on the plans.

- 10.30 In response to concerns raised by the Neighbourhood Forum regarding bin collection arrangements for the development, further advice has been sought from highways. Highways have advised that although the Street Design Guide SPD does not provide specific guidance on size requirements for bin collection areas, the areas shown on the plans for this purpose in the private drive areas appear to be large enough based on the likelihood of only one bin per household being presented for collection on any one collection day. All sections of adoptable highway within the site meet the standards required for adoption, which are considered to make sufficient provision for bins to be placed out on collection days without obstruction to pavements or roads. Advice on the proposals was also sought from Waste Management Services, who have also advised that they have no objections to the proposals. It is therefore considered that the refuse collection arrangements proposed are adequate and that refusal on these grounds could not be justified.
- 10.31 In the light of the additional revisions and clarification which have been provided, highways have advised that the internal site layout of the proposed development is acceptable, subject to conditions as suggested above.
- 10.32 Rothwell Interim Neighbourhood Forum and a number of local residents have raised and subsequently reiterated concerns regarding the proposal to introduce a second new access onto Royds Lane, and in particular the potential for this to increase parking on Royds Lane by visitors and delivery vehicles unable to park or turn within the site itself. In response, revisions have been made to the layout of houses within this area, and to the parking arrangements to incorporate provision for visitor parking within the site.
- 10.33 Highways have welcomed these revisions, and do not object to the provision of a second access point onto Royds Lane in principle as acceptable sightlines have been demonstrated at the junction. However, concerns remain that, although additional visitor parking is now proposed within the private drive area that this access would serve, there is still the potential for additional on-street parking, particularly by those making quick visits or deliveries to these properties. As this access was not indicated or considered as part of the outline application, highways have recommended that this could be addressed through the provision of an additional contribution from the developer to fund a Traffic Regulation order (TRO) for parking restrictions on Royds Lane in the event of additional on-street parking taking place as a result of the development. The developer has now agreed to pay this sum, up to a maximum of £6000.
- 10.34 Following discussions with local residents on the Neighbourhood Forum, highways have also investigating the possibility of further off-site highway works being carried out in the local area in connection with the proposed development through the re-allocation of some of the public transport funding which was previously secured in the Section 106 agreement for the outline application (an agreed contribution of £110,3390). This is likely to include speed restrictions on Royds Lane, but may also cover further waiting restrictions or footpath improvements. Again, the developer has agreed to revisions to the S106 to make provision for some or all of this sum to be re-allocated to local highway improvements, subject to an acceptable scheme being brought forward by highways and agreed with the Ward Members. A draft deed of variation to the outline S106 is anticipated shortly from the applicant to cover this and the additional TRO funding referred to above.

Nature conservation

- 10.35 A condition on the outline permission requires the provision and implementation of a biodiversity protection and enhancement plan as part of the development, to include the protection, enhancement and ongoing management of hedgerows, water features and adjacent vegetation, semi-improved grassland areas, and provision for bats and bird boxes.
- 10.36 The main ecological features of the site are the beck that runs along the eastern boundary and the woodland to the south. Concerns have been raised that the landscaped 'buffer' along the eastern and southern boundaries which was indicated at outline stage has not been carried forward in its entirety as part of the reserved matters application, and that the inclusion of land along these boundaries within residential gardens presents a risk to its ecological value as a result of formal gardening, removal of vegetation by future occupiers, encroachment and dumping onto this land. The area of open space previously indicated has been deleted from the scheme in favour of providing useable public open space elsewhere within the site. Vegetation around the site boundaries is proposed to be retained, and parts of the development along the eastern boundary have been set back from this boundary, facing onto the adjacent open space rather than having this area included within their boundaries. There may be potential to include further landscaping in this area to supplement off-site planting and a landscaping condition is recommended to cover this. Although additional measures would be encouraged, it is considered, in view of the vegetation which is proposed to be retained and the measures incorporated in the outline permission for various biodiversity enhancements, and taking into account the considerable improvements in terms of providing larger areas of public open space within the development, on balance it is not considered that refusal on these grounds could be justified, and no further revisions have been sought.

Drainage

- 10.37 A number of residents have raised concerns regarding the capacity of existing drainage systems. As such matters relate to the principle of the development, these issues were considered as part of the outline application, when both Yorkshire Water and the Council's Flood Risk Management section were consulted and raised no objections to the development in principle, subject to the approval of the specific details of the site drainage scheme. Additional details in this respect have been submitted as part of the current application, and both consultees have been re-notified, and have again raised no objections, subject to the same conditions. In the light of this, and as the conditions on the outline permission remain relevant and would still need to be complied with, no further details are required at this stage and the development is considered acceptable in this respect.

Other issues

- 10.38 The Neighbourhood Forum have made reference to a suggestion made by Members at the previous Panel meeting that some of the concerns raised might be addressed through a reduction in the number of units on the site. Although the outline permission granted permission for up to 90 units, the developer was previously advised that this was considered a maximum, and reservations have been raised as to whether the required number of units could be accommodated within the constraints of the site. However, after further discussions, and following the receipt of revised plans and further feedback from design and highways colleagues, as discussed in the foregoing appraisal, it is considered that the revised proposals satisfactorily address all of these matters within the capacity of the site. In the light of this, it is not considered reasonable to refuse permission solely on the basis of the

number of units, since it is considered that the revised plans demonstrate that 90 units can be provided in an acceptable layout, making appropriate provision for landscaping, parking and amenity space without detriment to highway safety or local amenity.

10.39 Concerns have been raised in relation to the capacity of local schools. Education provision is a matter relating to the principle of the development, which was considered at outline stage, and appropriate contributions secured as part of the original section 106 agreement. Such matters are not issues to be reconsidered as part of the current application, which relates solely to the approval of reserved matters.

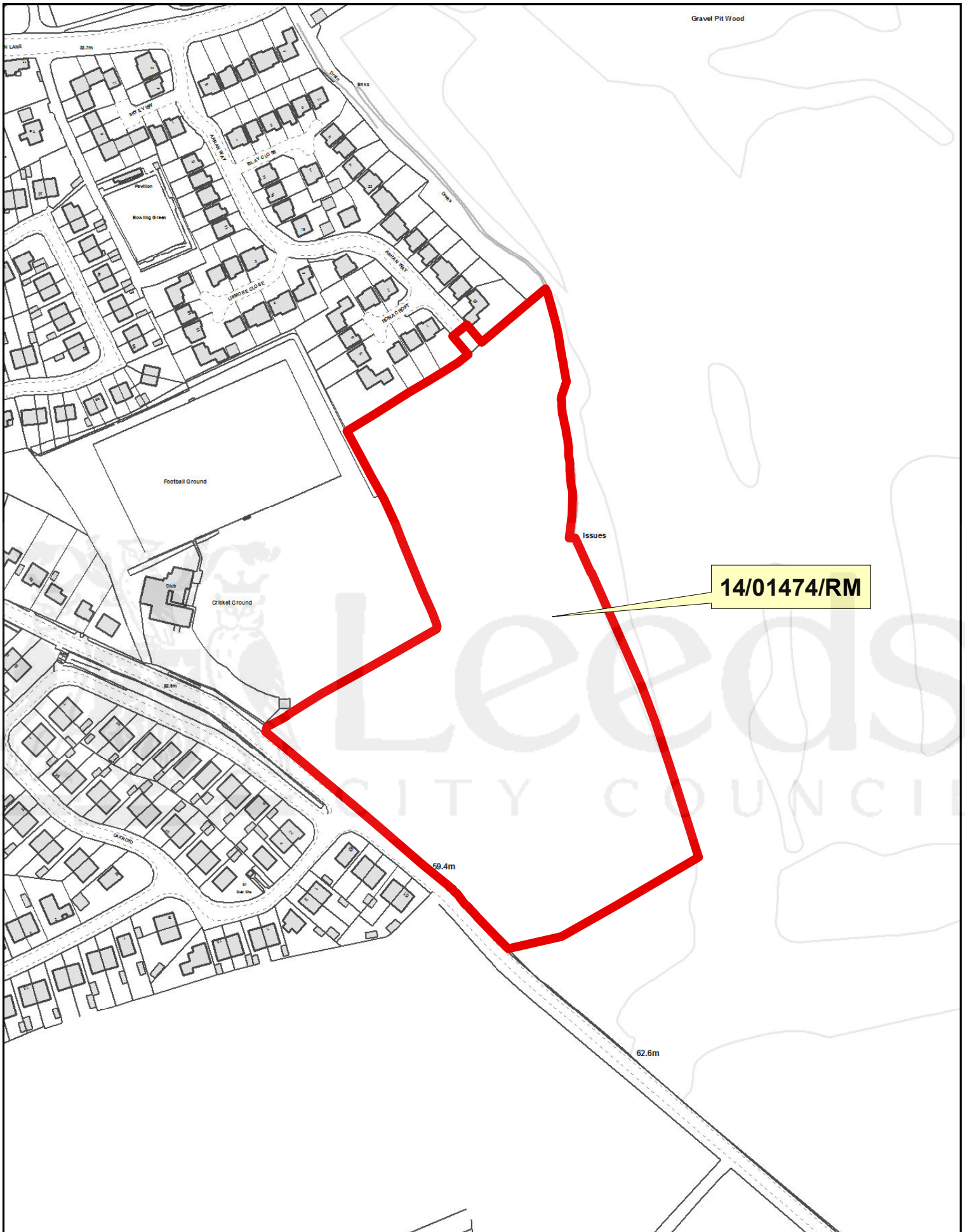
10.40 Concerns raised by local residents that insufficient public consultation was carried out prior to the submission of the application have been referred to the applicants, who have advised that they would be willing to carry out further consultation in relation to the revised plans which have recently been submitted. No further details of any such consultation have been received to date.

11.0 CONCLUSION

11.1 Following further discussions with the developer in response to the feedback received from Members at Plans Panel earlier this year, it is now considered that the proposals are acceptable in terms of their design and layout, the levels of amenity for future residents, greenspace and affordable housing provision and landscaping, and which would not detract from the character and appearance of the wider area, the amenities of neighbouring residents or highway safety. It is therefore recommended that the application is approved, subject to the conditions suggested above and a variation to the Section 106 to provide for the possibility of allowing funds committed for public transport to be utilised instead for off-site highway measures subject to an appropriate scheme.

Background Papers:

Application file 14/01474/RM and history file 12/3400/OT



SOUTH AND WEST PLANS PANEL





Originator: Alison Stockdale

Tel: 0113 24 77071

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 2nd October 2014

Subject: Application number 14/03987/FU – Demolition of former corn mill building and erection of two storey offices at Corn Mill View, Low Lane, Horsforth LS18 5NJ

And Application number 14/03988/LI – Listed building application to demolish former corn mill building at Corn Mill View, Low Lane, Horsforth LS18 5NJ

APPLICANT	DATE VALID	TARGET DATE
Horsforth Office Park Ltd	8 th July 2014	8 th October 2014

Electoral Wards Affected:

Horsforth

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATIONS

14/03987/FU
GRANT PERMISSION subject to the following conditions

1. Time limit on full permission
2. Notwithstanding the approved plans, details of cycle storage to be provided.
3. Vehicular areas to be laid out, surfaced and drained.
4. Details of contractors' storage area to be submitted and approved.
5. Submission and approval of a Phase 1 Desk Top Study.
6. Need for submission and approval of a new Remediation Statement.
7. Submission and approval of Verification Reports.
8. Submission and approval of a surface water drainage scheme.
9. Identification of safe routes out of building.
10. Finished floor levels to be 73.6m AOD.
11. Separate systems of surface and foul water to be supplied.

12. Sample stonework panel to be approved.
13. Roofing materials to be approved.
14. Samples of surfacing materials to be approved.
15. Landscaping scheme to be submitted and approved.
16. Landscape management plan to be submitted and approved.
17. Submission of details and location for information board.
18. Submission and approval of a plan for bat roosting and bird nesting opportunities.

14/03988/LI

DEFER FOR NOTIFICATION TO THE SECRETARY OF STATE: Listed building consent to be granted subject to the Secretary of State not calling in the application and subject to the following conditions

1. Time limit on listed building consent.
2. No demolition to take place other than in accordance with a timetable for demolition and rebuilding of the approved scheme of redevelopment
3. Archaeological recording.
4. Submission and approval of a plan of demolition.
5. Submission and approval of window/ glazing details.
6. Submission and approval of guttering details.
7. Detailed plans of use of re-claimed materials in service core.
8. Method statement for construction of service core to include coursing, bedding and pointing details.

INTRODUCTION:

- 1.1 The report relates to two applications, the first for planning permission for the redevelopment of the site with offices, and the second for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill.
- 1.2 A scheme for a part two part three storey office building to replace the listed building was considered by Plans Panel in June 2013. The scheme was refused because of the lack of parking and because the replacement building failed to show sufficient regard for the scale and massing of the listed building.

2.0 PROPOSAL:

- 2.1 Application 14/03987/FU is for full planning permission for the erection of a two storey office block with associated car parking. In order for the development to take place a listed building application (14/03988/LI) has also been submitted to demolish the existing derelict corn mill building on the site.
- 2.2 The proposed replacement building is of a simple two storey pitched roof construction. There are small pairs of vertically aligned windows along the West and East elevations while the other elevations contain larger windows reminiscent of doorways in historical industrial buildings. This building will be constructed from new natural stone with a slate roof.
- 2.3 The service core of the building will be housed within a rectangular block on the western side of the building. This will be constructed from reclaimed stone from the listed building and contain window and door openings from the corn mill rebuilt into the new building. The main building and service core will be linked by a zinc clad element.

- 2.4 A car park is provided to the east of the building with 17 parking spaces including 2 disabled bays and motorbike and cycle parking.
- 2.5 Members are reminded that as this reports refers to 2 applications, Panel will be required to make a decision on both.

3.0 SITE AND SURROUNDINGS:

- 3.1 The corn mill is located in the middle of the Corn Mill Fold development, a residential development comprising flats in 4 blocks to the north, west and south east of the building. To the east is a beck. This property is accessed off Cornmill View, which itself is the western arm of a roundabout only 100m south of the A6120 Ring Road and 1.5km from the centre of Horsforth.
- 3.2 The flats are in four 3 to 5 storey blocks which closely abut the site of the mill to the west and north. To the south is an open grassed area. The site of the corn mill is at a lower level than the estate road which runs to the west of the site. A public footpath runs from the estate road to the bridge over the beck to the north east of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The buildings and land at Corn Mill Fold were used as part of the adjacent Dickinson's Scrap Yard in the twentieth century, primarily for the storage of engines. Listed in 1988, the corn mill building had by the turn of the century fallen into disuse and disrepair. The area surrounding the site had been identified by developers as having potential for development, and a number of applications were submitted.
- In 1999 an application to demolish the mill was withdrawn before determination.
 - In January 2003, approval was granted for conversion of the disused mill to offices and for the erection of three office blocks on the surrounding land (27/189/02/FU and 27/188/02/LI). The scheme was designed with the listed building as the central element, the office buildings stepping down towards the Corn Mill in order to provide a suitable setting.
 - Subsequently, in July 2004, approval was granted for residential development comprising 123 flats in 4 blocks (27/224/03/FU). The building is now surrounded by this new residential development to the north-west, south-west and south-east with the beck and open land to the north-east. The permission included a condition that required the submission and approval of a programme to ensure the retention and refurbishment of the listed Corn Mill prior to the commencement of development but did not expressly state when the approved scheme had to be implemented. This, and the subsequent separation of ownership of the Corn Mill from the housing site meant that the construction of the residential development took place without the refurbishment of the mill building.
 - In September 2006 a further listed building consent (reference 06/02204/LI) and planning permission (reference 06/02203 FU) were granted for alteration and change of use of the listed building to offices. The motivation for these new applications was that investigations had shown that the extent of hydrocarbon contamination was greater than originally anticipated and the fabric of the building was in worse state than expected. The applications

included drawings showing details of the extent of demolition necessary to address contamination and health and safety issues prior to reconstruction works.

- 4.2 In December 2007 it became clear that more of the external walls of the building had been demolished than shown on the approved drawings and the matter was investigated by the Compliance Service. Following meetings with the applicant a further application was submitted (08/00365/LI), which did not seek to alter the end use but proposed to reconstruct the building on the remaining walls.
- 4.3 The drawings accompanying that application showed that additional demolition (over and above that previously permitted in 2006) had occurred on three elevations:
- On the east elevation the removal of all of the wall above first floor level, compared to the retention of approximately 40% of the wall above this level on the 2002 scheme.
 - On the south elevation the removal of 60% of the upper part of the south facing gable, whereas the 2002 scheme proposed the removal of only the top three courses.
 - On the north elevation the removal of nearly all of the walling above first floor level, compared with the retention of the majority in the 2002 application.
 - Proposed work to the west elevation remained largely unchanged between the schemes, the building having been demolished above first floor level.
- 4.4 The applicant submitted a letter justifying the need to amend the scheme with the application, indicating that during the process of demolition necessary for the investigation and treatment of contamination it became apparent that certain areas of wall not scheduled for demolition on the proposed drawings “were in a very precarious and poor condition” and “needed to be removed immediately for health and safety reasons”.
- 4.5 The parts of the walls retained on site were those that were judged to be structurally sound. The stones that were removed had been individually surveyed, marked and identified on plans and stored at a builder’s yard in Malton, North Yorkshire. The applicant submitted a proposed programme of works indicating that it was intended to begin reconstruction on 1 June 2008 with completion targeted for 11 May 2009.
- 4.6 The listed building application 08/00365/LI was granted on 18 March 2008 and the alterations were accepted as a minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).
- 5.0 DISCUSSIONS FOLLOWING THE 2008 APPROVAL AND THE SUBMISSION OF APPLICATIONS 11/02390/LI and 11/02389/FU:**
- i) Prior to the submission of the applications
- 5.1 Following the March 2008 approval, the owners made it clear at this time that it was intended to complete the identified de-contamination works and restore the building. The property was actively marketed for an end user. In view of this and the agreed programme of works, the Area Planning Manager wrote to the owners on 2 May 2008 indicating that he was prepared to recommend to the Compliance Service that action shouldn’t be taken to prosecute them for the unauthorised demolition of parts

of the building providing that the programme of works was implemented and the building restored.

- 5.2 Remediation work on the site started in the summer of 2008. On 8 July a further letter was sent to the owners asking for an update to the timetable, since the owners had indicated in correspondence that more time would be needed to implement the scheme. The applicant indicated that the further contamination problems had arisen and there had been delays in agreeing the requirements of the West Yorkshire Archaeological Service. The latter approved the scope of works in July 2008 but a Final Report was still required before the refurbishment work could commence.
- 5.3 Agreeing the necessary remediation work took some time and the work itself did not commence on site until 13 October 2008. Following this a further meeting was sought with the owners to discuss the implications for the agreed programme of works. That meeting took place on 11 December 2008. At that meeting the Applicant indicated that the location of additional contamination would mean that further demolition would be needed. If the completed building was to be occupied for offices this work would have to be carried out in order for the potential purchasers to obtain insurance. Given this and the mounting costs and losses on the project, the only realistic options for the owners would either be to demolish the building or for the Company to go into liquidation. In view of this the applicant sought guidance on how to go about obtaining listed building consent to demolish the building.
- 5.4 The Contaminated Land Team, who had been working with the owners and the Planning Service to address contamination issues on the site subsequently considered the evidence relating to additional contamination. In February 2009 they confirmed that the material should be removed from the site and agreed with the owner that this may require the removal of the northern wall of the building. These comments and requests for further information were communicated to the owners Environmental Consultant on 17 February 2009. Following further exchanges of information a meeting was arranged with the applicant on 1 April 2009. At that meeting the Contamination Officer supported the removal of the northern wall to deal with contamination by hydrocarbons. The owners asked whether, with further demolition, the better option would be the demolition and rebuilding of the whole listed building.
- 5.5 The implications of demolition were pointed out to the owners at the meeting on 1 April 2009. In addition to the need to justify the demolition of the listed building and support this with information relating to commercial viability of the various options, they were also advised that any such proposal would not only require the support of officers but more importantly that of English Heritage, Local Members and the Plans Panel. It was suggested that the owners should meet with and explain their position to Local Members and the Civic Society.
- 5.6 Following this meeting a letter dated 3 April 2009 was sent to the owners suggesting investigation of an alternative development of the site, retaining the largely intact two storey building but demolishing and rebuilding the already largely demolished three storey section. It was made clear that this was an officer suggestion and without prejudice to the decision of the Council. In any event the applicant replied indicating that the proposal was both impractical and non viable.
- 5.7 In view of this an email was sent to the Horsforth Councillors, transmitting the owner's requests for a meeting to discuss the future of the building. However

Councillor Townsley indicated he would attend only if it was to discuss the retention of the building.

- 5.8 Following the response from Councillors the owners did not pursue their proposals for a revised scheme demolishing the building and continued to address contamination issues. In April 2010 the Head of Planning Services and the Owners' agent spoke again and agreed to arrange a review meeting, which was held on 20 May 2010.
- 5.9 It was clear at this meeting that the owners had resolved to pursue the redevelopment of the site on the basis that the retention of the building was, in their view, not feasible, practically or economically. Whilst the owner had shared costing and marketing information whilst pursuing the option to repair the buildings in accordance with the approved listed building and planning applications, it was the view of officers that if demolition was proposed much more information would need to be provided on the practicality and viability of the various options if the Council was to be in a position to make an informed decision.
- 5.10 Prior to the 2011 applications, there was correspondence with the applicant discussing the technical requirements if a new application was submitted. At this stage additional information was submitted on viability and Officers expressed the view that on the basis of the information provided to date new build was the only viable proposition.
- 5.11 The owner was further advised that they would have to apply for listed building consent to demolish the remaining fabric and that further justification for demolishing the listed building including marketing details would be required. It was stressed that the views expressed constituted an officer opinion and that members may not agree with this assessment.

ii) Following the submission of the 2011 applications and prior to the Panel meeting of December 6th 2012

- 5.12 Following the submission of the applications additional information was sought in respect of the viability appraisal and the parking issues and there have since been additional meetings with the agents for the applications and Local Councillors. At a meeting on 18 January 2012 the agents agreed to submit additional information considering the viability of stabilizing the building and effectively leaving it safe as a "historic ruin". In addition further information regarding the applicant's proposals for off street parking in the adjacent flats, including a traffic survey to assess existing parking arrangements, confirmation of the number of units and bed spaces in the present scheme and details of a legal agreement with the management company were to be provided.

iii) Since the December 2012 Panel Meeting

- 5.13 Following the Panel meeting the agent wrote to Officers indicating that following the discussion at Panel there appeared to be two options:-
1. Retaining a 'heritage' scheme of the scale and nature currently proposed (with no ability to increase the 14 car parking spaces).
 2. Simplify the scheme and thereby the cost, to enable it to be made smaller and thus deliver a few (not 17) more car parking spaces. That could result in a design which is less reflective of the past heritage.

- 5.14 In response the Head of Planning indicated that in his view members would not support the application as submitted and that they would prefer to see a proposal which retained more of the character of the building, was smaller and had adequate parking. Subsequently the agent indicated that a smaller scheme was being considered and that proposals would be put together for the end of January, but that they remained concerned that a smaller scheme would impact on viability.
- 5.15 At a subsequent meeting between officers and the developer on 29th January 2013 the applicant indicated that he considered that a proposal with restricted car parking would be attractive to potential occupiers. However the architect tabled a proposal which reduced the size of the building to 5000 square feet and produced three additional parking places (total 17), but which the applicant considered would not be viable. In addition the applicant proposed that the parking could be controlled by a 106 Agreement, which would be worded to ensure that the current owner was liable in perpetuity to ensure that no parking problem developed. In addition the agent reported that a local company was interested in occupying the proposed offices as submitted with 14 car parking spaces.
- 5.16 Subsequently the applicant's agent produced an update report on the proposals. The report included the agent's assessment of the views expressed by Panel members, stating that doubt was expressed as to the proposals reflected in the application (11/02389/FU) particularly in relation to matters related to the level of car parking provision, the scale of the scheme (in terms of bulk), the lack of reflection of local heritage and the limited use of the on-site materials. It noted that members requested consideration of an alternative, smaller scheme which better reflects the heritage aspects of the site and which can deliver enhanced parking provision, and that members sought some comfort that should any scheme be consented, that they be given some assurances of the likelihood that it could be implemented.
- 5.17 The report reviewed the amount spent on addressing issues of contamination on the site (circa £85-90000) and noted that a localized area of oil contamination was still to be removed and that this could only be achieved by demolishing the gable wall of the building. This would further reduce the viability of retaining the existing structure and add to the costs (possibly an additional £20-30k) of developing the site.
- 5.18 In addition to these contamination costs the report noted that because of changes to the EA flood maps to take account of Climate change the 100 year flood levels had been raised by 600mmm and office developments were required to have finished floor levels 300mmm above this. The previously approved scheme for the conversion of the building showed a finished floor level of 72.60 AOD, whereas the current requirement would be 73.60 AOD. This would require window openings in the listed building to be relocated at a higher level to the existing to address the 1 metre rise in finished floor levels.
- 5.19 The reasons for the non viability of the conversion proposals approved under references 06/02203 FU and 08/00365/LI were then summarised by the agent as follows:
- Physical constraints
 - Costs of dealing with contamination from previous scrap yard use
 - Requirement to raise ground floor level to mitigate flood risk
 - Design Parameters
 - Floor space provided does not create sufficient value to overcome costs from physical constraints

- Split floors which are unattractive in market place
- Scheme has been continuously marketed with no interest converted into a letting
- The net lettable floor space was insufficient for the scheme to be economically viable.

5.20 The report also highlighted the benefits the applicant considered that would result from the application proposal. The key issues highlighted were:

- A solution which is of a scale and massing generally reflective of the existing building and the historic context.
- Where possible it will retain the use of the existing materials on site
- It is of a design which is acceptable to officers and the Conservation Officer in particular
- There has been no objection from English Heritage to the demolition
- It provides for improvements in layout and functionality that will make it more commercially attractive
- It responds to the issue of flood risk to the satisfaction of the EA.

5.21 In relation to the specific concerns relating to parking the applicant's report stated that:

- The site is in a very sustainable location close to bus stops and walking distance to station.
- There is no evidence that the proposed parking levels will cause problems of highway safety.
- UDP car parking standards are maximum figures.
- The owner had sought to agree the shared use of residents' parking spaces during the day. However, there has been a poor response to resolving this from the Management Company but the applicant believes that with a permission in place it may be possible to reach some accord on this
- There is a parking management scheme in place on site and this could be extended to 'police' the local parking arrangements
- The owner is willing to sell with a long lease or freehold arrangement and to specify clearly to occupiers their parking provision/enforce this. A S106 could be signed to this effect
- Any potential occupier would come forward understanding the significant controls in place and would be unlikely to sign up in any case if they are not confident of their requirement for a certain number of parking spaces.

5.22 The report also considered whether it would be possible to come forward with alternative schemes to reflect the recent concerns raised by Members in relation to increasing the levels of car parking provision and enhancing the detail of the scheme to reflect more heritage considerations. A proposed alternative scheme was considered but it was concluded that it would be viable. Subsequently the Agent has submitted evidence to demonstrate the additional costs involved in the revised scheme to demonstrate it is not viable. The report concluded that the main reasons for this are that:

- The construction costs would increase
- The net lettable floorspace reduces thus making the viability gap larger
- Reinstatement would yield less attractive floorspace,

- 5.23 In relation to all the potential options for the site the applicant has concluded that:
- 1) A restored scheme with additional parking and a reduced scale/mass of building is not economic.
 - 2) Demolition with no replacement building is not considered a satisfactory solution by the owners, as it is considered that the current proposals do more to reflect local history and heritage and that it can deliver a project that will bring jobs back to the locality.
 - 3) The agent indicated that in her view potential to retain the site as a managed ruin has not been supported by any party as a way forward and considers it would lead to problems with health and safety on site and is not a robust long term strategy for the site. The relationship of a ruin and water could be a magnet for children.
 - 4) Doing nothing is not considered to be an option by the applicant.

5.24 In discussing the proposals, concern had also been expressed that even if consent was granted that development may not be implemented and the site remain derelict. In response the agent has submitted information indicating that a Horsforth based company is interested in the site and considers the parking provision adequate.

5.25 The ultimate conclusion of the applicant's agent in relation to the proposals expressed in correspondence dated 8 May 2013 is that:

“In response to requests to review the opportunity to deliver a smaller scheme, our viability and market assessment has clearly demonstrated that our only option, if we are to retain any vestige of heritage in the building design, and deliver a building that would be acceptable to members in terms of its scale would be the current application submission (this being the building in which there is current interest)”.

5.26 In response the agent was informed that officers would recommend refusal on the grounds that the floorspace of the building is too great for the parking provided.

5.27 The applications were taken to Plans Panel on 20th June 2013 with reasons for refusal relating to the lack of parking, massing of the building and failure to provide a satisfactory replacement scheme. The application was determined in line with officers' recommendations and refused.

5.28 Since June 2013 officers have been in discussion with the applicant, Conservation officers and ward councillors with the current application being the result of those deliberations.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Comments received:

Ward Councillors were consulted on 14th July 2014.

Ward councillors are broadly in support of the principal of the demolition of the listed building and redevelopment of the site with the current scheme. They have however still some concerns over a number of detailed matters. Councillor Townsley has raised objection that insufficient of the existing fabric of the building is

being retained and that the walling being retained should be left at 1.0m in height. He had requested that, where the new parking area passes over the footprint of the listed building, this was shown in the car park surfacing. The agent has expressed concern that this would result in an impact on durability of the surfacing. He requested that the new building was named after the Corn Mill; the agent has confirmed that this can be considered.

Amenity bodies:

Leeds Civic Trust: Objects to the proposed development, and considers that the proposed building is a very poor substitute for the historic corn mill building and does not bear any resemblance to the former mill. Two possible outcomes were suggested. Firstly, to press for the reconstruction of the mill building in a form which would be far closer to its original design - this would at least have the benefit of harking back to the past use and appearance, so maintaining the historic links on the site. An alternative would be to remove the requirement for an office building altogether and require the development of affordable housing or a community facility on the site which would fit better with the surrounding uses although it was appreciated that flooding may be an issue.

The Association for Industrial Archaeology: The Association for Industrial Archaeology objects to the demolition of the mill. Every effort should be made to either incorporate the existing structure into a well-designed building of appropriate use, or that it is correctly rebuilt. It is noted that some of the materials from the mill are stored and therefore are available to be used in its rebuilding/repair. Should the application be allowed then there must be appropriate further recording in accordance with paragraph 141 of the NPPF.

Council For British Archaeology: The CBA objects to the proposal and comments that mishandling of a previous application has led to a very disappointing situation. It believes that the scheme is substandard and does not represent the best available outcome which must be sought in order to avoid setting a dangerous precedent. The fabric of the building should be reused in a way that best enhances the connection between the area now and the historic use. The proposed scheme reuses the fabric of the listed building in a random fashion as a token gesture towards the previous building.

One individual objection received noting that: as a listed building the corn mill should have been protected and to allow its demolition sets a dangerous precedent. The history of the site was noted and mention was made that if planning permission was granted remediation works would be required and archaeological recording should take place before this to ascertain if the site contained a Medieval mill.

7.0 CONSULTATION RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY: No objection subject to conditions

FLOOD RISK MANAGEMENT: No objection subject to conditions

YORKSHIRE WATER: No objection subject to conditions

ENGLISH HERITAGE: No response received to date; a verbal update will be given at Plans Panel. However in relation to applications 11/02389/FU and 11/02390/LI, the following response was received:

The application requires the demolition of the remaining structure and a partial reconstruction “in the spirit of the mill site”. We would advise that the materials proposed in the documentation for reuse are fully identified, securely stored and a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for English Heritage to be consulted again.

Non Statutory Consultees:

CONTAMINATED LAND TEAM: No objection to planning permission being granted, subject to conditions and directions.

PUBLIC RIGHTS OF WAY: Public Footpath No.25 Horsforth subsists along the site road as well as the corn mill building. As long as the footpath is not affected by the demolition and erection of two storey offices this office has no objection to the proposed.

SUSTAINABILITY – CONSERVATION: No objection subject to conditions.

SDU NATURE CONSERVATION: No objection subject to a condition.

ENVIRONMENTAL HEALTH: No specific comments; officer referred to standing advice.

HIGHWAYS: No objections, conditions recommended.

As outlined in the Transport Statement the UDP recommends a maximum 1 space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area, this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well. Space for secure cycle parking is identified on the site plan, 3 staff spaces should be provided in a lockable enclosure and this should be secured by condition of any approval.

ARCHAEOLOGICAL ADVISORY SERVICE (WYASS): The WYAAS defer decision on the demolition of the listed building to the Council’s Conservation department but recommend that an appropriate level of archaeological recording is carried out during any works to the building and its footprint.

8.0 PLANNING POLICIES:

8.1 Government Policies

The National Planning Policy Framework 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.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. 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.

Paragraphs 132 and 133 of the NPPF are particularly relevant. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is referred to in the appraisal.

8.2 Development Plan Policies

The Leeds UDP Review identifies the site within the main urban area with no specific allocations or designations. Relevant policies include:

- GP5 – General planning considerations
- N12 - New development should respect character and scale of adjoining buildings.
- N14 – There is a presumption in favour of retention of listed buildings. Proposals for demolition will be permitted only in exceptional circumstances and with the strongest justification
- N16 - Extensions to listed buildings will only be accepted where they relate sensitively to the original buildings. In terms of design, location, mass and materials. They should be subservient to the original building.
- N17 - Proposals should keep original plan form intact and preserve and repair original features.

8.3 Draft Core Strategy

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the core strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified core strategy can now be afforded substantial weight. Once the core strategy has been adopted it will form part of the Development Plan.

The following policies are relevant:

Policy EC2 – Office development
Policy P10 – Design
Policy P11 – Conservation
Policy T1 – Transport Management

Policy T2 – Accessibility requirements and new development
Policy EN2 – Sustainable design and construction
Policy EN5 – Managing flood risk

9.0 MAIN ISSUES

- 1 Principal of development
- 2 Listed building issues
- 3 Highway Issues
- 4 Design
- 5 Other issues

10.0 APPRAISAL

Principle of development

- 10.1 Previous planning permission 27/189/902/FU and 06/02203/FU established the principle of B1 (Office) development on the site. The principle of demolishing and reconstructing parts of the building was established by applications 06/02204/LI, with minor variations to the rebuilt structure being approved under applications 08/00365/LI (granted on 18 March 2008) and the minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

Listed building issues

- 10.2 The mill was listed in 1988 for its historical significance as a corn mill. Initially constructed in the 18th century and expanded in the 19th century it is built of sandstone with quoins, stone mullion windows and a stone slate roof. It incorporates a small element of re-used medieval material. It is Grade 2 listed and is considered by WYAAS as of regional significance as it has evidence of both water and steam powered milling technology. It is the last of two corn mills in the area – Troy Mill was demolished in the 1970s.
- 10.3 Whilst the principle of rebuilding the derelict listed building has been accepted, on essentially the same footprint and utilising the remaining structure and the materials that had previously been carefully removed and labeled, the present proposal is for the construction of a new building on the site utilising some of the existing materials but on a larger footprint and with an altered external appearance. Whilst the Design and Access Statement seeks to stress the retention and rebuilding, the fact is that the proposal will result in a new building on the site, not the current listed building. The principal issue to be considered, therefore, is whether the demolition of the building can be justified in Policy terms and on the basis of the evidence submitted by the applicants.
- 10.4 Leeds UDP (2006 Review) Policy N14 sets out the criteria against which proposals to demolish listed buildings should be considered. This states that there is a presumption in favour of retention of listed buildings and that demolition will be permitted “only in exceptional circumstances and with the strongest justification”.
- 10.5 Subsequent National Guidance is included in National Planning Policy Framework (NPPF). Paragraph 133 is particularly relevant, stating that:

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

1. The nature of the heritage asset prevents all reasonable uses of the site; and
2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
4. The harm or loss is outweighed by the benefit of bringing the site back into use.

- 10.6 It is clear from paragraph 132 of the NPPF and the above that the total loss of this grade II listed building should only occur in exceptional circumstances either because the loss will achieve substantial public benefits **or** all four criteria in paragraph 133 are met.
- 10.7 The applicant claims that the scheme will result in substantial public benefits as a result of the quality of design and the viable use of the building; the improvements to the immediate environment; addressing flood risk and on site contamination; and the contribution to the economic growth of the local and wider Leeds area will all contribute to a substantial public benefit. Whilst the building is clearly something of an eyesore in its present state, the mitigation of that problem is not considered to be such a priority to justify the loss of the heritage asset and the other benefits alluded to could potentially be achieved by a scheme along the lines previously permitted by the City Council for conversion and rebuild.
- 10.8 The Local Planning Authority do not consider that the substantial harm or loss of the listed corn mill building is outweighed by the public benefits listed above. The importance of the corn mill has been detailed in 10.2 above and it is not considered that the proposed replacement building can replace the significant history displayed by the building.
- 10.9 It is therefore considered that if consent is to be granted for demolition all four criteria in paragraph 133 must be met, specifically, that the nature of the asset prevents all reasonable use of the site, no reasonable, viable use can be found; preservation through funding is not possible; and the loss of the asset is outweighed by bringing the site back into use.
- 10.10 Consideration of the four policy criteria of the NPPF:
- 1. The nature of the heritage asset prevents all reasonable uses of the site**
The applicant ascertains that the previous planning applications for the site indicate their attempts to find a re-use for the building. They further state that the technical issues of the site have resulted in it proving difficult to re-use. The level of contamination on the site and the remediation works required to make the site fit for use would almost certainly result in the collapses of the remainder of the building. The Structural Report supplied with the application shows that the building would require significant structural works including underpinning the existing foundation, replacing timber elements of the building and potentially rebuilding the existing walls which are no longer vertical. Combined with this, the current ground floor level is well below predicted flood levels such that if the existing building were to be retained and repaired then approximately 20% of the

wall would be below the required ground floor level. This would result in the need to increase the height of the wall by between 1.5m and 2.0m in height to allow for headroom, services etc.

As a result of the state of the listed building, the level of contamination on site and the siting within the flood plain, it is agreed that the re-use of the building would be highly limited and significant rebuilding, if not complete reconstruction, would be required.

2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

The applicant indicates in the Viability Report that the site has been actively marketed since 2006 when particulars were prepared for the site reflecting the 2006 permission which allowed alteration and conversion to offices. Information has been provided to show that there has been occasional interest in the site but nothing that has progressed. The reasons for this have been identified as the time taken to complete the redevelopment of the site; the nature of the accommodation and its small floors; the current poor impression of the site; and comparisons with other locally available office space.

The financial viability of the 2006 scheme (rebuilding and conversion) has been assessed within the Viability Report and indicates that the scheme would not be viable because of the small conversion footprint and limited returns.

The contamination and flooding issues and state of the building, as well as the small size of the structure have been highlighted as issues affected the viability of the re-use of the site.

3. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible

The Viability Report confirms that during the time the property has been marketed, no community or charitable organisations have come forward which have offered to take the property at a nominal value and to then secure grant funding for an appropriate future project at the site.

The applicant has demonstrated that, despite marketing, no charitable or public ownership scheme has been brought forward to conserve the building.

4. The harm or loss is outweighed by the benefit of bringing the site back into use.

The state of deterioration and disrepair of the site is such that it is a significant eyesore in the locality. It has been discussed that the contamination level on site would mean that much of the building still standing would need to be demolished prior to the removal of the contaminated material. While it is true that the building could then be re-built, significant works would still be required to make the building structurally sound. As has also been stated above, issues relating to flood levels would mean that much of the ground floor was below the flood level and further lead to the conclusion that re-use of the existing building is not feasible.

Without the remediation works, an acceptable re-use for the building is unlikely to be found. It has been demonstrated that it is highly unlikely that the building can be restored without complete demolition and rebuilding. Even then, it is unlikely that it would provide viable accommodation as a result of its restricted floorspace and issues surrounding flood risk. The current scheme however

results in a building which will reflect the previous industrial use of the site in its design while providing office space suitable for modern use. The modest design of the scheme and re-use of materials from the listed building refer back to the previous use of the site and provide an appropriate and viable future use for the site.

- 10.11 The Council would have a number of options if permission is refused and the applicant makes no attempt to repair the listed building. These include:
- A notice under Section 215 of the Planning Act 1990 could be served if it was considered that the current condition of the site is affecting the amenity of the area. Such a notice is subject to appeal. If the works are not carried out the local authority may enter the land and carry out the work, recovering “expenses reasonably incurred” from the owner.
 - Section 54 of the Listed Buildings and Conservation Areas Act allows an authority may give 7 days’ notice that they intend to execute works they consider urgently necessary for the preservation of a listed building in their area. Again the owner can be served a notice requiring him to pay the costs of the work and the owner may appeal to the Secretary of State within 28 days that the works are unnecessary or the costs unreasonable.
 - Section 48 of the same Act allows the service of a Repairs Notice, specifying what works are considered necessary for the proper preservation of a listed building. If the works are not carried out within two months the local authority can start compulsory purchase proceedings. Other powers exist under the Building Act.
- 10.12 None of these options are likely to provide a quick fix and all are likely to have budgetary and potentially future asset management implications.
- 10.13 When these issues were discussed at the December 2013 Panel the view of members was that the demolition of the Heritage asset may be justified if a suitable redevelopment proposal was advanced by the applicant, but that the proposal before the Panel was not acceptable. This resulted in the refusal of applications 11/02389/FU and 11/02390/LI.
- 10.14 The current application seeks to resolve the issues raised in relation to the previous scheme in terms of parking provision and design of the replacement building thereby providing a new building which justifies the demolition of a listed building.

Highway Issues

- 10.15 17 parking spaces have been accommodated on site including 2 disabled parking bays. The UDP recommends a maximum 1space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area; this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well.
- 10.16 Vehicle access arrangements are adequate and the Transport Statement with the application estimates 12 vehicles trips in peak hours. Highways officers have not disputed this figure and it is not anticipated that the projected number of vehicle movements will cause any highway concerns.

Design

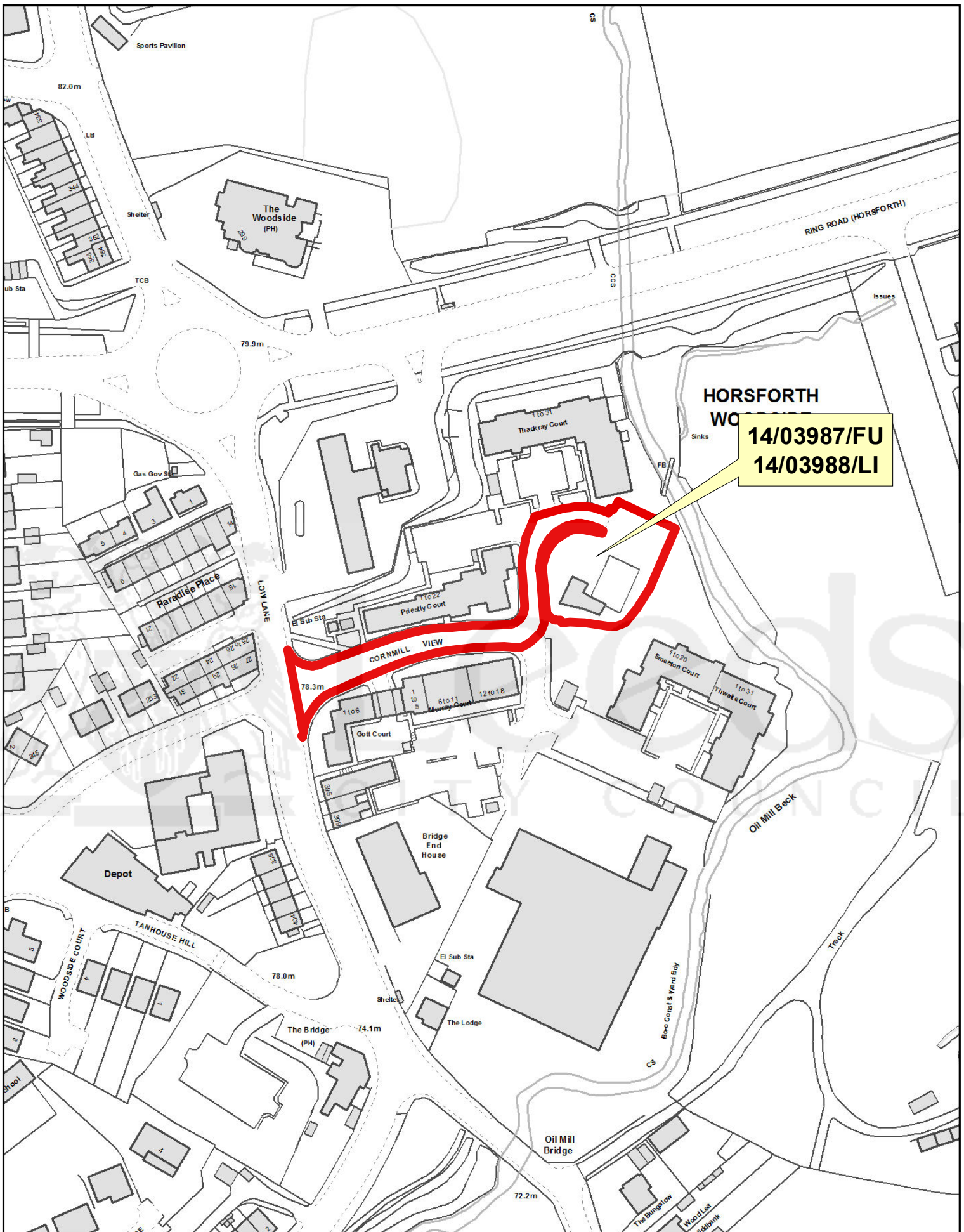
- 10.17 The proposed office building is of a simple two-storey pitched roof construction with an adjoining service core housed in a flat roofed block fronted with stone and door and window detailing taken from the listed building. The new building does not pretend to be a reconstruction of the corn mill but harks back to the past industrial use of the site with a simple vernacular building of modest proportions similar to those of the corn mill.
- 10.18 The footprint and scale of the building is similar to that of the corn mill. The proposed pitched roof and large arched windows further reference the previous building without resulting in a pastiche of the demolished corn mill. This similarity in scale and siting allows some impression of the corn mill setting as it once was.
- 10.19 The main building will be constructed from new stone with a slate roof. Down the long side elevations windows are smaller and in pairs separated by stone mullions. The gable ends have larger windows reminiscent the openings in historical industrial buildings.
- 10.20 The service core is housed within a block to the side of the main building and linked to it by a zinc clad section. The outer elevation of the service core is a 'wall of memory' using stonework and openings from the listed building and providing a link with the past without resulting to a pastiche of the demolished building.
- 10.21 It is intended to retain an area of the existing stonework within the landscaped area outside of the office building. The proposal was to retain this at a low level to give an indication of the footprint of the former building although the applicant has indicated that he is willing to retain a higher section of the wall if required. He has further indicated that he considers it would be difficult to retain any further sections of the existing stonework because of the remediation works required and their proximity to the foundations of the new building but is willing to retain as much of the external stonework as possible. He has further expressed concern about retaining areas of stonework within the car park surfacing because of worries about the durability of a mix of surfacing in this area.

Other issues

- 10.22 The office building is some distance from the neighbouring flats and it is not considered that it is likely to result in any significant overlooking and loss of amenity to existing residents. The siting of the building is such that it will cause little overshadowing of the neighbouring sites.
- 10.23 The adjoining public right of way is unaffected by the proposal.
- 10.24 Conditions are recommended to cover matters relating to the demolition and archaeological recording of the listed building, materials and detailing of the new building, contamination issues, drainage, landscaping and nature conservation.

11.0 CONCLUSION

- 11.1 The total demolition of a listed building should only occur in exceptional circumstances. This report sets out in detail how that test and the detailed tests set out in paragraph 133 of the NPPF are considered to be met in this particular case. When the Panel last considered a previous application to demolish the building in

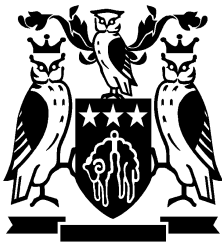


HORSFORTH
WC
14/03987/FU
14/03988/LI

SOUTH AND WEST PLANS PANEL



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Appendix A to this report is exempt under Access to Information Procedure Rule 10.4(3).

Report of the Chief Planning Officer

South and West Plans Panel

Date: 2nd October 2014

Subject: PLANNING APPLICATION NUMBER 14/01523/FU – Full application for residential conversion, demolition and new build to form 89 residential flats at Horsforth Mills, Low Lane, Horsforth

APPLICANT

Regeneration Programme
City Development

DATE VALID

15 July 2014

TARGET DATE

14 October 2014

Electoral Wards Affected:

Horsforth

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to a section 106 agreement to cover £100,000 contribution towards affordable housing with overage clauses and the conditions below:

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of all walling and roofing materials to be submitted
4. Stone panels to be erected on site
5. All external repairs shall match the existing and use materials to match
6. Samples of surfacing materials to be submitted
7. Areas to be used by vehicles to be surfaced and sealed before occupation
8. Full details of both access and egress gates with management to be submitted
9. Foul and surface water scheme to be submitted and implemented
10. Details of boundary treatment to be submitted
11. Construction hours to be submitted
12. cycle/motorcycle details to be implemented
13. Details of bin storage
14. Details of existing and proposed levels to be submitted
15. submission of landscaping scheme and implementation

- 16. details of design of building foundations to be submitted
- 17. protection of existing trees/hedges/bushes during construction
- 18. preservation of existing trees/hedges/bushes
- 19. details of guttering
- 20. details of door/windows frames
- 21. Updated surveys of otters, white clawed crayfish and bats to be submitted
- 22. Bat Mitigation method statement to be submitted
- 23. Construction Environmental Management Plan to be submitted
- 24. Biodiversity Enhancement and Management Plan to be submitted
- 25. Bat roosting and bird nesting opportunities to be submitted

1.0 INTRODUCTION

- 1.1 This report is brought to South and West Plans Panel for determination as it involves financial viability issues. This planning application relates to conversion of an existing mill building, along with demolition of an existing structure, new 6 storey extension and a stand alone two and three storey building to create 89 flats along with highway works, parking and landscaping.
- 1.2 The existing mill building is a positive building and landmark structure within the conservation area and the proposal will enhance both the building and the conservation area as a whole. The new build is modern in design but represents the scale and features of the existing building and the proposed materials are high quality.
- 1.3 The proposed scheme requires under current policies financial contributions for affordable housing, greenspace, bus stops, Metrocards and Public transport. A financial viability has shown that the scheme would not go ahead if section 106 agreements moneys are paid and the applicant is offering a one-of-sum of £100,000 towards affordable housing. The District Valuer has assessed this financial appraisal and agrees with its conclusions and suggests that the offer of the £100,000 is accepted along with overage clauses in case the financial market improves during the construction of this scheme.
- 1.4 The scheme will enhance the conservation area as it is a high quality scheme as well as adding to the Councils 5 year land supply and is the development of a vacant brownfield site. It will also provide employment within the area and it is considered that these benefits outweigh the need for the contributions required for the section 106 agreement and approval is recommended.

2.0 PROPOSAL:

- 2.1 The proposal seeks planning permission to convert an existing mill building into residential accommodation along with a 6 storey extension to the main mill building and one stand alone two and three storey building all for flat accommodation. The overall number of units will be 89 with 34 being within the existing building, 50 within the proposed 6 extension and 5 in the two stand alone buildings. The mill is not listed but it is a positive building and a key landmark building within the Horsforth Cragg Hill and Woodside Conservation Area.
- 2.2 The existing building will have 34 of flats with an entrance lobby on the front elevation. In the basement area there will be 12 car parking spaces along with secure cycle parking for 42 cycles. On the ground floor will be 6 two bedroomed flats, one one bedroomed flat and one studio all off a central corridor and the main elevations to the front and rear of the building. On the first and second floor there are 6 two

bedroomed flats with two one bedroomed flat off a central corridor. On the third floor and top floor will be 9 two bedroomed penthouses and 1 one bedroomed duplex. The bedrooms will be located on the third floor and the living accommodation will be located on the top floor. The top floor currently houses north lights and this will be removed and replaced with a glazed flat roofed building which will be set in 1.5 metres from the edge of the existing building. The conversion will use the existing openings and apart from the replacement roof the only other external changes will be the removal of an existing small extension which houses toilets at the western end and a new glazed stair on the front elevation which replaces an existing fire escape. The windows will be replaced with bronze anodised aluminium windows. All existing stonework and slate will be refurbished and made good where required.

- 2.3 There is an existing 1970s two storey flat roofed extension to the front of the building and this will be demolished and the elevation behind restored to match the rest of the mill conversion. There will be a 6 storey extension located at the southern end of the existing building. It will project out by between 11.2 to 16.8 metres and has an overall length of 66.5 metres. Its location on the main building will result in the overall development forming a T shaped building. On the ground floor the extension will house car parking accommodating 36 car parking spaces and the refuse store. On the first, second, third fourth and fifth floors will be 8 two bedroomed flats and 2 one bedroomed flats off a central corridor. This extension will be constructed from smoothed faced ashlar stone and will be modern in appearance but will take on board proportions such as window design, sizes from the existing building. The windows will be timber with aluminium window reveals. The flats on this part of the building will have glazed and steel light weight balconies.
- 2.4 The existing tower will sit between the existing building and proposed extension and will house the lift and stairs for the accommodation with the upper part of the tower being used as a communal viewing tower. There will also be a glazed stair and lift unit within the proposed new building.
- 2.5 The stand alone building will be at the entrance to the site to the south of the access road. This will be a two storey and three storey building linked by a glass atrium. The two storey will have two one bedroomed flats one on each floor while the three storey building will have three two bedroomed flats again one on each floor. The building will have a flat roof and the two storey will be 6.8 metres in height with the three storey being 9.6 metres in height and the glass atrium 9 metres. The design will be modern in appearance and the flats on the upper floors will have glazed balconies. The proposed materials will be smooth faced ashlar stone with the windows being timber with aluminium reveal. There will be four car parking spaces outside of this block with landscaped areas to the side and rear.
- 2.6 In front of the existing building will be a communal garden along with some disabled car parking spaces. There will also be some car parking to the rear of the existing building. In total there will be 115 car parking spaces on the site. The entrance to the site is off Low Lane with the egress being to the rear onto Cornmill View then eventually onto Low Lane. This access and egress will be controlled by electric gates. The land beyond the extension and the Beck will be landscaped.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site contains an existing 5 storey mill building which until recently has been used as office accommodation but is currently vacant. The site comprises the main building which is set back from Low Lane and there is a flat roofed two storey building to the front and side of this mill building which was constructed in the 1970s. The rest of the

site at the moment is hardstanding used for parking and servicing. The main mill building is constructed from stone and has a tower located at its western end.

- 3.2 To the western side of the site is Oil Mill Beck and there is some vegetation alongside this beck. On the other side of the beck are a couple of residential properties then open countryside. To the north and east of the site is a residential development built in the 1980s. There is a mini roundabout close to the front of the site and at the opposite side of this roundabout is a public house.
- 3.3 The site is located within the Conservation Area and the main mill is both a positive building and key landmark structure within this Conservation Area. Within the Horsforth Cragg Hill and Woodside Conservation Area Appraisal the building is described as a key focal point in the Conservation Area. There are two listed structures located nearby being the Corn Mill on the residential development to the north and east which is in a poor state of repair and there is a report on this agenda for its demolition and replacement and the wall to the front of site along with the bridge over the Oil Mill Beck which is also listed.

4.0 RELEVANT PLANNING HISTORY:

There is no relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre application discussions began in November 2013 regarding the proposed development with both Ward Members and Council Officers involved in these discussions. Most of the comments made by Ward Members and Council officers made at this stage have been acted upon and changes incorporated into the planning application now being considered.
- 5.2 The developer had a consultation event on 27th May 2014 at Woodside Methodist Church and 6 people attended with 5 replies received. The comments from these replies was:
- Retention of mill important
 - Conversion of mill in design terms acceptable
 - Concerned regarding the exit route through the Cornmill estate.
 - Horsforth needs family homes and not apartments.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by Site Notices and an advert has also been placed in the press.
- 6.2 There have been 22 objections to the proposal concerning the following matters:
- increase in traffic though the Millbeck Park development causing traffic issues, noise disturbance, safety of children and negative impact on the value of properties.
 - roads through Millbeck development owned by residents and not Council so increase traffic will damage the road and who will pay for it
 - didn't know about the planning application

Leeds Civic Trust supports the scheme in principle. Materials proposed are sympathetic to the original mill along with the deep reveals in fenestration details. The scheme is also in keeping with the Conservation Area.

Horsforth Civic Society supports the scheme for the following reasons:

- Retention of the original heritage building and tower with the modern additions removed.
- On street parking
- Access and egress
- Upgrading of egress.

7.0 CONSULTATION RESPONSES:

Statutory Consultees

None

Non Statutory Consultees

Highways

No objection but clarification on a number of matters required

Conservation officer

No objection development involves a positive building in the conservation area and involves demolition of a mid-20th century element of the site which will enhance the character. The modern aesthetic of the new building results in the positive relationship between the two elements. The layout allows for the historic mill to predominate the site when viewed from public space on Low Lane. The scheme is positive and complimentary for the historic environment.

Yorkshire water

Conditional approval

Flood risk management

Conditional approval

Metro

Two live bus stops required at £10,000 each.

8.0 PLANNING POLICIES:

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

Development Plan:

- 8.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified

CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

8.3 The site is unallocated within the UDP and the Core Strategy but it is within the Horsforth Cragg Hill and Woodside Conservation Area. Policies which are relevant within the UDP are as follows:

SG2: To maintain and enhance the character of Leeds

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

E7: Loss of employment land

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it seriously conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should not create new, or exacerbate existing, highway problems.

T2B: Significant travel demand applications must be accompanied by Transport assessment

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

8.4 Policies within the Core Strategy that are relevant are as follows:

Spatial policy 6 – Housing requirement and allocation of housing land (page 34)

Spatial policy 7 – Distribution of housing land and allocations (page 37)

Policy H3 – Density of residential development (page 60)

Policy H4 – Housing mix (page 61)

Policy H5 – Affordable housing (page 63)
Policy EC3 – Safeguarding existing employment land and industrial areas (page 73)
Policy P10 – Design (page 88)
Policy P11 – Conservation (page 90)
Policy P12 – Landscape (page 91)
Policy T1 – Transport Management (page 92)
Policy T2 – Accessibility requirements and new development (page 93)
Policy ID2 – Planning obligations and developer contributions (page 117)

Supplementary Planning Guidance:

- 8.5 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
- Neighbourhoods for Living.
 - Designing for Community Safety.
 - Travel Plans
 - Public Transport Improvements and Developer Contributions
 - Horforth Cragg Hill and Woodside Conservation Area Appraisal

National planning policy

- 8.6 National Planning Policy Framework: Paragraphs 56 and 57 refer to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.
- 8.7 Paragraph 65 states LPA's should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
- 8.8 Paragraph 66 states Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 8.9 Paragraph 131 states In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

9.0 MAIN ISSUES:

- Principle of the development
- Design, scale and impact on the Conservation Area
- Highways Issues
- Financial viability
- Impact on residential amenity
- Representations

10.0 APPRAISAL:

Principle of the development

- 10.1 The site is unallocated in both the UDP and Core Strategy but is in the site allocations under reference number 4021 which is amber and its previous uses have been commercial. The building is vacant at the current time but was last used for employment purposes so UDP Policy E7 and Core Strategy Policy EC3 need to be considered. The site is not identified as a deliverable employment site necessary to meet the employment needs during the Core Strategy plan period. All the units are vacant and have not been occupied since 4 March 2013. The majority of the premises have been used as offices with an element of storage and workshops. As the former use was predominantly B1 (Business) the principle of the loss of employment land is established by permitted development rights from 30 May 2013 which allows premises in B1(a) office use to change to C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination use. It would therefore be unreasonable to hold any objection against UDP Policy E7 and Core Strategy Policy EC3 at this time. There are residential properties to the north and west of the site so the conversion to residential properties would be in line with surrounding uses. For these reasons the conversion to residential is considered acceptable in principle.

Design, scale and impact on Horsforth Cragg Hill and Woodside Conservation Area

- 10.2 The whole of the site is within the Horsforth Cragg Hill and Woodside Conservation Area and the main mill building is both a positive building and key landmark structure within this Conservation Area appraisal. Within the document the main mill building is described as a key focal point in the Conservation Area. The main building is also a prominent building in the area due to its height. For all these reasons the retention of this building and its reuse is an important factor to preserve and enhance the conservation area and the area in general. The main building is being converted using its existing scale, form with some alterations whose impact on the conservation area needs to be considered. The main change is the removal of the northern lights within the roof which due to a parapet are not a prominent feature of the building. They are to be replaced by a glazed flat roof structure which forms the living accommodation for penthouses. This glazed structure is set in 1.5 metres all around the building which due to the parapet and the fact it is glazed will not overdominate the building and it is considered will enhance the existing building. Other changes to the main mill building involve new windows but these will be within the existing openings and the existing design is also retained. These windows will also be aluminium which is considered to be an acceptable material within the Conservation Area. There is a small extension on the western side which will be removed. This extension is poor in design terms and there will be no detrimental impact in terms of its removal on the building and conservation area. Finally a

glazed stairwell will replace a metal fire escape to the front of the building. The glazed stair well is considered acceptable in design terms and will not have a detrimental impact on the design of the building and the conservation area as a whole.

- 10.3 The proposal involves the demolition of a two storey flat roofed extension which is situated to the front and side of the mill building. This was constructed in the 1970s and is not an attractive design plus it covers up elevations of the ground and first of the main mill building. Its demolition will have a positive impact to the conservation area and the façade behind will be restored to match the rest of the existing building. The loss of the extension will enhance the conservation area and improve the appearance of this positive building.
- 10.4 The impact of the 6 storey extension in terms of its design and impact on the conservation area also needs to be assessed. The proposed extension will have an additional floor than the existing mill but will be less in height due to having smaller floor levels than the mill building. The proposed extension is also to the side of the existing mill and will cover up an end elevation which is not an important elevation as it is not visible in the street scene. The extension ensures that the main front and rear elevation along with the front and rear of the tower are exposed to the benefit of the main building. These matters ensure that the extension appears subservient to the main building and complements the building rather than taking away its importance and prominence. The extension is modern in design but there are elements which take on board the main building it is located next too. This includes the shape and size of windows and the use of stone. The steel and glazed balconies are modern design but their lightweight structure and will not detract from the design of the main building.
- 10.5 The scheme also proposes a stand-alone two and three storey building at the entrance of the site. This building provides some street frontage to the scheme and as the building is low in height it will not detract from the large mill building on the site. This building is modern in design similar to the extension to the main building discussed above. It will complement the design and appearance of the mill whilst allowing for a modern statement on the site.
- 10.6 Overall the conversion of the main mill, demolition of the existing two storey flat roofed extension, new 6 storey extension and stand alone two and three storey building will enhance the conservation area and enhance this key landmark structure and positive building.

Highways

- 10.7 The entrance for the proposal is located to the front of the site off Low Lane. The access is slightly beyond a mini roundabout and visibility at this junction is not ideal. It is difficult to improve visibility as there is an existing house on the western side of the entrance with a high wall which is outside of the applicant's ownership. In the other direction visibility cannot be improved as the wall is listed as it links onto a listed bridge over the beck. This restriction in visibility has resulted in the access of Low lane being an in only. There will be an automated sliding gate located 23 metres into the site to prevent egress onto Low Lane but which allows for a few cars to queue off the highway whilst waiting for the gate to open. The gate is beyond the stand alone building of 5 flats and these will exit using the access off Low lane but the amount of traffic generated from these flats will not have a detrimental impact on highway safety. The site egress is to the rear of the site onto the residential development of Cornhill View. Again there will be an automated sliding gate to

prevent residents accessing from this side. This will then pass through a modern housing development and arrive onto Low Lane on another mini roundabout where visibility is adequate and a much better standard than the access out of the site. The access through Cornhill View is not public highway and is owned by the residents who live on there and they have objected to the use of the egress over there land. There is already an access from the site onto this private estate and the applicant has clarify that they have a legal right over the access and any future owners will have to pay for the maintenance of this highway the same as the existing owners. In highway terms the use of the access to the rear for residential is considered to be less of an impact than if the commercial use was restored on the site and heavy vehicles went through the residential development which they would have a right to do.

- 10.8 Parking requirements for this number of flats is 126 spaces and there are 115 spaces which is 11 spaces less than the UDP requirements. Officers have been negotiating on this matter and during the negotiations the number of flats has been reduced and the number of car parking spaces increased. The scheme is just about viable at the moment and to decrease the number of units further would mean that the scheme would not happen and all the positive benefits to the building, conservation area and area in general it brings. The site is in a sustainable location with good public transport links. Ward members have been involved with this negotiation and raise no objection to this slight reduced level in parking spaces.

Financial viability

- 10.9 The scheme requires under current policy a s106 agreements for affordable housing, greenspace, public transport and bus stop upgrades along with metrocards for proposed residents. There is no requirement for education due to the scheme being one and two bedroomed flats and unlikely to generate any requirement for school places. A financial viability report has been submitted which shows that if all this section 106 agreements are paid in full then the scheme will not be viable and will not happen. This financial viability report has been accessed by the District Valuer who confirms that this is the case. The reasons for these higher costs are due to the very good quality design of the scheme and the high quality materials that are to be used. It is considered that this design and quality of materials are required due to it being a positive building within the conservation area. It would unfortunate for a scheme involving a positive and landmark structure to have poor quality of design and materials. Instead of the developer offering to pay nothing towards these contributions which the District Valuer has stated can be justified the developer has offered a one - off payment to affordable housing of £100,000 to be spent in the local area. If members would prefer the money to be used for greenspace or public transport contributions instead of affordable housing then the applicant would have no objection to this but Ward Members have indicated that the money would be best allocated to affordable housing. The applicant is also happy to enter into overage clauses so if the house prices increase and costs remain stable and there is a greater profit then more money could be allocated to be spent in the area.
- 10.10 In the NPPF at paragraph 173 states that “Pursuing sustainable development requires careful attention to viability and costs in decision – takingTo ensure viability , the costs of any requirements likely to be applied to development should when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

- 10.11 It is important to be able to bring forward a scheme which is viable for the developer, this is a brownfield site which will help will the Councils 5 year land supply. As stated above it is a positive building and a key landmark structure in the Conservation area. The building is currently vacant and this scheme will bring the building back into use and will provide both homes and jobs for local people. For these reasons it is considered that the benefits of the scheme outweigh the fact that the full financial contributions can be obtained.

Impact on the nearby residents

- 10.12 There are residential properties to the rear and side of the site and these are flats. These flats have the parking areas to the front so the windows from this proposal overlook the parking areas and there are distances of 60 plus metres between the proposed windows at the rear and the windows on the existing flats and 50 plus metre between the proposed windows on the side and the windows of the existing flats. Even if you take into account there are 5 stories these distances are adequate to prevent any issues in terms of overlooking and privacy.
- 10.13 The building is already present on the site and it not being extended in height so there is no additional impact in terms of overdominance and overshadowing.
- 10.14 There have been concerns expressed by residents in terms of the impact of the vehicles leaving the site through the residential development to the rear and the noise and disturbance this could cause. There is already an access from the rear of the site so traffic could enter and leave from this point. It is also a commercial use so whilst the site is vacant at the moment a commercial use with larger and noisier vehicles could operate without the need for planning permission. This scheme is residential which will be for the majority of the time be cars plus they can only exit from the rear. The development is for 87 flats and any commercial use would generate more traffic and comings and goings. Overall it is considered that the cars using this exit will not have a detrimental impact on residential amenity.

Representations

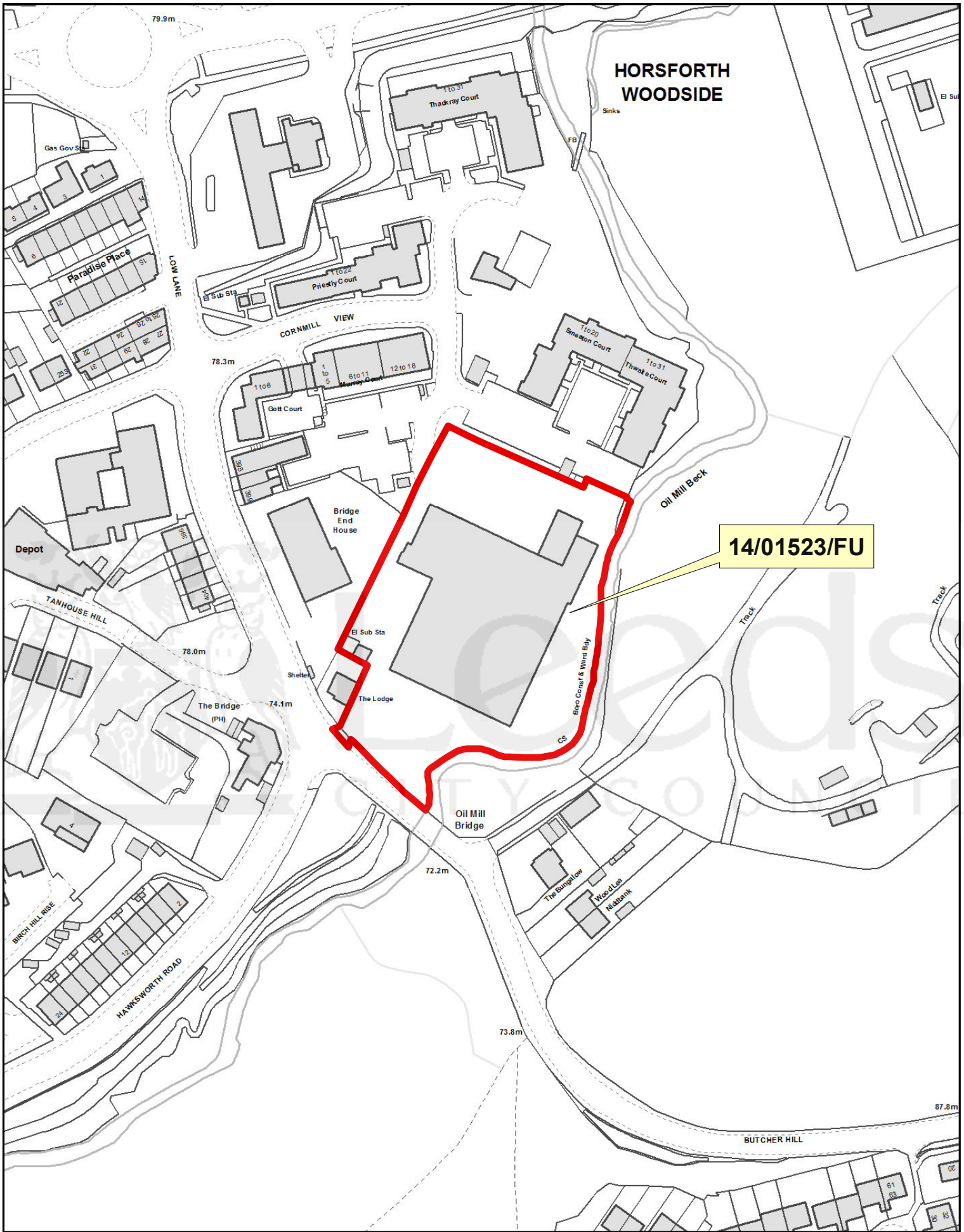
- 10.15 The matters raised by the representations have been covered in the above appraisal.

11.0 CONCLUSION:

- 11.0 The scheme involves the redevelopment of a positive and landmark building within the Conservation Area. It bring an vacant brownfield site back into use and provides residential units towards Leeds 5 year land supply. The proposal is a high quality design using high quality materials and will be a benefit to the surrounding area. It removes the potential for a commercial use close to residential properties and is converted into a use more appropriate next to residential dwellings.
- 11.1 The benefits of the proposed scheme far outweigh any disbenefits it creates and the application is recommended for approval.

Background Papers:

Application and history files.



SOUTH AND WEST PLANS PANEL



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Report of the Chief Planning Officer

South and West Plans Panel

Date: 2nd October 2014

Subject: POSITION STATEMENT: APPLICATION NUMBER 14/04075/RM – Reserved matters application for residential development at Haworth Court, Chapel Lane, Yeadon, Leeds

APPLICANT

Regeneration Programme
City Development

DATE VALID

15 July 2014

TARGET DATE

14 October 2014

Electoral Wards Affected:

Otley & Yeadon

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide comment/feedback on the questions raised at section 10 and 11 of this report

INTRODUCTION:

- 1.1 This report is brought to South and West Plans Panel for information and for members to pass comment on the questions that have been raised in section 10 and 11 of the report. This planning application relates to a new care home consisting of 45 self-contained flats for extra care for the over 55s. This takes the form of a curved 4 storey building on a sloping site which is within the Yeadon Conservation Area and just outside of the town centre.
- 1.2 Members views are requested in relation to the scheme particularly in relation to the scale, massing and design of the proposal and its impact on the Conservation Area and the area in general.

2.0 PROPOSAL:

- 2.1 The proposal seeks planning permission for the erection of a 45 flat development for extra care facility for the over 55s. This will consist of 18 one bedroomed flats and 27 two bedroomed flats which are self-contained but there will also be communal facilities.

- 2.2 The proposed building will be four stories in height and will take the form of a curved building on the main/upper part of the site with a car park on the adjacent/lower piece of land. On the ground floor are communal facilities including a lounge/dining area with a kitchen, multipurpose room, assisted bathroom, room for visiting hairdressers, laundry, scooter storage and charging room, office for staff and three one bedroom apartments. On the three floors above there will be 5 one bed roomed and 9 two bed roomed flats. Each floor will have an assisted bathroom and small office/multipurpose rooms. All the flats will be self-contained with their own kitchens and bathrooms.
- 2.3 The main entrance will be on the Chapel Lane side of the building which will also accommodate the resident's gardens for the development which is located to the front elevation of the scheme. The car park will accommodate 20 car parking spaces.
- 2.4 On the front elevation facing Chapel Lane the building will range in height from 12.8 to 13 metres to the eaves and 18.4 to 18.6 metres to the apex. The rear elevation facing Silver Lane will range from 12 to 12.8 metres to the eaves and 16.2 to 18.4 metres to apex. Onto Haworth Lane the height will range from 7.8 to 14 metres to the eaves and 14.4 to 19 metres to the apex. Finally the south elevation will range in height from 11 to 12.8 metres to the eaves and 17.2 to 18.5 metres to the apex. The materials will consist of buff brick with stone coursing and natural slate. The plinth will be a dark brick and the roof will be grey artificial slate and the windows will be aluminium.

3.0 SITE AND SURROUNDINGS:

- 3.1 There is a dated and inadequate Sheltered Housing units on the site which are divided into 3 main blocks connected by later extensions or bridge like structures. The structures are partly gabled and partly flat roofs and comprise either red or yellow brick with occasional render infill's and stone. Despite the fact, that they consist of only two to three storeys in relation to the topography of the site, the scale form and volume forms a strong contrast to the otherwise typical small town environment.
- 3.2 To the north of the site beyond Haworth Lane is a mixture of residential dwellings with private and communal gardens as well as low maintenance amenity spaces and car parking areas. The dwellings originate from different periods and have different style, materials and scales. The mixture of housing types comprises traditional stone terraced housing with 2-3 storeys as well single storey bungalows. A nearby stone terrace and an positive building in the Conservation Area will be affected by the proposals of this site.
- 3.3 To the east of the site beyond Silver Lane is a mixture of residential and commercial buildings, including a surgery with adjacent car park and line of terraced buildings with shop fronts towards High Street. The buildings are set into generally well maintained amenity grass areas and gardens which enhance the appearance of the area. Again, the structures originate from different periods and have between 2-4 storeys. Most of the structures are made of traditional local stone and even more recent structures have adopted the same surface finish. The buildings directly along High Street are included into the current Yeadon Conservation area boundary.
- 3.4 To the south of the site around Town Street are a mixture of residential and retail properties of 2-4 storeys and predominantly constructed of traditional stone. All structures south of the site are currently included in the conservation area boundary.

3.5 The west presents itself in a similar manner as the east and the south of the site; a variety of stone buildings partly with shop fronts and partly set into amenity grass land. The converted traditional stone building retains its character and charm and adds to the overall established and historical feeling in the centre of Yeadon. However, the current structures on site block, and dominate the view towards the former institute. Directly adjacent the site boundary on the bottom of Chapel Lane is a former Institute which is a Listed Building now converted into flats.

4.0 RELEVANT PLANNING HISTORY:

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

Full planning permission granted in August 2014 for demolition of the existing former sheltered housing complex under reference number 14/03824/FU

Outline planning permission was granted in August 2010 for a new extra care home and this application was considered by West Plans Panel on 12th August 2010 under reference number 10/02227/LA

Planning permission was granted in October 2008 for a two single storey entrance porch extensions, new windows to residents lounge and part new pitched roof extension to the sheltered housing complex, under reference 08/03771/FU; and

Planning permission was granted in October 2001 for a disabled access ramp to the sheltered housing complex, under reference 28/189/01/FU.

There is no other relevant planning history for the site.

5.1 HISTORY OF NEGOTIATIONS:

5.1 Officers have been in discussions with the applicant regarding a proposed scheme since January 2014. Important to these negotiations have been the needs of the proposed occupiers with the internal design being laid out in such a way to not appear as an institutional building and provide an attractive place to live.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by Site Notices and an advert has also been placed in the press.

Councillor Campbell has the following comments in relation to the proposal

In principle I would support this type of development in this location but I have some concerns about the details of the proposal.

1. The size and massing of the building is considerably larger than the existing and as a substantial building will dominate both the surrounding conservation area and the wider area of Yeadon.

2. As a large building in a prominent position it will command views across the whole of the Yeadon / Guiseley area and be a prominent feature across the area.

3. The materials seem alien to the conservation area.

4. The design presents a large unbroken frontage onto Silver Lane with a substantial face onto Haworth Lane (given its location this will be visible from a considerable distance).

5. The through route from Chapel Lane up to the centre of Yeadon is not shown as being protected and there are no details of the form it will take.

6. The car parking area seems to have been added as an afterthought and missed of the artist's impressions altogether.
7. The building turns its back on the town centre.
8. The pick up and drop of point seems too small for an ambulance to turn in and there would seem to be a conflict with the door.
9. The garden area to the front is unclear along with scooter parking and a route both to the car park and the centre of Yeadon.
10. There is a reference to improvements to the area but this seems to comprise a series of photos of the existing.

Officers are meeting Ward members on site the day before Plans Panel so any comments received from Ward members at this meeting will be reported verbally to Plans Panel.

Leeds Civic Trust objects stating that they are supportive of the proposed use, however, we note that the building is in the Yeadon Conservation Area and occupies an extremely prominent position on a steep slope. The building this is to replace was considerably lower, far less prominent, and much of it occupied lower parts of the site. We consider the proposed building to be over-dominant and suggest that it be 'stepped down' the slope. Buildings in the Yeadon Conservation Area are built of stone and we do not consider brick an appropriate substitute for stone for this project in this Conservation

Aireborough Civic Society has objected to the scheme on the following grounds: Although the use for this new building is positive, Aireborough Civic Society objects to this application. We consider that the proposed new building is far too big and 'solid' for this position in the Yeadon Conservation Area. It will dominate the former Chapel It is only a few hundred yards from Yeadon Town Hall and should be constructed of stone, so that it is in keeping with and enhances the conservation area. Buff and dark brick are not suitable.

We consider the recently constructed Yeadon Health Centre would be far less attractive if it were constructed of the bricks proposed in this application. It will therefore have a negative impact on the Conservation Area.

The existing building is far more 'spread out' and therefore does not 'stand out' in the way that this building would. The new building should have similar impact.

7.0 CONSULTATION RESPONSES:

- 7.1 The consultation phase of the application expires on the 22 August 2014. The following consultations responses have been received.

Statutory Consultees

Environment agency

No comments

Non Statutory Consultee

Highways

Revised plans and additional information required to cover

- Proposed off site highways works
- Amendments to internal layout
- Further information in relation to staff to access level of parking

Yorkshire water
Conditional approval

Flood risk management
Conditional approval

8.0 PLANNING POLICIES:

Development Plan:

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

- 8.2 The site is unallocated within the UDP and the Core Strategy but is within the Yeadon Conservation Area and just outside of the Yeadon Town Centre policies which are relevant within the UDP are as follows:

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance

N23: Relates to incidental open space around new developments.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should not create new, or exacerbate existing, highway problems.

T2B: Significant travel demand applications must be accompanied by Transport assessment
T2C: Requires major schemes to be accompanied by a Travel Plan.
T2D: Relates to developer contributions towards public transport accessibility.
T5: Relates to pedestrian and cycle provision.
T24: Parking guidelines.
BD2: The design of new buildings should enhance views, vistas and skylines.
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1: Relates to detailed guidance on landscape schemes.

8.3 Policies within the Core Strategy that are relevant are as follows:

Policy H8 – Housing for independent living (page 68)
Policy P2 – Acceptable uses in and on the edge of Town Centres (page 78)
Policy P10 – Design (page 88)
Policy P11 – Conservation (page 90)
Policy P12 – Landscape (page 91)
Policy T2 – Accessibility requirements and new development (page 93)
Policy G4 – New greenspace provision (page 98)

Supplementary Planning Guidance:

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

- Neighbourhoods for Living.
- Designing for Community Safety.
- Travel Plans
- Public Transport Improvements and Developer Contributions
- Yeadon Conservation Area Appraisal

National planning policy

8.5 National Planning Policy Framework: Paragraphs 56 and 57 refer to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.

8.6 Paragraph 65 states LPA's should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

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

- 8.9 Paragraph 131 states in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

9.0 MAIN ISSUES:

- Principle of the development
- Design, scale and impact on the setting of Yeadon Conservation Area
- Impact on neighbours
- Highways Issues
- Other Issues including need for the occupiers

10.0 APPRAISAL:

Principle of the development

- 10.1 Outline planning permission has already been granted on the site for a new extra care home and this application is the reserved matters application related to this outline permission which is still valid. For these reasons the principle of development on the site is considered acceptable.

Design, scale and impact on the setting of Yeadon Conservation Area.

- 10.2 The site is located in a prominent position in Yeadon Conservation Area and is just outside of Yeadon Town Centre. The site is surrounded by highways on all four sides and it also has a footpath that runs through the site and provides a useful link to the Town Centre.
- 10.3 The new building forms a curve on the upper part of the site and is located away from the road frontages. However, the current building on the site is located away from the road boundaries with grass and landscaping on the land surrounding. The three storey element of the existing building is located on the lowest part of the site and this is to be replaced with the car park and landscaped areas. This opens up the site in this area.
- 10.4 Moving around the upper piece of land which will house the building, Silver Lane forms the eastern boundary of the site is located higher than the application site with Chapel Lane forming the western boundary of the site being the lowest point of the site. The land continues to slope down from Chapel Lane to the west. On Silver Lane the site is lower than the road and the building on this side will be 3 storey's due to change in levels. The change in levels and the set back from the road reduces the prominence of the building on Silver Lane.
- 10.5 On Haworth Lane itself the current building is two storey and is flat roofed and the new building along this elevation will be 3 storey at the Silver Lane end increasing to 4 storey on the Chapel Lane end. The building will be prominent along this elevation but the darker material at the base of the building reduces this massing plus there is some set back from the street scene.

- 10.6 On Chapel Lane the land and location of the building are already at a higher level than the street itself and the building will be 4 stories in this location. This elevation is where the size of the building will have its greatest impact on the street scene especially on the corner of Chapel Lane and Haworth Lane. The proposed building will be two storey's higher than the existing building plus it is closer to the road than the present building which also increases its prominence.
- 10.7 The design of the existing building is far from ideal having flat roofed sections and this building currently has no positive impact on the Conservation Area and its removal is likely to enhance the Conservation Area. The proposed building will be constructed from buff brick, stone coursing and artificial slate which in terms of materials are an improvement on the existing building especially in relation to the conservation area. Whilst the building is large in terms of scale historically the mills in the area would have been large buildings set in their own grounds similar to this application. There are also large buildings set in their own grounds which have been constructed in recent years.

Member's views are requested in relation to the scale, massing, design and materials and especially in relation to the impact on the Conservation Area.

Impact on residential amenity.

- 10.8 There are existing residential properties on Haworth Lane and Chapel Lane and the impact on these properties need to be taken into account. On Haworth Court there are bungalows located at the opposite side of the road from the application site. The side gables of these bungalows face towards the site and there are no windows within these elevations. However, there are front and rear gardens with the side boundary of the gardens facing towards the proposed building. At the moment the views from these gardens is towards the side elevation of a two storey building which is even lower in height due to it having a flat roof. The proposed building will be four stories in this location with a roof. The current distance between the building and the bungalow garden is 25 metres and this will be reduced to 23 metres. There are windows overlooking these gardens from the proposal but these gardens are currently overlooked by the existing building and from all surrounding gardens and houses as the boundary treatment is low and open.
- 10.9 In terms of properties on Chapel Lane the front of the chapel which has been converted to residential has windows to the front which are obscured glazed so impact in terms of overlooking and overshadowing/overdominance is limited.
- 10.10 There are four terraced houses beyond Chapel Lane on Old Haworth Lane and these are at a lower level to Chapel Lane. There is a distance of 39 to 46 metres from the side elevation of the new building and the front of these properties which is adequate taking on board the number of floors to the building and the changes in levels. Any loss of sunlight would be early in the morning and is unlikely to be any greater than the existing loss of sunlight.

Member's views are requested in relation to the impact on residential amenity

Highways Issues

- 10.11 The current building has 45 care flats and there are xxx car parking spaces. The scheme has 45 care units with 20 car parking spaces proposed. The proposed residents require a low amount of parking as they tend not be able to drive due to

their disabilities so parking is generally required for staff and visitors only. Highway officers have requested further information in relation to the operation of the proposal to establish if the 20 car parking spaces are adequate for the proposed use.

Member's views are requested in relation to the level of parking and impact on highway network

The need for the occupiers

- 10.12 The needs of the proposed residents have been an important consideration in relation to the design of the building and also the financial implications have also been important. The building is currently 45 units and there is a need for a replacement with 45 units and to build less than the 45 would not supply enough space for the need for this size of property and also the scheme would become financially unviable. The proposed residential units have carefully been designed and are generally larger than the units that it is replacing. The increase in size and the fact the building covers less of the site have resulted in the building having to be four storey. The internal design has also been important with the requirement to avoid long institutional corridors and create a pleasant place to live. This has led to the curved shaped of the building on the site. There is also a need for the provision of usable external amenity space for residents which is provided to the front of the building in an accessible place for wheelchairs.

Member's views are requested in relation to the needs of the proposed occupiers and the applicants stated need to provide at least 45 units.

11.0 CONCLUSION:

- 11.1 The current building has little merit in relation to the design and has no significance in terms of the Conservation Area. However, the proposal is a large building whose scale and massing is higher than what is currently on the site and the immediate area. At the time of considering the outline permission it was suggested that the replacement building would be 4 storeys and there are larger buildings within the immediate area. For all these reasons Members views are sought on the following matters;

The scale, massing, design, materials and the impact on Yeadon Conservation Area

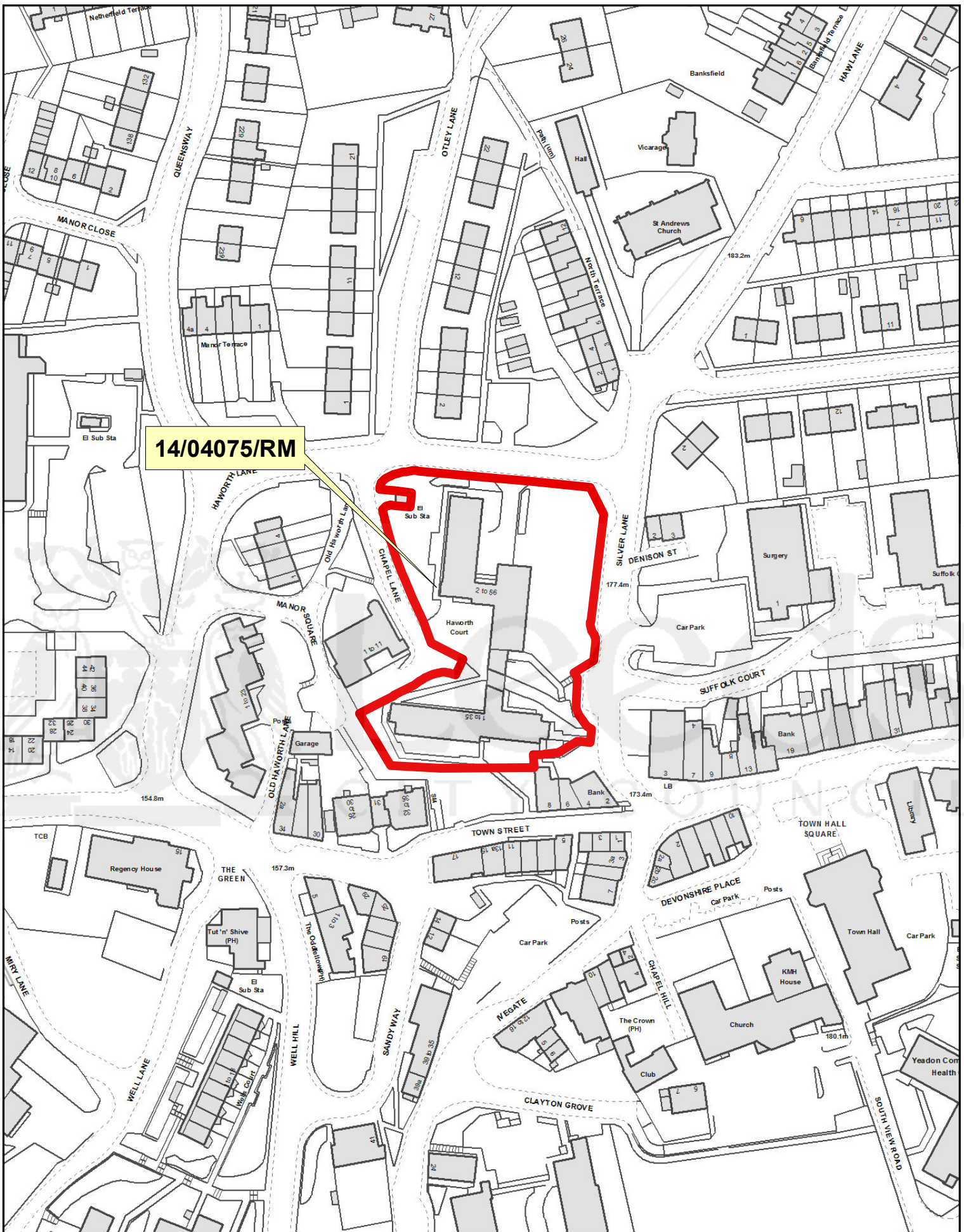
The impact on residential amenity

The level of parking and impact on the highway network

The needs of the proposed occupiers and financial viability.

Background Papers:

Application and history files.



14/04075/RM

SOUTH AND WEST PLANS PANEL

