



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 19th February, 2015
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar	J Bentley	A Castle	R Finnigan
M Coulson		R Wood	
M Rafique			
K Ritchie			
C Towler			
P Truswell			
F Venner			

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

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>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			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 15 JANUARY 2015</p> <p>To confirm as a correct record the minutes of the meeting held on 15 January 2015</p>	3 - 8
7	Calverley and Farsley		<p>APPLICATION 14/06291/FU - 4 THE FAIRWAY, STANNINGLEY, PUDSEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for two storey and single storey extensions to front, side and rear; dormer window to rear.</p>	9 - 16
8	Calverley and Farsley		<p>APPLICATION 14/06039/FU - BRITVIC, SWINNOW INDUSTRIAL ESTATE, SWINNOW LANE, SWINNOW, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for side extensions to existing factory, rear courtyard canopy and new sugar silo to rear, new hgv service/parking yard and new staff car park to rear</p>	17 - 30

Item No	Ward	Item Not Open		Page No
9	Weetwood		<p>APPLICATION 14/00905/FU - 29-31 MOOR ROAD, HEADINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use, extensions, part demolition and alterations to form 32 no, extra care apartments and ancillary facilities for older people</p>	31 - 46
10	Headingley		<p>APPLICATION 14/07210/COND - ST MICHAEL'S LANE, HEADINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the discharge of planning conditions 3,4 and 7 of planning application 13/05526/FU: Installation of four floodlights, sub station and associated infrastructure to cricket ground</p>	47 - 52
11	Headingley		<p>APPLICATION 14/07015/FU - HEADINGLEY CARNEGIE STADIUM, ST MICHAEL'S LANE, HEADINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the temporary change of use from cricket stadium and educational facilities to accommodate up to three music concerts per calendar year for a period of two years</p>	53 - 62
12	Bramley and Stanningley		<p>APPLICATION 14/04994/FU - MOUNT CROSS, 139 BROAD LANE, BRAMLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use and extensions to hostel to form 29 self contained flats, detached blocks of 31 new flats and 23 new houses; laying out of access road and associated parking and landscaping</p>	63 - 74
13	Middleton Park		<p>APPLICATION 14/07076/FU - WINDMILL PRIMARY SCHOOL, WINDMILL ROAD, BELLE ISLE, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a temporary modular building</p>	75 - 80

Item No	Ward	Item Not Open		Page No
14	Otley and Yeadon		<p data-bbox="675 181 1401 253">APPLICATION 14/00342/UHD3 - COLLEGE HILL HOUSE, BURRAS LANE, OTLEY, LS21 3HS</p> <p data-bbox="675 293 1390 398">To receive and consider the attached report of the Chief Planning Officer regarding the erection of a fence/structure.</p> <p data-bbox="675 472 1015 506"><u>Third Party Recording</u></p> <p data-bbox="675 546 1382 759">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 799 1310 871">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 911 1382 1137">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. <li data-bbox="724 1149 1394 1451">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. 	81 - 86

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Legal & Democratic Services

Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To:

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: SV letter
10 February 2015

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 19 FEBRUARY 2015

Prior to the next meeting of the South and West Plans Panel on Thursday 19 February 2015, there will be site visits in respect of the following;

- 1 09:35 **Application 14/06039/FU** - Side extensions to existing factory, rear courtyard canopy and new sugar silo to rear, new HGV service / parking yard and new staff park car to rear, at Britvic, Swinnow Industrial Estate, Swinnow Lane, Swinnow – **Leave 10.05** (if travelling independently meet to front of Swinnow Lane).

- 2 10:25 **Application 14/04994/FU** - Change of use and alterations to hostel to form 29 self- contained flats, detached blocks of 31 new flats and 23 new houses; laying out of access road and associated parking and landscaping – Mount Cross, 139 Broad Lane, Bramley - **Leave 10.45** (if travelling independently meet on frontage of site facing onto Broad Lane).

- 3 11:05 **On site 11.05 - Application 14/00905/FU** - Change of use, extensions, part demolition and alterations to form 32 No. extra-care apartments and ancillary facilities for older people at 29 – 31 Moor Road, Headingley – **Leave 11.40** (if travelling independently meet on frontage of site facing onto Moor Road).

Return to Civic Hall at 12.00 noon approximately

A minibus will leave the Civic Hall at 9:15 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.10 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 15TH JANUARY, 2015

PRESENT: Councillor M Rafique in the Chair

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

65 Late Items

There were no late items. A revised report for Agenda Item 7, Application 14/03674/FU – Construction of 10 dwellings at Haigh Moor Road, West Ardsley was published and distributed prior to the meeting.

66 Declarations of Disclosable Pecuniary Interests

There were no declarations of a disclosable pecuniary interest. With regard to Agenda Item 7, Land at Haigh Moor Road, West Ardsley – Councillor Finnigan informed the Panel that he regularly used the adjoining site for dog walking but would be treating the application with an open mind.

67 Minutes - 4 December 2014

RESOLVED – That the minutes of the meeting held on 4 December 2014 be confirmed as a correct record.

68 Application 14/03674/FU - Haigh Moor Road, West Ardsley, WF3 1EE

The report of the Chief Planning Officer presented an application for the construction of 10 dwellings and associated car parking and landscaping on land at Haigh Moor Road, West Ardsley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

Further issues highlighted from the report included the following:

- It was reported that the applicant had referred the application to the Planning Inspectorate due to non-determination. The Panel was being asked to consider the application so that recommendations could be agreed for the forthcoming appeal.
- Initial proposals had been for 12 residential properties. This had now been reduced to 10 consisting of 8 four bedroom properties and 2 five bedroom properties.
- The site fell within the East Ardsley Special Landscape Area. The proposals included a landscape buffer alongside side the eastern boundary of the site and car parking and access to the reservoir would be retained.

- The Panel was informed that there was approximately 2,000 tonnes of coal deposits to be removed from the site. This would mean closure of the car park for a period of up to 12 weeks.
- The site had been allocated as housing land in the draft Site Allocation Plan. In accordance with policy, the principal of residential development at the site was considered acceptable.
- There had been a high response to the proposals with 247 letters of objection and a 159 signature petition. Objections focused on matters including concerns regarding increasing traffic, too much local development, the proposals being out of character for the area, lack of local school places and GP provision and the limited amount of green space left in the area.
- The reduction in the number of proposed dwellings from the initial application maintained some of the visibility across to the special landscape area.
- The Panel was informed that should the application not be determined before the 6 April 2014, developers contributions would be calculated using the Community Infrastructure Levy. This would be a pooled contribution that could be used towards education provision.
- It was proposed to resurface the car park.
- Concerns from local residents had been acknowledged and the impact of the proposed development had been mitigated through design and conditions.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- There was a shortage of school places in the area and a lack of health care provision. Further development would exacerbate these problems.
- The development would lead to a reduction in car parking spaces for people who used the reservoir and surrounding area.
- The development would lead to more parking on Haigh Moor Road and the obstruction of footpaths for wheelchair and pushchair users.
- The reservoir and adjoining land was not only used by the local community but by users from across the city and other areas.
- The pictures shown during the presentation were not taken at peak time and did not give a true reflection of the problems with parking.

The applicant's representative addressed the Panel. Issues highlighted included the following:

- If support for the scheme was indicated it was proposed to withdraw the appeal.
- The site was marked for housing in the Site Allocation Plan.
- The scheme had been revised to address concerns previously made and the car park would be retained.
- In response to questions from Members, the following was discussed:

- There was no policy requirement for the applicant to contribute towards education or affordable housing.
- There would not be any temporary car parking provided during the period of coal extraction.

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

- A previous larger application that had encroached onto greenbelt land adjacent to the site had previously been refused.
- Concern was expressed regarding the proposal for Metrocards as part of the Section 106 agreement and the lack of public transport along Haigh Moor Road. It was acknowledged that there were limited services on Haigh Moor Road but up to 6 services an hour travelled from an adjoining road.
- Potential for views to be blocked should any of the proposed houses be extended. It was reported that permitted development rights could be refused.
- The cumulative impact of developments on Haigh Moor Road. There had been a number of small developments over the past few years which had contributed to over 100 new houses.
- The proposals had a detrimental impact on a special landscape area.
- The impact of coal movements and extraction on local residents.
- The lack of contribution towards affordable housing.
- The proposals would have an unacceptable impact on the street scene.
- Should the proposals be approved the car park would be used by the residents.

RESOLVED - As this application was now the subject of an appeal against non-determination, Members of the Panel were asked if they had been in a position to determine the application they would be minded to support the officer recommendation to approve the application.

Members however, expressed that they would not support the officer Recommendation and were minded to refuse the application for the following reasons:-

- 1 Detrimental impact of loss of Green area on character of the area (Special Landscape Area).
- 2 Detrimental impact upon Highway and Pedestrian Safety caused by loss of Yorkshire Water car park for 12 week period during removal of coal and construction.
- 3 Concerns regarding the sustainability of the site.

Officers will therefore **DEFEND THE APPEAL** on this basis.

69 Application 14/06048/LA - Broadgate Primary School, North Broadgate Lane, Horsforth, Leeds

The report of the Chief Planning Officer presented an application for a two storey extension with single storey link, expanded car park, new multi-use games court, relocation of existing habitat area, hard and soft landscaping with expanded cycle/scooter storage and new fencing at Broadgate Primary School, North Broadgate Lane, Horsforth.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- The proposals would extend the school from one to two form entry.
- Members were shown plans for surrounding highways and traffic calming measures.
- There had been representations from local Ward Members and ninety objections for local residents. These focussed mainly on highways and parking.
- Proposals to increase the car parking at the school would mean loss of part of the existing playing fields. There had been no objection from Sports England following the proposal for a new Multi Use Games Area at the school.
- The extension would not cause any overshadowing or loss of views to any residential properties.
- The Multi Use Games Area would be available for community use. There would be conditions to restrict the hours of use to prevent potential for noise and disturbance.
- The proposals to increase the car park would be able to accommodate additional staff.
- Highways and parking would be monitored and the full expansion of the school would be incremental over the next seven years.
- Members were given detailed options to increase lay-by parking close to the school. Metro had been approached with regard to re-locating a bus stop which would allow opportunity to increase parking but they had indicated that they were against any proposals to move the stop.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- Local residents currently suffered due to on street parking at school opening and closing times. It was felt the number of cars would increase and even more so as pupils from further away would be attending the school.
- It was felt that the application should be deferred to allow an adequate appraisal for parking and drop off arrangements.
- Further consideration should be given to using school grounds for car parking and dropping off.

The applicant's representatives addressed the Panel. Issues highlighted included the following:

- It was considered that there was sufficient parking for staff and the school would have a parking management plan.
- Further options for parking and highways management had been investigated including further use within the school grounds. This had been discounted due to safety concerns.
- It was understood that demand for the extra places would be met by pupils living in the immediate area. The first additional pupils would start in September 2015.

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

- The School would be responsible for the parking management plan.
- Further discussion regarding the bus stop and proposals to increase the number of spaces in the layby.
- It was suggested that the application be deferred for approval to the Chief Planning Officer subject to further consultation with Ward Members and local residents.

RESOLVED – That the application be deferred and delegated to the Chief Officer and Chair of South and West Plans Panel in consultation with Ward Members, Mr Bondi and Mr Lamb with regards bus layby proposals 3 and 4.

70 Application 14/05508/FU - 207-209 New Road Side, Horsforth, Leeds

The report of the Chief Planning Officer presented an application for the change of use of a private members club to a restaurant (A3) with manager flat to first floor and external flue to rear at 207 to 209 New Road Side, Horsforth.

The application had been deferred at the Plans Panel meeting held in December 2014 to allow Members to visit the site. Members visited the site prior to the meeting and site photographs were displayed and referred to throughout the discussion on this application.

Members were reminded that at the previous meeting concerns had been expressed regarding the provision of car parking, adequacy of the access road to the car park and the impact on local residents. Further discussion included a suggestion to include a condition to have fencing that would screen the car park from local residential properties and access in and out of the car park.

RESOLVED – that the application be deferred and delegated to the Chief Planning Officer for approval subject to the submission of revised plans to show minor relocation of bin storage area and addition of a 2m close boarded fence to run from the existing conifer hedge on the North West boundary with

number 211 New Road Side to the wall to the wall adjacent No 213 New Road Side.

71 Date and time of next meeting

Monday, 19 February 2015 at 1.30 p.m.



Originator: Michael Doherty
Tel: 0113 24 75646

Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 19th February

Subject: Application number 14/06921/FU, 4 The Fairway, Stanningley, Pudsey, LS28 7RE– Full application for two storey and single storey extensions to front, side and rear; dormer window to rear.

APPLICANT

Mr D Talib

DATE VALID

27th November 2014

TARGET DATE

22nd January 2015

Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: The Local Planning Authority consider that the proposed extensions, by virtue of their overall height, size and scale represent an incongruous and disproportionate addition to the dwelling which would appear overly dominant, which would also significantly unbalance the symmetrical with the adjoining property, causing harm to the character and visual appearance of the wider street scene contrary to policy P10 of the Core Strategy, retained UDP policies GP5 and BD6 along with HDG1 and HGD2 of the House Holder Design Guide.

1.0 INTRODUCTION

- 1.1 This application refers to a two storey side extension, single storey front and rear extensions along with a dormer to the rear roof plane. The application has been submitted to create additional space for a disabled occupant.
- 1.2 A full planning application for the proposed extensions was submitted on 27th November 2014. The 8 week expiry date was 22nd January 2015 but an extension of time has been agreed to 26th February.
- 1.3 Members are asked to note the content of this report and accept the officer's recommendation of refusal.

1.4 The application has been brought to panel at the request of Councillor Carter to consider the family needs and the planning / design impacts of the large extension.

2.0 PROPOSAL:

2.1 The application is for a two storey side extension to the eastern elevation which includes alterations to form a hip to gable along with a single storey rear extension which creates two ground floor bedrooms, an en-suite and a larger dining area. The side and rear extension form a wrap-around extension to the east and south of the property. The proposed side extension projects 3.8m to the east of the host, flush with the existing front elevation, with the single storey rear extension projecting 3.0m tight up to the adjoining boundary. A dormer is to be constructed to the rear roof plane, extending above the proposed two storey side extension, creating two large first floor bedrooms.

2.2 The existing property has a gross internal floor area of approximately 65.21m² with a relatively small footprint set over one storey.

Existing Property (gross internal floor area)

Lounge	3.5 x 5.5	19.25m²
Kitchen	3.0 x 2.7	8.1m²
Bathroom	1.6 x 1.7	2.72m²
W.C.	1.2 x 0.8	0.96m²
Bedroom 1	3.0 x 3.0	9.0m²
Bedroom 2	3.5 x 4.0	14.0m²
Hallway	1.2 x 4.5	5.4m²
Porch	1.7 x 3.4	5.78m²

Total = 65.21m²

2.3 The proposed scheme features a gross internal floor area of approximately 196.34m² set over 2 stories, which represents an increase of 131.13m², (3.01 times the original floor area)

Proposed Property (gross internal floor area)

Lounge	3.5 x 5.5	19.25m²
Kitchen/Dining	6.7 x 6.5	43.55m²
Bedroom 1	3.5 x 4.25	14.87m²
En-suite	2.2 x 3.5	7.7m²
Bathroom	3.1 x 1.7	5.27m²
Bedroom 2	4.4 x 4.1	18.04m²
Front Extension	3.0 x 1.6	4.8m²
Hallway	2.2 x 0.9, 1.2 x 5.1, 1.2 x 2.3	10.86m²
Bedroom 3	4.4 x 8.0	35.2m²
Bedroom 4	4.6 x 8.0	36.8m²

Total = 196.34m²

3.0 SITE AND SURROUNDINGS:

- 3.1 The host property is a brick built semi-detached bungalow with a hipped roof finished in concrete tiles. The property occupies a corner plot to The Fairway and is accessed by an existing driveway from the highway to the front. The property features a large garden area with a lawn to the front and rear with a detached garage to the east.
- 3.2 The adjoining bungalow (No.4 The Fairway) is similar in design, scale, character and appearance to that of the host. The area is wholly residential with a mixture of bungalows and two storey semi-detached dwellings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/04211/FU – Withdrawn, Two storey and single storey extensions to front, side and rear; dormer window to rear

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have been ongoing with the applicant's agent and officers since submission of the planning application.
- 5.2 A previous application (14/04211/FU) was withdrawn on the advice of the case officer that it would not be supported due to its excessive size and scale. The case officer advised the principle of extending the property was acceptable however the two storey side element and large first floor bedrooms were considered an over development of the property and of a poor design.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted on site on the 05.12.2014 along with neighbor notification letters posted 28.11.2014.
- 6.2 No objections have been received in relation to the proposed scheme.
- 6.3 Councillor Carter has requested the application be brought to plans panel to assess the proposed extension along with the needs of the family and disabled occupant.

7.0 PLANNING POLICIES:

The Development Plan

- 7.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.
- 7.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

- P10** Design
T2 Accessibility Requirements and New Development

The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

- GP5** Development control considerations including impact on amenity.
BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Supplementary Planning Guidance / Documents:

7.3 **Leeds City Council Householder Design Guide**

This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

The document is used as a working document for development management purposes and is adopted as a Supplementary Planning Document within the within the Leeds Local Development Framework by the City Council.

Policies:

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

The roof form and roof line; Window detail;

- i) Architectural features;
- ii) Boundary treatments and
- iii) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over-dominance or overlooking will be strongly resisted.

National Guidance - National Planning Policy Framework

- 7.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.

8.0 **MAIN ISSUES**

- Design
- Highways
- Residential amenity
- Representations

APPRAISAL

9.0 Design:

- 9.1 The proposed scheme involves extensively extending the host property with a two storey side extension, single storey front and rear and also the addition of a rear dormer. The case officer raised concerns with the size and scale of the proposed extension in relation to the host property. The proposals increase the gross internal floor area of the existing bungalow from **65.21m²** to **196.34m²** which represents an increase of approximately 300%. It is considered the combined scheme creates an extension which does not respect the size and scale of the existing dwelling, contrary to policy P10 of the Core Strategy and BD6 of the retained UDP.
- 9.2 The two storey side extension incorporates hip to gable alterations which create a large roof void with the addition of a dormer running the entire length of the rear roof plane. The gable extension is to be constructed above the proposed side extension and creates a large side gable matching the height of the existing ridge. The current scheme creates a new 1st floor which features two new bedrooms accessed by a staircase. Officers do not object to the large ground floor layout which would serve a wheelchair user. However, the new first floor bedrooms are considered of an excessive size, unnecessarily large; and no evidence has been received to suggest this is required to accommodate the disabled person's needs. It is considered therefore the combination of the new gable and matching roof height create an over dominant roof form of an excessive size and scale in relation to the host property. Guidance within the House Holder Design Guide, policy HDG1, states, *"The proportions of the extension must respect the proportions of the house and generally they should not exceed two thirds the width of the main house"*.
- 9.3 The incongruous size and scale of the development is considered to completely unbalance the symmetrical appearance with the adjoining bungalow which is similar in size, design and scale to the host.
- 9.4 Advice was given to the applicant/agent that the principle of extending the property was acceptable and the large ground floor (as shown) would be supported as additional accommodation is needed for the disabled occupant. The case officer suggested revisions to the scheme to create a hipped roof above the proposed side extension, set down from the existing ridge. This would create a subordinate addition with a hipped roof form to match the design of the existing dwelling and meet the requirements of policies GP6 and BD6 of the UDP, however this was rejected by the applicant.

10.0 Highways

- 10.1 The property features a large garden area with an existing driveway to the side. The proposals do erode the space to the side of the property however sufficient space will be retained to accommodate two vehicles. The proposals are not considered to adversely affect highway safety and are deemed acceptable in this regard.

11.0 Residential amenity

- 11.1 The existing bungalow is relatively small with a modest footprint. The proposals dramatically increase the size of the dwelling along with adding a first floor element and side gable. The impact of the proposed extensions upon neighbouring residential amenity needs to be considered along with the needs of the disabled occupant.

- 11.2 It is acknowledged the proposed ground floor extension(s) create a large wrap around to the side and rear of the property. As these are single storey in height it is not considered they have a significant detrimental impact upon neighbouring amenity in terms of over dominance or over shadowing due to the space retained around the dwelling and the large garden area.
- 11.3 The ground floor area, although large, creates additional space needed to accommodate a disabled occupant; their specific needs and is deemed necessary in this situation.
- 11.4 The new first floor and side gable, as proposed, are considered to detract from the character and appearance of the host and create a large incongruous addition which adversely affects the appearance of the wider street scene and thus has an adverse impact on visual amenity contrary to policies HGD1 and HDG2 of the House Holder Design Guide.

12.0 Letters of representations

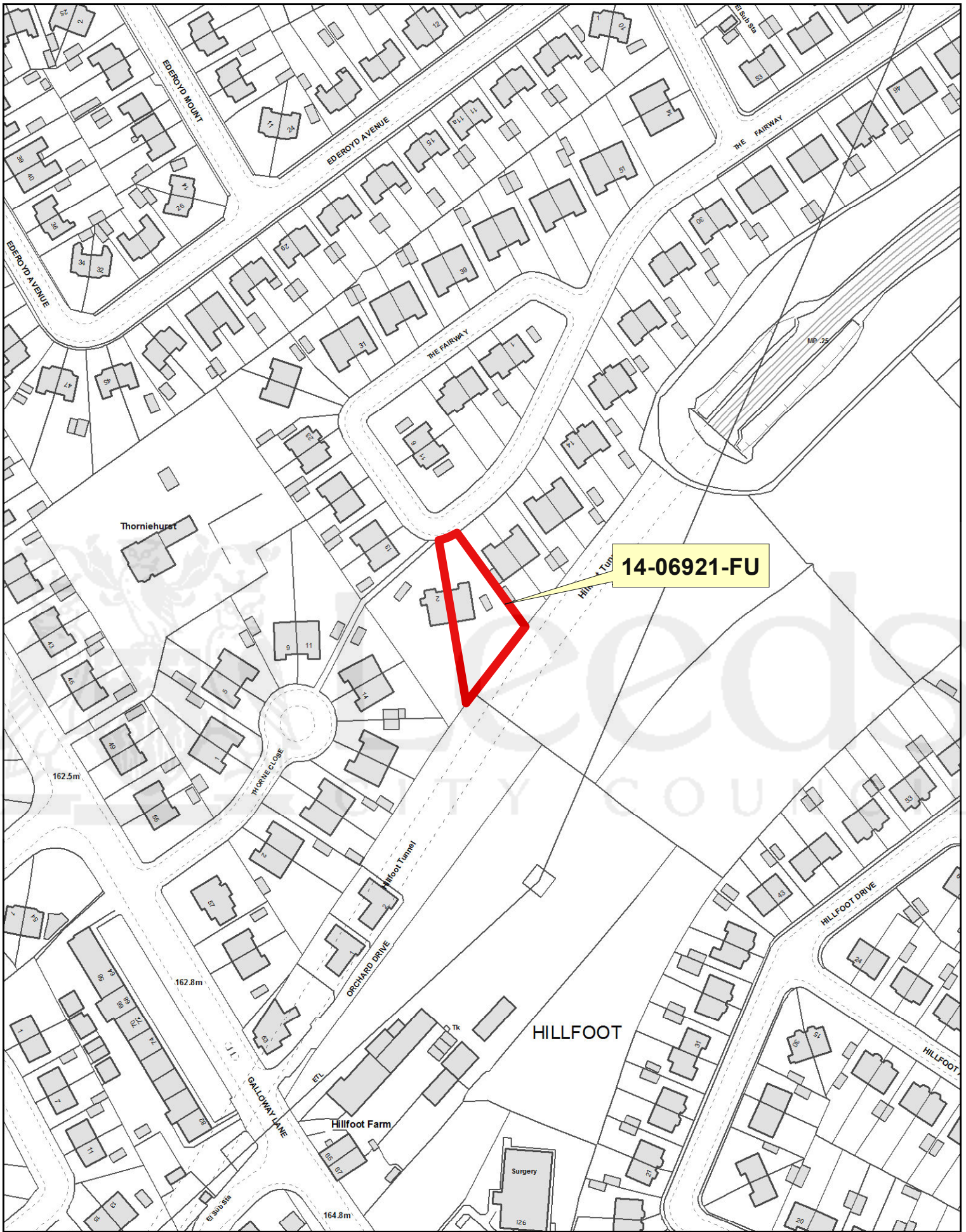
- 12.1 No objections have been received in relation to the proposals

13.0 CONCLUSION

- 13.1 The scheme as proposed is considered an over development of the existing dwelling. It is acknowledged that the scheme has been submitted to provide additional accommodation for a disabled occupant. Officers have no objection to the large ground floor layout which the disabled occupant requires; however officers object to the large additional first floor which is considered unnecessary. Officers have proposed a compromise which would reduce one of the first floor bedrooms, setting the roof down from the ridge, whilst retaining the majority of the proposed roof space and would achieve a more sympathetic, subordinate design, in relation to the host property, whilst allowing a larger and wider ground floor element. However the applicant wishes members to allow the original proposals which are not supported by officers and therefore councillors are asked to refuse the scheme.

14.0 Background Papers:

- 14.1 House Holder Design Guide, April 2012.



SOUTH AND WEST PLANS PANEL



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Leeds

CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 19th February 2015

Subject: APPLICATION NUMBER 14/06039/FU

Side extensions to existing factory, rear courtyard canopy and new sugar silo to rear, new HGV service / parking yard to rear, and new staff car park to front.

Britvic, Swinnow Industrial Estate, Swinnow Lane, Swinnow, Leeds, LS13 4HT.

APPLICANT

Britvic Soft Drinks

DATE VALID

4th November 2014

TARGET DATE

1st March 2015

Electoral Wards Affected:

Calverley and Farsley

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE approval to the Chief Planning Officer, subject to the following conditions:

1. 3 year time limit;
2. In accordance with the approved plans;
3. Area used by vehicles laid out, surfaced and drained;
4. Car park to be completed prior to occupation of extension
5. Pedestrian access from staff car park to be marked prior to occupation of extensions
6. Duty for staff arriving by car to use rear staff entrance

7. Details of cycle and motorcycle parking;
8. Car Park and Servicing Management Plan
9. All reserving beeps on HGV's to be turned when vehicles in the rear loading bay area
10. Travel Plan Measures; and monitoring fee
11. Methods to be employed to prevent mud, grit and dirt being carried onto the public highway;
12. Materials details and samples of external walling and roofing;
13. Details of surface materials;
14. Construction management plan;
15. Hours of construction to be submitted, and approved
16. Full Details of acoustic fence, to include adsorbent surfacing
17. Acoustic fence to be installed prior to construction of extensions
18. No amplified sound/ tannoy
19. Landscaping scheme to be submitted
20. Landscape maintenance and implementation;
21. Replacement planting within 5 years;
22. Conifer trees located on northern boundary to be retained to
23. minimum height of 5.5m
24. Phase two site investigation to be submitted
25. Amended Remediation Statement, if required
26. Verification Report to be submitted
27. Importing Soil must be tested for contamination
28. Local Employment Training Clause

1.0 INTRODUCTION:

- 1.1 This application is brought before Plans Panel due to the level of local representation received and the fact the proposal constitute major development which is of local significance.

2.0 PROPOSAL:

- 2.1 The proposal is for an extension to the side of the existing Britvic Factory (which is a major facility for the bottling of soft drinks) with other various alterations which include the reconfiguration of the parking, service and deliveries areas. The main proposed extension has a footprint of 70m x 80m and is 19m in height. This extension is proposed to be constructed on a brick plinth, 4m in height with the main walls being constructed from corrugated metal sheeting, to match the existing factory. This extension has a floor area of 5569 m².
- 2.2 A smaller extension is also proposed to adjoin the rear section of the side western elevation of the building. This is divided into 2 spaces, a syrup room and logistics office. This extension has a footprint of 12m x 49m, and is 8m in height to eaves level and 11.5m in height at the ridge. This extension has a

floor area of 588m². It is also proposed to in-fill an existing courtyard, which is located to the western side of the building. This has a floor area of 242 m².

- 2.3 The proposal also includes the construction of covered canopies to the rear northern elevation, to allow a covered area for the loading of HGV's. The depth of this canopy varies between 8m and 20m, projecting out from the existing rear elevation of the building. The canopy covers an area of 2131m².
- 2.4 The proposal also seeks to develop an area of land to the north-west of the existing factory into a new staff car park, with 185 parking spaces. This area of land until recently was grassed and contained a number of trees and other vegetation. This area of land is also infested with Japanese Knotweed and currently being treated to eradicate this plant, which is particularly invasive. A landscape buffer which is 8m wide, is proposed along the northern boundary of this staff parking area, running parallel with the adjacent train line, beyond which are residential properties. The existing staff parking area, which is located to the front of the building, facing onto Swinnow Industrial Estate is proposed to be redeveloped as the HGV parking, loading and service area.
- 2.5 The proposal is a 25 million pound investment at the site and includes a New High Speed Polyethylene Terephthalate Line (PET) which will produce 36,000 2 litre bottles per hour, and an increased warehouse capacity to accommodate 13,500 pallet spaces due to increased production. The proposal will lead to the requirement for 40 new posts in Engineering, Operations, and Logistics and would be one of the fastest PET lines in Europe.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a major drinks factory and warehouse facility, which is owned and occupied by Britvic soft drinks. The site lies on an industrial estate, which is located off Swinnow Lane. The site lies within the Calverley and Farsley ward, on the very edge of the ward boundary, adjacent to the Bramley and Stanningley ward (which lies directly to the north of the site) across the train line. Britvic has occupied this site since 1974 and the buildings upon the site date from this time. The site has an industrial appearance and is made up of various buildings, which are largely constructed from corrugated metal sheeting, upon brick built plinths. The site is used to manufacture and distribute soft drinks. The current site employs approximately 150 people.
- 3.2 The site has extensive hard concrete standing areas to all sides. There is a large external storage area located to the east of the main building, and a separate smaller ancillary detached building (which is proposed for demolition). There are large hard standing areas to all side of the building, and it is possible for HGV's to travel around the entire site. Loading bays are located to the north and east elevations.

- 3.3 The main staff parking area is located to the front (south) of the main building, is accessed from Intercity Way. This parking area is secured by an access barrier which is manned. To the west of the site lies other purpose built, warehouse type shed buildings. Behind these buildings and to the north-west of the Brtivic site lies a vacant are of land which until recently had a green appearance and contains different forms of vegetation.
- 3.4 To the north of the site, lie residential properties located on Norwood Crescent, Gladstone Terrace, Palmerston Close, Jordan Road, and Baptist Way. These properties lie within the ward boundary of Bramley and Stanningley, the train line also acts as the ward boundary. These properties are all relativity modern, being completed in the 1990's onwards. These properties are separated from this application site by a train line, which runs parallel to the northern boundary of the application site. Part of the northern boundary of the application site is bound by a row of mature tall conifer trees.

4 Relevant Planning History:

- 4.1 There are no records of any previous planning applications for the comprehensive redevelopment of this site. Other previous applications have been for minor alterations to the existing building which and have no relevance to this application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been amended since its submission by re-siting the location of the proposed HGV parking/ service yard from the area of land located to north-west of the existing site, to the front of the building. This has been done following Officers concerns regarding the impact of the 24 hour use of parking / service area for HGV's being sited opposite residential properties which are located across the train-line. The displaced staff car park, is now located to this rear, north-west area, and a sizable landscaping buffer (8m wide) is now proposed along this northern boundary. An acoustic fence is also now proposed to rear of the existing loading bays.

6.0 COMMUNITY INVOLVEMENT

- 6.1 The applicants conducted a consultation event, following the submission of the revised plans on 8th January 2014 at the site for local residents, elected representatives and other stakeholders. To make the event as widely accessible as possible to those with varying personal circumstances and work patterns, it was held as a drop-in style session between 2pm-8pm.
- 6.2 Invitations to the event were hand-delivered to local residential properties and also sent to ward councillors, neighbouring ward councillors, relevant council committee members and portfolio holders, and the local Member of Parliament.

- 6.3 Twenty one individuals attended the event, including local residents and elected representatives. Britvic stated this was fewer attendees than they had expected and considered this may be reflective of a change in the strength of feeling towards the proposal, since the plans have been amended, which re-sited the HGV yard away from the properties located on Norwood Crescent.
- 6.4 Britvic have stated the feedback from the exhibition was largely positive and that many people were positive about a major company investing in the area and the job creation provided by the proposals, but they were keen that this should not be considered in isolation from the impact it has on local residents. Below is the Britvic summary and conclusion of the consultation event, this is written in their words.

Several residents, in person and in written feedback, commented that they were happier with the amended proposals and were pleased that their views had been taken on board to inform the changes. As such, they commended the recent efforts to engage more proactively with residents and elected representatives, including by hosting the public exhibition itself. Several did however criticise the lack of initial engagement and the absence of information at the beginning of the project. Concern over noise and light pollution for local residents was the overriding source of anxiety, but many were pleased with the proposals to adequately 'landscape' the boundaries of the site with fencing and mature trees.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 The application was initially advertised by four site notices, which were placed on Baptist Way, Stanningley Road, Swinnow Lane and Intercity Way on 21st November 2014. An advert was also placed in the local press on 4th November. Following the Officer site visit, where the relationship of the site with the residential properties located to the north was clear, it was decided that letters of notification were required to all adjacent residential properties. 59 letters of notification were sent out to residential properties located on Gladstone Terrace, Palmerstone Close, Gladstone Court, Norwood Croft, Norwood Crescent, Jordan Road, and Bright Street.
- 7.2 21 letters of objection were received to the application. These objections were received to the original submission. All objectors were re-notified of the amendments. One further representation was received to the application following the submission of the revised plans. The points raised in these objections are highlighted below.
- The proposal will cause noise and light pollution
 - Works to prepare the site for this development have already commenced
 - Complaint over how the application was publicised
 - 24 hour use is not appropriate adjacent to houses
 - The existing use of the site already creates noise problems

- Proposal will worsen traffic on Swinnow Road which is already congested
- The green area was a habitat for many species of birds which have now disappeared
- The proposal will worsen noise and lighting issues from the site
- Impact on property prices
- Query over need for proposal, seems to be motivated by profit
- The lorry park will be visible from adjacent houses
- The proposal will disrupt peoples sleep
- The proposal will make adjacent residents ill with stress
- The plans submitted by Britvic do not show the recently constructed houses located on Palmerstone Close
- Query over why Britvic have been allowed to clear trees in advance of permission being granted
- The existing operations caused by the loading of wagons already keep adjacent residents awake
- 24 hour use is unacceptable given the proximity to residential properties
- Are they environmental laws which prevent such noise intrusion?
- The proposal will have a massive impact on the quality of life of adjacent residents
- Parked lorries will be able to see right into the houses on Norwood Crescent
- The removal of the 'green' area and worsen light and noise pollution form the site
- The proposal will mean the rear gardens of the properties situated along Norwood Crescent would be unusable
- It is good Britvic have listened to some objectors, however there is still no assurance that noise levels will be acceptable during the night

7.3 Ward Members of both the Calverley and Farsley, and Bramley and Stanningley wards have been made aware of the application by Officers.

7.4 Councillor Carter has written in supporting the revised plans. Councillor Carter states the applicants are major employer in the area, and the revisions to the layout have adequately addresses his previous concerns. He also states the applicants have entered into significant public consultation.

8 CONSULTATION RESPONSES

8.1 Statutory:

Environmental Agency

No objections subject to condition which relates to surface water drainage, to prevent the pollution of watercourses.

Yorkshire Water

Recommend conditions which relate to drainage.

Network Rail

No reply.

Highways

No objections subject to conditions. The increase in HGV's trips to the site is not significant.

West Yorkshire Combined Authority

Confirmed no comment to make.

8.2 Non-statutory:

Transport Policy

The proposed increase in staffing falls below the level of contribution would fall below the 'threshold' level comparative to this and other land uses. Therefore no public transport contribution is required.

Travelwise' (Travel Plan Officer)

Revisions to Travel plan are acceptable. Require Travel Plan monitoring fee.

Contaminated Land Officer

No objections to the proposal subject to conditions.

Environmental Health

The application is supported by a noise assessment. Mitigation measures are proposed to eliminate noise concerns. Environmental Health have raised some queries and concerns.

Mains Drainage

No objections subject to conditions.

9 PLANNING POLICIES

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.
- 9.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal

9.3 Core Strategy Policies

SP8	Economic Development Priorities
SP9	Provision for Office, Industrial and Warehouse, Employment Land and Premises
EC1	General Employment Land
EC3	Safeguarding Existing Employment Land and Industrial Areas
E3B(16)	Swinnow Industrial Estate
GP5	Detailed Planning Considerations
N25	Development and Site Boundaries
T2	Transport Provision for Development
T7A	Cycle Parking Guidelines
T7B	Motor Cycle Parking Guidelines
T24	Parking Provision for New Development
S2	Vitality and Viability of Town Centres
BD4	Plant Equipment and Service Areas
BD5	Amenity and New Buildings
BD6	Alterations and Extensions
LD1	Landscaping Schemes

9.4 Leeds Local Development Framework (emerging) Development Plan Document - Statement of Community Involvement (2007)

9.5 Supplementary Planning Advice

- Travel Plans (2011) – Supplementary Planning Document (draft)
- Public Transport Improvements and Developer Contributions (2008)
- Supplementary Planning Document
- Building for Tomorrow Today, Sustainable Design and Construction (2010) - Supplementary Planning Document
- Sustainable Urban Drainage in Leeds (2004) - Supplementary Planning Guidance

9.6 National Planning Policy Advice

National Planning Policy Framework

- | | |
|---------|--|
| Para 18 | Commitment to securing economic growth |
| Para 19 | Significant weight should be placed on need to support economic growth through the planning system |
| Para 20 | Recognize and seek to address potential barriers to investment |
| Para 21 | Support existing business sectors, being able to allow a rapid response to changes in economic circumstances |

Ministerial Statement: Planning for Growth (March 2011)

10 **MAIN ISSUES**

- Principle of Development
- Amenity Considerations
- Design/ Visual Impact
- Trees and Landscaping

- Highways
- Other Issues
- Conclusion

Principle of the Development

- 10.1 The proposal is concerned with extending an existing B2 use. The proposal seeks to extend the footprint of the buildings by approximately 33%. The proposal represents a significant expansion of the site. The applicants have stated the proposal would create approximately 40 new jobs, which represents an investment of approximately 25 million pounds.
- 10.2 On a national level, it is considered the proposal follows the policy guidance of paragraphs 18 and 21 of the NPPF, which support economic growth through the planning system, and the expansion of existing businesses. These policies state a flexible approach is encouraged, where it is advised that new investment should not be over burdened by planning policy expectations.
- 10.3 On a local level Policy SP8 of the Core Strategy supports a competitive local economy by promoting the development of a strong local economy through enterprise and innovation. Job retention and creation is also promoted through this policy. Policy SP9 recognizes the need to have available land for the general employment development, across the district for various 'B' uses. Policy EC1 supports employment proposal within existing industrial areas. In land use terms, the site is identified as being located on Industrial Estate, through policy E3B(16) of the saved UDP policies. This recognizes the site has been suitable for industry and employment.
- 10.4 The principle of the application is considered to follow the policy guidance of both national and local planning policy, and therefore is considered to be acceptable, subject to an assessment against normal development control considerations. One of the main issues of this application is the impact on adjacent residential occupiers who live to the north of the site. This issue is assessed below.

Amenity Issues

- 10.5 To the north of the site, across the train line, lie numerous residential properties located on Norwood Crescent, Gladstone Terrace, Baptist Way, Palmerstone Close and Jordan Road. The existing use of the site operates 24 hours, and the proposal seeks to intensify this use. All of these adjacent properties are relatively modern, being constructed from the early 1990's, and do appear to have been constructed after the Britvic factory, which dates from 1974. Palmerstone Close is the most recent adjacent residential development only being completed in 2014.
- 10.6 The initial proposal, included developing a new HGV yard/ parking area to the north-west of the existing site, upon a vacant piece of green land. This area of land lies directly behind the properties located on Norwood Crescent, being separated by the railway line. Officers considered this relationship was unacceptable, as the 24 hour of this land as a large HGV loading/ parking

area would have potentially had a significant detrimental impact on the adjacent occupiers along Norwood Crescent.

- 10.7 The applicants have sought to overcome this concern by revising the scheme, by siting the HGV yard and parking area to the front of the premises, facing onto Swinnow Industrial Estate and developing this area of land to the north-west of the site as a staff parking area. An 8m wide landscaping buffer is also proposed along the northern boundary of this staff car park, to the adjacent train line.
- 10.8 It is not considered the use of this land to the north-west of the existing site as a staff car park would have an adverse impact on the occupiers of Norwood Crescent. The applicants have stated the Production, Maintenance and Office Staff are on 12 hour shifts with change over movements at 06:00 and 18:00 hours. The Logistics staff works slightly different patterns with six members of staff changing shifts at 14:00 and 22:00. Therefore there would only activity in the car park in terms of car movements at 06:00 hours and 22:00 hours during night hours.
- 10.9 The use as a staff car park is not considered to be particularly noisy or intrusive as the proposed 8m landscape buffer would absorb much of the visual, noise and light pollution caused by the proposed staff park. At the nearest point, this parking area is located 22m from the boundaries of the rear gardens of Norwood Crescent, and approximately 40m from the rear elevations of the actual dwellings. This distance is considered adequate to protect the amenity of these occupiers from a staff car park.
- 10.10 A number of objections have been received to the fact the proposed seeks to operate 24 hours a day. The site currently operates 24 hours a day. There are no current planning restrictions on hours and levels of activity or type of activity on the site, and it would be unreasonable to restrict the hours of operation through this application for an extension. The rear northern elevation of the building currently contains a number of loading bays for HGV's, it is proposed to construct a canopy over these loading bays and create further new bays. The land to the rear of the building is currently used as a loading and storage area and this remains unchanged through the application, although it is likely the use of this loading area will intensify.
- 10.11 Environmental Health Officers have raised concerned regarding the use of the rear curtilage area for loading etc, and suggested that this activity is contained within a new extension. Given this use is currently unrestricted and existing it is considered unreasonable to expect the application to build such a structure which would cover the entire rear curtilage area, and be approximately 120m in length and varying in depth from 30m to 80m, as this would be of considerable expense to the applicants. It is however considered to be entirely reasonable to impose a condition which places a duty for the reserving 'bleep' on HGV's to be turned off, when they are in the loading area to the rear of the building.

- 10.12 The applicants have conducted a noise assessment in support of the application. This assessment recorded noise at the site and has recommended that a 5.5m high acoustic fence is constructed along the rear northern boundary of the site, behind the enlarged building, and parallel to the existing row of conifer trees. This proposed acoustic fence is 265m in length, full details of which are conditioned on approval. It is considered the construction of this acoustic fence is a benefit of the scheme and would aid to eliminate existing noise issues at the site.
- 10.13 It is also considered that the proposed 5.5m high acoustic fencing will help contain pollution from light, over spilling onto the properties beyond which are located north of the site, to a greater degree than the existing situation. This is considered to be a benefit of the scheme.
- 10.14 The proposed new extension lies opposite other industrial buildings located on Pilgrum Way. It is not considered the construction of this extension alone would create any amenity issues for adjacent occupiers. All of the proposed activities are contained within this building. The level of noise and activity to the front of the building, where the new HGV yard is proposed will increase, however it is not considered this create any amenity issues due to the fact it is located within an industrial estate, oriented away from residential properties.

Design / Visual Impact

- 10.15 The proposed extensions are of a functional appearance which is typical of a factory and manufacturing centre. The proposed extensions match the host property in terms of materials and appearance. The proposal is to be constructed by metal sheeting upon a brick plinth base. The main extension, which is located to the eastern side of the host property, has a shallow pitch roof which has a twin gable design. The design and appearance is considered to be acceptable, given the setting of the site, within an industrial site which accommodates similar styled 'shed' type buildings with shallow pitch roofs
- 10.16 The proposed main extension has a maximum height of 19m, adjoining a building which is at present a maximum of 14m in height. This extension is located opposite two industrial buildings located on Pilgrum Way, and a block of residential flats located at 1-19 Jordan Road. This residential block is located between 30 and 35m away from the northern side of the proposed extension. The site is screened from these flats by both conifer trees which are between 6 and 7m in height and other taller deciduous trees. The Britvic site pre-dates these flats, and it appears these flats have been designed to avoid windows serving main rooms facing onto the Britvic site.
- 10.17 The proposed extension will be visible from the occupiers of these flats, however it is not considered the visual dominance of this extension, when viewed from within the flats at 1-19 Jordan Road would warrant grounds to refuse the application. The site lies in a designated industrial estate, and the distance of 30-35m to the proposed extension, along with the existing

landscaping, would minimise its visual impact. A condition is proposed which places a duty on the applicants to retain the conifer trees.

Tree and Landscaping

- 10.18 An area of land which lies to the north-west of the existing factory buildings, which was vacant but had a 'green' appearance containing a number of trees and other vegetation has been cleared in advance of this development. None of the trees upon this land were protected, and this area of land could be cleared, regardless of this application. A large volume of the objections received is directed at this issue. This area of land contains Japanese Knotweed, and the land is currently being treated for this invasive plant. It is therefore considered that this area of land required clearing works, regardless of the applicants intention to develop the land, due to the presence of Japanese Knotweed.
- 10.19 The revised plans include an 8m wide landscape buffer, adjacent and parallel to the train line, separating the proposed staff car park from the northern boundary of the site. A condition will be imposed on the approval of the application for full landscaping details of this area, to ensure the proposed planting is suitable for this environment and function, which is for a visual buffer to the residential properties beyond.
- 10.20 A row of conifer trees lie along the northern boundary of the site, behind the existing building and loading bays. These act a visual screen to the residential properties located on Jordan Road, which lie directly opposite this loading area. The proposed acoustic fence is located along this part of the northern boundary. A condition will be imposed to ensure these trees are retained, as they are considered to provide a very important screening function, and their removal would have an adverse impact on the outlook of the properties located on Jordan Road.

Highways

- 10.21 The submitted Transport Assessment states existing HGV movements total 52 to 76 trips per day Monday to Friday, 17 trips are recorded for Saturdays and Sundays. The proposed extensions would increase trips to 130 to 146 one way movements Monday to Thursday with a fall in traffic on Fridays to 95, with 30 to 34 trips on Saturdays and Sundays. The bottling process governs loading and HGV flows, the extensions would therefore increase maximum throughput from 3-5 HGVs per hour to 7-9 HGVs per hour. Highways Officers have stated that considering the number of HGV movements would increase by a maximum 4 HGVs in one hour, the proposed expansion would not result in detriment to the capacity of the local highway network.
- 10.22 Staff parking provision has been increased from 145 spaces to 185 spaces which should ensure parking is contained within the site. Highways Officers have raised no concern to the level of parking proposed. The application is also supported by a Travel Plan which is considered to be acceptable.

10.23 Highways raised a concern regarding the fact the staff parking is increasingly remote from the main entrance to the building, and that staff may be tempted to park along Intercity Way, as it is located nearer to the main entrance. A further plan has been submitted which show a marked pedestrian route into the building and a new staff entrance located in the western extension, which is a logistics office. This would eliminate the need for staff to walk around the building to access through the existing main entrance. A condition is proposed which places a duty for staff arriving by car to use the rear staff entrance, to discourage parking along the adjacent highway and using other entrances into the building. Subject to conditions, it is considered that the site follows the policy guidance of T2.

Other Issues

10.24 As raised by an objector, the impact on property prices is not a material planning consideration.

10.25 The applicants have agreed to enter into discussions with the Council's Employment and Skills Service who will work with Britvic to promote and secure positions for local residents. A duty to do this will be controlled through a planning condition.

11.0 CONCLUSION

11.1 The proposal represents a significant investment into the site from the applicants, which will have clear economic benefits, and job creation. The economic benefits of the scheme are considered to outweigh concerns which relate to amenity concerns which could arise from the intensification of the site. It is considered that Officers concerns relating to the impact of the proposal on the residential occupiers who live to the north of the site have been sufficiently addressed through the revised plans which relocated the HGV yard to the front of the premises, and the mitigation measures proposed and additional landscaping. On balance, the benefits of the application are considered to outweigh any impacts, and the application is recommended for approval, subject to conditions.

Background Papers:

File Planning Application 14/06039/FU

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Originator: Ryan Platten
Tel: 0113 24 75647

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 19th February 2015

Subject: APPLICATION 14/00905/FU - Change of use, extensions, part demolition and alterations to form 32 No. extra-care apartments and ancillary facilities for older people at 29 – 31 Moor Road, Headingley, Leeds, LS6 4BG

APPLICANT	DATE VALID	TARGET DATE
Mrs Carol Hill – Catholic Care (Diocese of Leeds)	28 th February 2014	27 th February 2015

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

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

- **Restriction of future occupation to persons aged 60 and over (unless otherwise agreed in writing by the Local Planning Authority) and meeting the relevant qualifying criteria for care, and their partner;**
- **METRO Bus Shelter contribution of £10,000;**
- **A commitment to co-operate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people during the construction works.**

Within three months of the date of the Plans Panel resolution unless otherwise agreed in writing by the Chief Planning Officer.

Conditions

1. Commencement of development within 3 years.

2. Approval of plans.
3. Construction Method Statement for Demolition to be submitted.
4. Demolition Notice required to be submitted.
5. Phase II site investigation report to be submitted and necessary remediation works to be undertaken.
6. External stonework to be constructed of natural stone, external roof tiles to be constructed of natural slate.
7. Sample panels of external materials to be submitted.
8. Trees, hedges and bushes to be protected during the demolition and construction phases.
9. Tree protection Measures.
10. Landscape scheme and implementation.
11. Details of off-site highway works to be agreed and carried out.
12. Hardstanding areas to be fully laid out.
13. Closing off of redundant access
14. Details of cycle and motorcycle facilities to be submitted
15. Pedestrian footpaths to meet required standards.
16. Occupation restrictions.
17. Delivery hours limited to 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no deliveries on Sundays or Bank Holidays.
18. Lighting Design Strategy for Bats to be submitted.
19. Protection for nesting birds.
20. Bat roosting and bird nesting plan to be submitted.
21. Provision for contractors during construction.
22. Dust and noise control during construction.
23. Hours of construction limited to 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no works on Sundays or Bank Holidays.
24. Details of drainage and surface water drainage to be submitted.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Sue Bentley who has expressed concerns in relation to the impact on the amenity of neighbouring residents.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to make alterations and extensions to two existing villas at a site to form extra care accommodation for persons aged 60 and over. The proposal includes the demolition of existing extensions at the site and the creation of hard and soft landscaping areas.
- 2.2 The development will include the creation of 32 'extra care' apartments and associated ancillary facilities including those for staff. The apartments will be occupied under the C2 planning use class (Residential Institutions) and this is to be controlled by way of a signed section 106 agreement. The apartments will include a mix of 26 one bedroom and 6 two bedroom units. The occupancy of the apartments will be restricted to persons who meet qualifying criteria for care and an accompanying family member or person with a very close relationship to the occupier. The qualifying criteria includes that an individual is 60 years of age or older and has a personal care requirement by reason of old age or disablement. In providing 24 hour care at the site the proposal will generate approximately 20 staff positions with the likely mix being 8 full time and 12 part time positions.

- 2.3 The existing link extension between the two villas and a number of modest extensions to the rear will be demolished to facilitate the proposal. The proposal will involve minimal alterations to the two original villas and significant extensions between, and to the rear, of the existing buildings at the site. The majority of the extensions will be two storey in scale. The extensions will be predominantly constructed of natural stone with slate roofs with the flat roofed link extension between the two villas being finished in coursed ashlar stone and glazing.
- 2.4 The development proposes to utilise the large landscaped areas of the site which include substantial, and generally high quality, tree cover. The proposal will include the creation of a large outdoor amenity area to the south west of the site and several smaller areas to the rear of the proposed building. A woodland walk, coffee shop seating area and internal courtyard with sensory garden will form further opportunities for outdoor amenity. The proposal will involve the retention of the vast majority of the trees at the site with the removal of three trees including a medium sized category 'A' cut leaved maple immediately to the front of the existing building at 31 Moor Road. The cut leaved maple will be removed in order to facilitate the new parking area proposed.
- 2.5 The proposal will be served by the existing access point on the corner of Moor Road and Castle Grove Drive and will include a highways build out (to be agreed under a section 278 highways agreement and controlled by way of an appropriately worded planning condition) to improve highway safety. This will also make a contribution to the local community aspirations (included in the recently adopted Far Headingley, Weetwood and West Park Neighbourhood Design Statement) for highway safety improvements along the wider stretch of Moor Road. A further existing vehicular access from Moor Road in the south west corner of the site will be closed to vehicles and serve as an access for pedestrians and mobility scooters. The proposal will create 18 car parking spaces (including 4 disabled spaces) for residents and staff alongside secure bicycle and mobility scooter storage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site at 29 to 31 Moor Road includes two substantial stone built Victorian villas set in large grounds situated in the Far Headingley Conservation Area. The villas were built in the late 19th century and are set back from Moor Road in excess of 60 metres. The original buildings are regarded as significant heritage assets. The buildings have been the subject of a number of unsympathetic extensions throughout the 20th century. The Villas and grounds are noted as positive buildings within the Conservation Area in the Far Headingley Conservation Area Appraisal adopted by the Council in 2008.
- 3.2 The buildings have been in active use by the Catholic Diocese since 1939 and accommodated the Catholic Care Head office at number 31 until 2000 and a children's home at number 29 until 2009. The site has most recently been used by a number of charities and organisations including, since 2010, for an asylum seekers project.
- 3.3 The site includes existing vehicular accesses to both numbers 29 (from Moor Road) and 31 at the junction of Moor Road and Castle Grove Drive. A long driveway from the latter access serves a tarmac car parking area which is not marked out by bays. The site includes substantial tree cover to the front and to the boundaries to the rear and both sides and offers considerable visual amenity value in this respect.

3.4 The area is characterised by a mix of buildings including examples from the Georgian, Victorian and Edwardian periods. Immediately to the west of the site are the stone built villas at 25 and 27 Moor Road; both occupied as residential properties. Immediately to the east of 31 Moor Road is Castle Grove, a large Victorian villa which is Grade II listed and is currently used as a Masonic Hall. To the rear of the site are more modern semi-detached properties on Castle Grove Avenue.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Pre-application discussions (Reference PREAPP/13/00887) were held between the applicant and Council officers in September 2013 at which the principle of the development was discussed. The application was submitted in March 2014 and has been the subject of a number of revisions since the original submission in response to discussions with Council officers and feedback from local Ward Members and residents.

5.2 The main revisions to the scheme, secured through discussion with Council officers, have included:

- Amendments to move massing away from neighbouring boundaries to the west and north of the site including the removal of a first floor section in close proximity to 63 Castle Grove Avenue and an increased set-back from the two storey rear extension proposed to the rear of 29 Moor Road in response to neighbour comments;
- Alterations to the site access, alongside an agreement to fund off-site highway works to make alterations to the junction of Moor Road and Castle Grove Drive, in order to improve highway safety in response to comments from the Far Headingley Village Society and Weetwood Ward Members;
- Amendments to the proposed landscaping and parking proposals to increase parking provision at the site whilst preventing vehicle access to the front of 29 Moor Road in order to allow these gardens to remain a pedestrian only space for recreation and amenity in response to Council officers comments;
- Amendments to the design and layout of the proposed extensions to address design and conservation concerns, including a revised internal layout to maximise sunlight penetration into key communal areas, and significant amendments to the design of the proposed extensions to allow the original villas to be retain their existing character as visually distinct buildings in line with a design approach supported by the Council's Design Review Panel.

6.0 COMMUNITY CONSULTATION

6.1 The applicant carried out community consultation at the pre-application stage including holding a community exhibition event at a local venue, distributing leaflets to the LS6, LS16 and LS18 postcodes, and displaying posters in the area. The community exhibition was well attended with feedback received from 19 individuals.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by means of site notices and a newspaper advert in the local press. Ward Councillor Sue Bentley has requested that the application be determined at Plans Panel due to concerns in relation to the impact on

the amenity of neighbouring residents. The Leeds Civic Trust and Far Headingley Village Society have noted support in principle for the proposal but have also noted a number of concerns. There have been representations from 6 local residents; 5 in objection and 1 offering comments.

7.2 The following is a summary of the concerns that have been raised by the aforementioned parties:

- The development represents an overdevelopment of the site which would be harmful to local character and the Conservation Area.
- The proposed extensions and alterations relate unsympathetically to the original villas and would harm the character of the Conservation Area.
- The proposed scheme would be likely to harm trees at the site which are important to the character of the Conservation Area.
- The size, scale and proximity of the extensions in relation to neighbouring properties would lead to a harmful impact on neighbouring amenity in terms of privacy, overshadowing, and a loss of light and outlook.
- The proposed extensions and bin storage areas would be situated unreasonable close to neighbouring sites.
- Moor Road experiences existing road safety issues which the development would contribute to. The local community aspirations included within the Far Headingley, Weetwood and West Park NDS have been put forward as a potential solution to any highways issues which may arise.
- The proposed development does not provide sufficient on-site car parking provision.
- That the applicant has not submitted a viability assessment with the application and therefore the case that the two villas couldn't be used as two family dwellings has not been made.
- Trees have already been removed from the site which has opened up views into and out of the site.
- There has been no technical or engineering assessment in relation to how neighbouring sites or foundations may be affected.
- That the proposal has not been amended to reflect the concerns of neighbours at the pre-application and planning application stages.

7.3 A number of the representations note support for the principle of the proposed use of the site and the retention of the landscaping area and trees to the front of the two villas.

8.0 CONSULTATION RESPONSES:

8.1 Conservation – No objections subject to appropriate conditions.

8.2 Design – No objections subject to appropriate conditions.

8.3 Landscape – No objections subject to appropriate conditions.

8.4 Highways and Access - No objections subject to appropriate conditions including the agreement of a section 278 agreement for off-site highway works.

8.5 Ecology – No objections subject to appropriate conditions.

8.6 Local Plans – No objections.

- 8.7 Contaminated Land – No objections subject to appropriate conditions.
- 8.8 Environmental Health – No objections subject to appropriate conditions.
- 8.9 West Yorkshire Police – Offered comments on crime prevention and safety.
- 8.10 METRO – Requested a contribution to improve local bus stop provision.

9.0 PLANNING POLICIES:

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

- Spatial Policy 1** – Location of Development
- Policy H2** – Housing on Unallocated Sites
- Policy H3** – Density of Residential Development
- Policy H8** – Housing for Independent Living
- Policy P10** – Design
- Policy P11** – Conservation
- Policy P12** – Landscape
- Policy T2** – Accessibility and New Development
- Policy EN1** – Climate Change
- Policy EN2** – Sustainable Design and Construction
- Policy EN5** – Managing Flood Risk
- Policy ID2** – Planning Obligations

- 9.2 The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

- GP5** - Development control considerations including impact on amenity
- BD5** - Design of new buildings
- BD6** - Alterations and extensions should not harm neighbouring amenity
- N18** - Demolition in Conservation Area
- N19** - Development in Conservation Areas
- N20** - Demolition or removal of features in a Conservation Area
- N25** - Site boundaries
- BC7** - Materials in Conservation Areas
- BC8** - Demolition of unlisted buildings in a Conservation Area
- LD1** - Landscape design
- T24** - Parking
- A4** - Ensuring a safe and secure environment

- 9.4 Relevant **supplementary planning documents and policies** are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Public Transport Improvement and Developer Contributions SPD (August 2008)

- Far Headingley Conservation Area Appraisal (November 2008)
- Street Design Guide SPD (August 2009)
- Sustainable Design and Construction (August 2011)
- Natural Resources and Waste Development Plan Document (January 2013)
- Far Headingley, Weetwood and West Park Neighbourhood Design Statement SPD (September 2014)

9.6 The **National Planning Policy Framework** (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The following paragraphs from the NPPF are considered to be of particular relevance:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 50 – Delivering a wide choice of high quality homes including for older people

Paragraphs 56 and 57 – Design

Paragraph 61 – High Quality and Inclusive Design

Paragraph 64 – Poor Design should not be accepted

Paragraph 131 – Heritage Assets

9.7 Relevant Council documents:

Better Lives for People in Leeds: report on the future of Residential Care for Older People – Report to Executive Board 4th September 2013

10.0 MAIN ISSUES:

10.1 The following main issues have been identified:

- (1) Principle of the proposed use;
- (2) Design, character and conservation area;
- (3) Trees, landscaping and conservation area;
- (4) Highway safety and parking;
- (5) Amenity of future occupants;
- (6) The impact of the development on neighbouring amenity;
- (7) Other material planning considerations;
- (8) Conclusions

11.0 APPRAISAL:

1. Principle of the Proposed Use

11.1 The buildings at the site have existing lawful planning uses as a Children's Home, offices and associated uses respectively. The proposed use as extra care accommodation under the C2 (residential institutions) planning use class, which would be controlled by way of a signed section 106 agreement, is considered to be broadly compatible to these uses in that it is of a similar nature and would be likely to generate similar impacts (albeit on a different scale when considering the size of the new development proposed) to those which would be generated if the existing lawful uses were brought back into use. The proposed use as extra care accommodation is also considered to be a good fit with the immediate local area which is predominantly residential in character.

11.2 The site is situated in a part of Far Headingley which is located a short walk or bus ride (with a number of bus stops and routes being located in close proximity to the application site) from Headingley Town Centre. Headingley Town Centre provides a good range of local services, and employment, health and education opportunities. The proposal and application site is therefore considered to be of a highly sustainable nature, noting in particular that the development would meet all the relevant accessibility indicators in the Leeds Core Strategy. Taking the above into consideration the principle of the proposed use is considered to be acceptable in accordance with the wider aims of the relevant local and national planning policies and guidance. It is further noted that the proposal will contribute to meeting a wider strategic need for high quality extra care accommodation both in Weetwood ward and the Leeds district.

2. Design, Character and Conservation Area

11.3 The Far Headingley Conservation Area Appraisal and Management Plan and the Far Headingley, Weetwood and West Park Neighbourhood Design Statement identify the original villas at the site as positive buildings within the Conservation Area. The villas and surrounding grounds are considered to be heritage assets as defined by the NPPF. The original villas at the site have deteriorated to the point where reinvestment is required to bring them up to relevant standards, although much of the work required is cosmetic in nature. Many of the later extensions and additions however are now in a considerable state of disrepair and are in need of replacement.

11.4 The proposal will involve the refurbishment of the existing villa buildings, demolition of some existing extensions, and the creation of considerable extensions to the rear and between the buildings. These different elements of the scheme need to be taken into consideration when coming to a view on the overall impact on the character of the Conservation Area. Recognising that the villas are linked by existing extensions at present, the design approach taken has been to retain the two villas as visually distinct structures in their own right through an appropriate architectural solution which also provides a sufficient footprint to allow the requirements of the care provider to be met. To summarise the proposal aims to allow the two existing villas (with existing and new extensions to the rear respectively) to retain a degree of visual separation from each other by accommodating a connecting infill extension which is of a contrasting but complementary design and which includes appropriate visual breaks and set-backs to reinforce this approach. This has been developed through extensive discussion with Council officers, as is noted in the History of Negotiations section of this report, and is considered to represent a positive design solution for the site.

11.5 The original villas will retain their existing external and internal features and be refurbished to a high standard. The existing sympathetic stone-built two storey extension to the rear of number 31 will also be refurbished and retained. To the rear of the existing villa at 29 Moor Road a substantial two storey extension is proposed and this will extend towards the north west corner of the site. The extension will be considerable in length at 34m and will step down and be stepped back along its length to both sides in an attempt to break up the larger massing and create visual interest. The extension will be constructed of natural stone with natural slate roofs and include timber framed windows to all sides. The attractive existing full height window to the rear of number 29, a particularly positive feature, will be retained and re-used in the eastern elevation of the new extension.

- 11.6 The central infill extension will be accommodated between the two 'enlarged' villas and consist of two and single storey elements whilst also incorporating an internal courtyard area. The infill extension has been designed so that it remains visually distinct from the villas to either side and retains an appropriate degree of subservience with a large set back from the front of the villas being particularly key to respecting the important frontages of the two positive villa buildings. The infill extension will include a large flat roofed section which is set back from the front of the two original villas and be finished in coursed ashlar stone with glazing to the front and circular stone columns supporting a lightweight canopy. It is considered that this represents a sympathetic design solution in conservation terms.
- 11.7 In combination the new extensions represent considerable additions to the existing buildings in terms of size and scale. The rear extension to number 29 and the infill extension are of a size and massing which will have a greater impact on the relationship of the two villas, as separate buildings, than the existing smaller linking extensions. It is noted that, when considered in isolation, this will lead to 'less than substantial' harm to the relationship of the two buildings within this Conservation Area context. However, it is considered that any harm created in this respect will be outweighed by the positive aspects of the extensions and alterations created. The renovation and re-use of the existing positive villa buildings and the protection of an important frontage through a sympathetically designed and subservient infill extension are significant positives of the development. The materials and detailing of the extensions and alterations are also sympathetic to the appearance and historic character of the two original villa buildings, with notable features being retained or re-used as part of the new development.
- 11.8 Although the resulting building will be of a considerable size when considered against the immediate urban grain, the building will sit in extensive grounds in a substantial plot and is not considered to represent an overdevelopment of the site. It is further noted that the proposal will lead to the removal of a number of unsympathetic existing extensions which already link the two buildings and have become somewhat of an eyesore. The proposal will also incorporate some more minor additions at the site including single storey cycle, bin and mobility scooter stores. These additions are considered to be appropriate in design and character terms.
- 11.9 In summary it is considered that the proposed extensions and alterations will, as a whole, preserve the appearance and character of the Conservation Area as is required by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and meet the wider aims of the relevant local and national planning policy and guidance.

3. Trees, Landscaping and Conservation Area

- 11.10 The existing villas at the application site sit in substantial landscaped grounds and the extensive tree cover at the site is noted in the Far Headingley Conservation Area Appraisal as a particularly positive feature. The grounds include a mixture of wooded and lawned areas with the large areas of landscaping to the front, and the subsequent set back afforded to the villas achieved because of this, forming a key characteristic of the site which is particularly worthy of note. The stone walling surrounding the site is also a positive feature of the Conservation Area and this will be retained as part of the development.
- 11.11 The development will protect the vast majority of the trees at the site with the loss of only one significant specimen, a cut leaved maple to the front of the existing villa at number 31. Whilst this loss is regrettable, the important wooded area to the front of

the site and important trees along the eastern, western and rear boundaries of the site will all be protected as part of the development. The two other trees which will be lost, a maple and fruit tree, are poor specimens not worthy of retention. The retention of such a large majority of trees at the site, numbering around 130 specimens in total, is considered to be a significantly positive aspect of the proposal and will allow the appearance and character of the Conservation Area to be preserved whilst also allowing an important buffer to be retained to, and therefore preventing a significant impact on the setting of, the Grade II listed Masonic Hall to the east. Further to this the creation of woodland footpaths will allow any necessary tree maintenance works to be undertaken and open up these areas for future use and maintenance alongside the utilisation of the existing lawned areas at the site. In summary it is considered that the landscaping proposals for the site are a positive aspect of the development which will preserve and enhance the appearance and character of the Conservation Area.

4. Highway Safety and Parking

- 11.12 The application site is currently served by two vehicular access points to the south east and south west. The adjacent stretch of Moor Road is noted in the Far Headingley, Weetwood and West Park NDS as a problem area in terms of highway safety with anecdotal evidence of speeding and traffic accidents being noted by ward members and local residents. For these reasons the Far Headingley Village Society (in conjunction with local residents) has a long held aspiration to introduce traffic calming measures along Moor Road. This is outlined in detail in the NDS. This aspiration formed part of the consideration for the Tetley Hall redevelopment (LPA Reference 11/03234/FU) to the south side of Moor Road which was approved by Plans Panel West in March 2012. In that instance it was agreed that the developer would fund alterations to the public highway on the adjacent stretch of Moor Road including the introduction of parking bay build outs.
- 11.13 The development proposes to utilise the existing access to 31 Moor Road on the corner of Castle Grove Drive and Moor Road for vehicles and close the existing access to 29 Moor Road to vehicles but retain this as a pedestrian access to the site. As part of the development, the applicant has offered to fund alterations to the public highway at the junction of Castle Grove Drive and Moor Road to improve road safety. Whilst these works will not lead to the implementation in full of the aspirational plan of the Far Headingley Village Society they will support a piecemeal approach to securing these works alongside other development proposals in the vicinity. As such the proposal, alongside making improvements to the access arrangements for the existing site, is also considered to be making a positive contribution to wider highway safety issues along Moor Road. In addition to this the closing of the existing vehicle access to 29 Moor Road and vehicle access to the area to the front of this villa is considered to be a positive feature of the development which will not only prevent the use of the existing unsatisfactory access (in highway safety terms) to Moor Road but will also 'free up' this part of the site to be used for pedestrian access and create outdoor amenity areas free from vehicle domination. The proposed internal arrangements are considered suitable for servicing needs with the applicant having demonstrated vehicle tracking for larger vehicles.
- 11.14 The existing site includes a car parking area to the east side of the villa at 31 Moor Road. Whilst the existing car park does not include marked out bays it is considered that it is capable of accommodating approximately 9 cars. The proposed development will accommodate 32 apartments and include a mix of 1 and 2 bedroom units. 18 car parking spaces (including 4 disabled spaces) are proposed to serve the development for residents and staff alongside secure bicycle and mobility

scooter storage. The Leeds UDP does not specify a car parking ratio for extra care accommodation but similar developments in the locality have car parking provision for 1 space per 3 bedrooms (Victoria Court, Kirkstall) and 1 space for 2 bedrooms (Headingley Hall) respectively. The proposal at the application site has a proposed car parking ratio of 1 space per 2.1 bedrooms and so can be considered comparable to the aforementioned schemes. Further to this the sustainable nature of the site including good access to public transport and lower car ownership rates among the occupants of this form of housing, when compared to general market housing, suggest that the proposal will be adequately served by the car parking provision proposed.

- 11.15 It is further noted that the applicant is offering a contribution to improve local bus shelter facilities in the immediate locality to encourage increased use of public transport. The provision of bicycle and mobility scooter storage (with charging facilities) is considered to represent further positive aspects of the development which will facilitate for and encourage these forms of transport.

5. Amenity of Future Occupants

- 11.16 The proposal will provide accommodation for older persons with specific care needs due to age or disability. The extra care model allows these residents to meet these needs whilst providing a form of accommodation for which there is a recognised need both locally and in the wider Leeds district. Given the specific needs of occupants that are likely to reside at the development, which is likely to include a higher proportion of residents with mobility issues, it is therefore important that the development provides an appropriate level of amenity for both private and communal enjoyment on site. It is noted that the importance of communal areas and in particular the social interaction encouraged through the creation of these areas as part of this type of accommodation are a particular important feature of the extra care model.
- 11.17 The development will incorporate internal communal areas in the ground floor of the development including a large central dining and living space, open courtyard with sensory garden, activities room, cinema room, coffee shop, hair salon and a number of smaller communal rooms. The north-south axis of these main communal areas will provide good daylight and sunlight penetration to these areas and is considered to be a positive aspect of the scheme. The development will also be served by extensive outdoor amenity areas including outdoor seating and patio areas, lawned and landscaped gardens and a woodland walk.
- 11.18 Although the individual flats proposed are not overly generous in terms of size it is considered that, on the whole, they do provide good outlook and the extensive indoor and outdoor communal areas will, on the whole, allow for a development which positively provides for the residential amenity of future occupiers. The proposal is therefore considered to meet the wider aims of the relevant local and national planning policies and guidance in this respect.

6. The Impact of the Development on Neighbouring Amenity

- 11.19 Neighbouring Amenity can be impacted upon in a number of ways. The introduction of new development can impact on privacy, lead to an overshadowing impact or a loss of light, or appear overbearing due to its size, scale and positioning leading to a loss of outlook from neighbouring sites. The proposal will include considerable extensions to the rear of the existing buildings at the site and introduce new massing in close proximity to neighbouring sites where this does not exist at present. The closest neighbouring residential properties to the development, and therefore those which are most likely to be impacted upon by the development in the

aforementioned respects, are those properties at 25 Moor Road, 63 Castle Grove Avenue and 65 Castle Grove Avenue. Whilst clearly the introduction of the extensions and alterations at the application site will have an impact on neighbouring amenity, and in particular those properties noted above, the Local Planning Authority must come to a view as to whether these impacts are significantly harmful.

- 11.20 In relation to a loss of privacy and overlooking the Neighbourhoods for Living SPD includes guideline separation distances for new development in suburban areas. The new development is considered to adequately meet this guidance in terms of the distances between new development and neighbouring properties. For example a distance of approximately 28 metres will be retained between the closest two storey extensions and the neighbouring property at 25 Moor Road (a distance of 21 metres is suggested in Neighbourhoods for Living as being appropriate) whilst no new two storey extensions will be introduced closer to the property at 63 Castle Grove Avenue than those two storey elements which exist at present. No windows serving habitable rooms will be introduced in the closest two storey extensions to the neighbouring property at 65 Castle Grove Avenue with the closest windows serving habitable rooms at two storey level being situated approximately 29m away (again a distance of 21m would be applicable from Neighbourhoods for Living). It is further noted that the presence of mature trees around the boundary of the site will further limit views into and out of the site, particularly in spring and summer months when these trees are in full leaf. Taking the above into account it is considered that the proposal would not lead to a significantly harmful loss of privacy in relation to neighbouring properties and sites.
- 11.21 The distances retained from the extensions to neighbouring properties are considered to be sufficient to prevent a significantly harmful loss of light or overshadowing impact over these properties. Whilst some limited overshadowing impact is anticipated over some neighbouring garden areas due to the natural orientation of the sun during daylight hours, it is considered that the distances retained from the two storey elements of the scheme and the presence of trees on relevant boundaries will prevent a significantly harmful impact in this respect. The introduction of new single storey massing in close proximity to the neighbouring site at 63 Castle Grove Avenue will be on a lower ground level to the neighbouring site, be situated behind the neighbouring boundary treatment which exists and will be further away from the neighbouring rear garden than the existing detached garage which will be demolished as part of the proposal. As such it is not anticipated that this single storey extension will lead to a significant impact in these respects. Whilst the introduction of new massing will have an impact on the views of neighbours from their own sites the distances retained to the internal living areas of neighbouring properties and those garden areas most likely to be well used for the enjoyment of their occupiers, for example main patio areas including outdoor seating, are also considered to be sufficient to prevent a significant loss of outlook from these areas.
- 11.22 The development will generate an increase in the number of comings and goings to and from the site including from servicing vehicles. It is not considered however that this will be likely to lead to a significantly harmful impact in terms of noise and disturbance or highway congestion. The bin storage facilities proposed on site will be fully enclosed and are considered appropriate to serve the development whilst preventing any environmental health issues from arising. The proposal is therefore considered to sufficiently protect neighbouring private amenity in line with the wider aims of the relevant local and national planning policy and guidance.

- 11.23 The main planning considerations are outlined in detail above. A number of further matters are considered relevant to the determination of the proposal, including those raised by representations, and are addressed below.
- 11.24 Local Employment Opportunities - The development, in creating 20 staff positions, is expected to create local employment opportunities and this will be a positive consequence of the development. The applicant has also committed to working with the Employment Leeds to develop local employment opportunities during the construction phase.
- 11.25 Apartments for Rent - The applicant, acting as a registered charity and in line with its wider model of care provision, aims to make available some apartments at the development for rent for individuals who are in receipt of state benefits. The current financial modelling for this development assumes that 5 apartments out of the 32 will be made available for rent in this way. However, the applicant has made clear this is not part of the development being proposed under the current planning application as a financial appraisal undertaken in respect of market conditions could only be undertaken at the time of anticipated completion. The intended aim to provide this form of rental accommodation as part of the development cannot therefore be given any significant weight by the Council in determining the planning application.
- 11.26 Sustainable Construction – The development proposes a building which will be highly insulated, will include rainwater harvesting, and will use permeable surfacing for the new hardstanding areas proposed. These factors are to be welcomed as part of the development. The applicant has also noted the intention to explore possibilities to install low carbon or on-site renewable energy generation, use heat recovery systems and solar photovoltaic, and use locally sourced building materials during the construction phase. As the use of these latter mentioned technologies and techniques are aspirational only at this point they cannot be given any significant weight by the Council in determining the planning application.
- 11.27 Viability - Representations have been submitted stating that because no viability assessment has been provided to demonstrate that the villas could be converted into individual family homes that the development should not be accepted. It is not considered that the likelihood of the properties returning to use as individual family homes is a realistic possibility due to the size, nature and existing lawful uses of the site.
- 11.28 Removal of existing trees – Some trees were felled at the site in 2014 and this has led to concern amongst neighbours and local residents. In response to this it is noted that these trees were felled following Council approval in discussion with the Council's Tree Officers.
- 11.29 Impact on neighbouring foundations – The concerns raised by neighbours in this respect are not material planning considerations which can be afforded significant weight when considering the merits of the proposal. These matters are addressed by relevant non-planning legislation through building regulation procedures and as such fall outside of the scope of the planning.

12.0 CONCLUSIONS

- 12.1 The proposed use of the site to provide extra care accommodation is considered to be compatible with the surrounding area and is not dissimilar in nature to the existing lawful use of the site as a children's home and offices. The application site is situated in a sustainable location with good links to local amenities and public

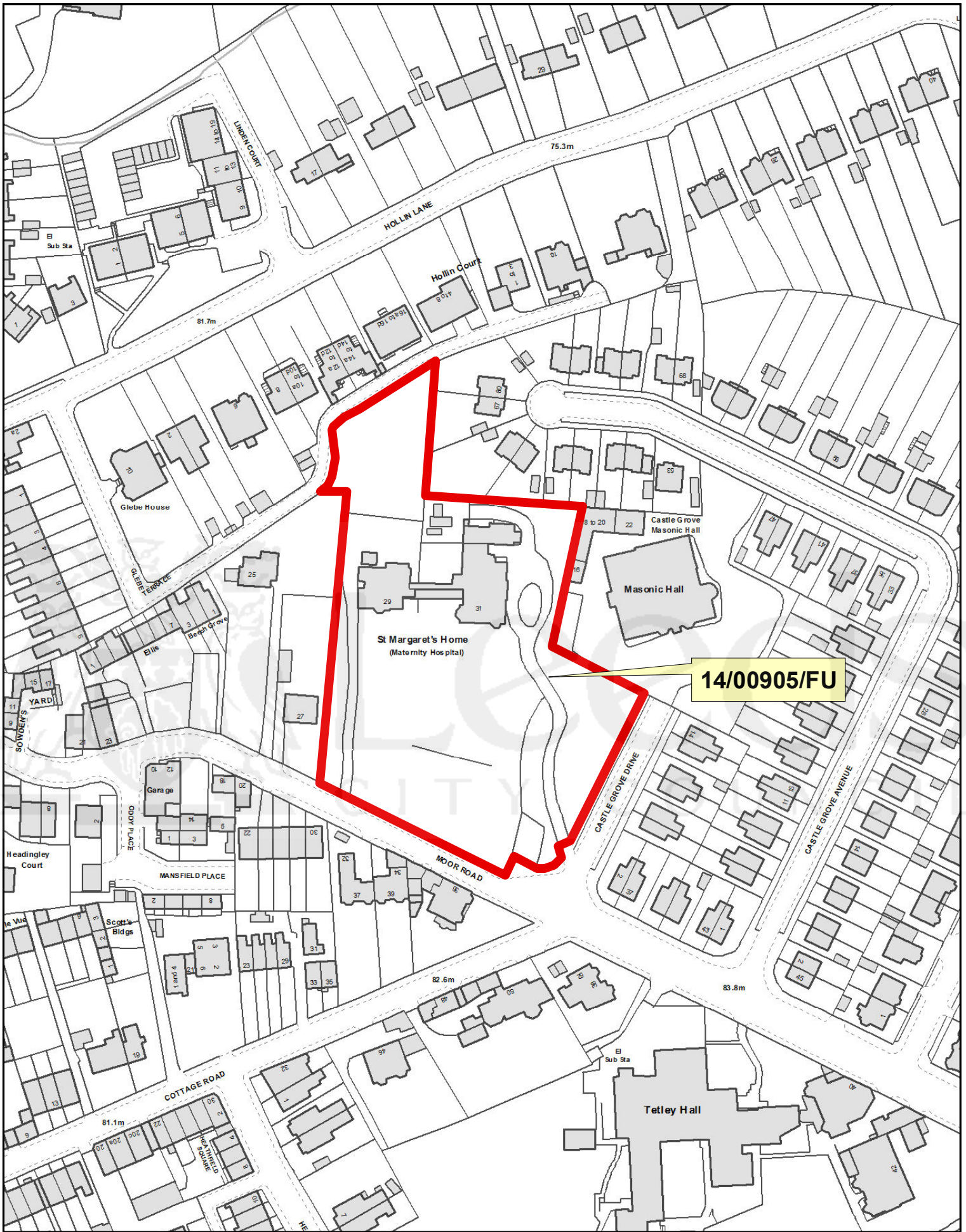
transport provision and as such is considered to be appropriate for the use proposed.

- 12.2 The existing villas and grounds are noted as positive features in the Far Headingley Conservation Area Appraisal and the Far Headingley, Weetwood and West Park Neighbourhood Design Statement. These features are considered to be heritage assets of significant merit. The alterations to the villas are considered to be sympathetic with internal features to be retained and the existing frontages and distinct identities of both properties being protected. The vast majority of trees at the site will also be retained and protected.
- 12.3 Whilst the extensions to the rear of the existing buildings are substantial in size and scale it is considered that the development as a whole will, as a minimum, preserve the appearance and character of the Conservation Area. It is considered that the overall development would not be harmful in terms of the urban grain of the area and will also preserve the character of the Far Headingley Conservation Area in this respect.
- 12.4 The proposal will improve on the existing access arrangement at the site and make a significant contribution to the scheme put forward by the Far Headingley Village Society as included in the recently adopted Neighbourhood Design Statement to improve highway safety in the locality. An appropriate level of car parking is proposed to serve the development and servicing and related requirements will be met with a contribution also to be made to improve local bus shelter facilities.
- 12.5 The proposal provides for a good level of amenity for future occupiers with particularly positive communal spaces and the utilisation of the large grounds at the site for recreation which will in turn ensure appropriate maintenance and preservation of the landscaped areas and trees in the future.
- 12.6 There will clearly be some impact on neighbouring amenity over those impacts which exist at present in relation to those neighbours to the west and north of the site. This is an inevitable consequence of introducing new extensions of the size proposed. However, it is not considered that the development will lead to significant harm to neighbouring amenity because of the adequate distances being retained between the development and neighbouring buildings and garden areas in combination with the degree of screening provided by existing trees to be retained.
- 12.7 Taking the above and all other material planning considerations put forward into account it is considered, on balance, that the proposal should be recommended for a planning approval.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



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Report of the Chief Planning Officer

Plans Panel West

Date: 19th February

Subject: APPLICATION NUMBER 14/07210/COND discharge of planning conditions 3, 4 and 7 of Planning Application 13/05526/FU: Installation of four floodlights, sub station and associated infrastructure to cricket ground

At: Headingley Stadium, St Michaels Lane, Leeds

APPLICANT	DATE VALID	TARGET DATE
Yorkshire County Cricket Club	11.12.2014	05.02.2015

Electoral Wards Affected:

Headingley, Weetwood and Kirkstall

Ward Members not consulted on this condition discharge application

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Discharge planning conditions 3, 4 and 7 of planning permission 13/05526/FU subject to the development being carried out in accordance with the details and plans listed below:

- **General Arrangements of 55.5metre mast with 'White Rose' headframe (Drawing IM200/111/GA1).**
- **Summary of mast construction prepared by Abacus Lighting**
- **Camera positions and floodlight orientation plan (Drawing LS221695-A)**
- **Overspill Levels 1 – Vertical (Drawing LS21695-B)**
- **Overspill Levels 2 – Horizontal (Drawing LS21695-C)**
- **Overspill Levels 3 – De-Rig Lighting at 1.5m AGL (LS21695)**

INTRODUCTION:

- 1.1 This application is brought to South and West Plans Panel for a determination as Panel requested seeing the final design details of the permanent flood lighting when it granted planning permission in June 2014. In approving the planning application the Panel was satisfied on the issues of the final appearance of the permanent flood lights and impact of light spill on neighbours when the flood lights are in use but to further

provide clarity and understanding on the issues the detailed design was agreed to be brought to Panel for review.

2.0 PROPOSAL:

- 2.1 Planning permission was granted for the erection of 4 permanent flood lights. The columns were approved at a height of 50metres and the floodlight frame was approved with dimensions of 6metres in height (56m total) and 12.4m in width, overall each flood light would be 56metres high and each floodlight would provide 464Lux level of illumination.
- 2.2 The condition discharge application presented to Members is for a column of 50metres in height and a headframe measuring 5.5metres by 11.8metres wide. Overall height is now 55.5metres. The diameter of the column is slightly reduced from an approved 1.6metres to a proposed 1.4metres.
- 2.3 The main change however between the appearance of the floodlights which Members approved in June 2014 and now relates to the design of the floodlight headframe which is proposed to appear as a 'Yorkshire Rose'. This is a bespoke design solution for Headingley Stadium.
- 2.4 The number of lights per headframe has also reduced to 108 per frame, a reduction of 8 lights from the approved 116.

3.0 SITE AND SURROUNDINGS:

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

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/05526/FU: Installation of four floodlights, sub station and associated infrastructure to cricket ground. Approved June 2014

5.0 CONSULTATION RESPONSES:

- 5.1 Non Statutory Consultee
- 5.2 Leeds City Council Principal Street Lighting Engineer has reviewed the details within the Condition discharge application and is confident that the proposals will be operated within the context of the planning permission and therefore within the ILP guidelines and supports the discharge of the planning conditions.

6 MAIN ISSUES:

- Mast Design (requirement of condition 3)
- Impact on the setting of Headingley Conservation Area (requirement of condition 3)
- Impact on neighbours from the siting of the columns and the effect of the floodlights when in use (requirement of conditions 4 and 7)

7 APPRAISAL:

7.1 The requirements of condition 3 are:

7.2 *Prior to the commencement of the erection of the floodlight columns details of their precise design and appearance and of the design and specifications of the proposed floodlighting installation shall be submitted to and approved in writing by the LPA.*

7.3 The revised design of the floodlight headframe is considered an enhancement to the overall design and appearance of the scheme. The bespoke design is welcomed as a positive addition to the stadium and the skyline. The reduced diameter of the column also improves the appearance of the structure in comparison to the approved column. The proposal is considered to preserve the character and appearance of this part of the conservation area.

7.4 Condition 4 states:

7.5 *Prior to the commencement of the erection of the floodlight columns full illuminance and intensity plots of the proposed lighting installation shall be submitted showing the lighting levels and their impact on the ground and surrounding area.*

7.6 Condition 7 states:

7.7 *Prior to the installation of the floodlights details of those floodlights to be used for the post match de-rig lighting, including illuminance and intensity plots, shall be submitted to and approved in writing by the LPA.*

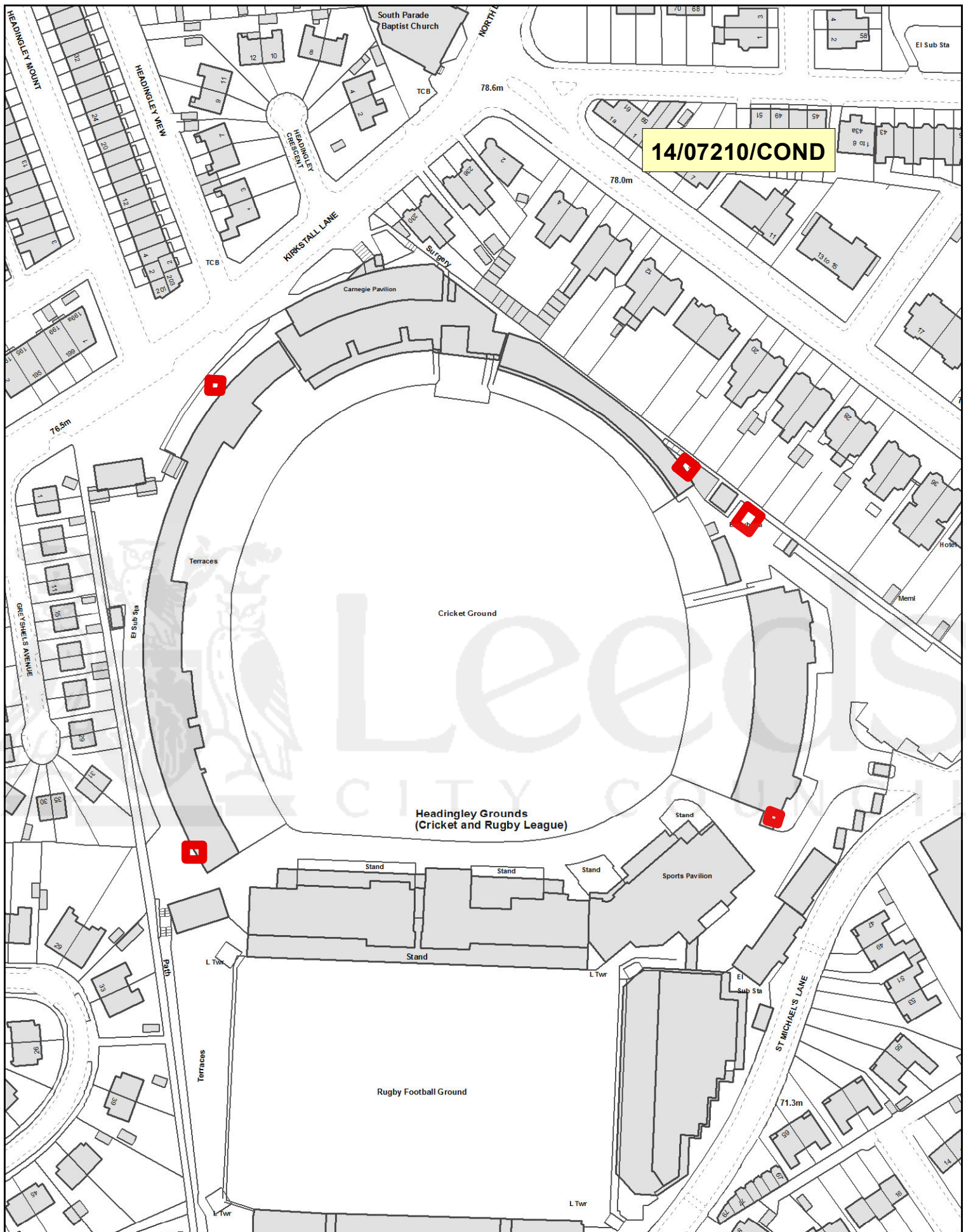
7.8 The Council's Street Lighting Engineer has reviewed the submitted details provided by the applicant showing the intensity plot and full illuminance of the proposed floodlights and is confident that the development will be operated in accordance with the ILP requirements to not exceed 10 LUX level of illumination at residential windows. This will ensure that when the lights are in full operation the impacts on neighbouring residents will be within accepted Industry guideless and will also meet the requirements of the planning permission which has conditioned the illuminance level of the floodlights to 10 LUX. Members should note that the floodlights are only allowed to be used at full capability up until 10pm.

7.9 When the lights are used for the derigging phase (dismantling of equipment and crowds exiting the grounds) at the end of a match the power output from the floodlights will be reduced to 10% of maximum capability this will also mean that there should not be any serious impacts on the amenity of the neighbouring residents from the operational use of the floodlights.

8.0 CONCLUSION:

8.1 Members are asked to accept the officer recommendation to approve the discharge of the planning conditions in accordance with the recommendations stated above.

Application and history files.



14/07210/COND

SOUTH AND WEST PLANS PANEL



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Originator: Mathias Franklin

Tel: 011322 77019

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 19th February 2015

Subject: APPLICATION 14/07015/FU-Temporary change of use of cricket stadium and educational facilities to accommodate up to three music concerts per calendar year for a period of two years at Headingley Carnegie Stadium , St. Michael's Lane, Headingley, Leeds LS6 3BR

APPLICANT	DATE VALID	TARGET DATE
Yorkshire County Cricket Club	03.12.2014	04.03.2015

Electoral Wards Affected:

Headingley

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. This permission shall expire on or before the 23.02.2017
2. Approval of plans
3. There shall be a maximum of 3 events (an event being a concert held on one day) each calendar year.
4. Events shall be held on Fridays, Saturdays and Sundays only. Events held on Sunday shall only take place when the following Monday is a Bank Holiday.
5. The events shall cease at 2200hrs and the stadium shall be cleared of spectators by 2230hrs.
6. A construction management plan for the erection and dismantling of the stage including delivery times and times for testing the equipment shall be submitted to and approved in writing prior to any event taking place. Construction shall take place in accordance with the approved details.
7. Construction and dismantling of the stage shall only take place between 0800hours and 1800hrs other than activities not audible beyond the site boundary.
8. At least 4 months prior to any event taking place the developer shall submit an Events Plan for Travel and Transport relevant to that event/artist for written

approval, which shall be carried out during the course of the event. The plan shall include details of :

- Crowd management; with particular regard to the large scale exodus of concert-goers at the end of events.
- Management of any road closures including diversion plans and the implications of this for traffic flows.
- Provision of a park and ride scheme from Becketts park including pedestrian signing, lighting and bus transfers
- Other Car parking locations
- Policing and marshalling plans
- Coning plans
- Telephone hotline for residents complaints,
- letters notifying residents of upcoming concert dates,
- Travel plan including details of how spectators can receive public transport information with their event tickets.

The events shall be carried out in accordance with the approved plan.

9. A working report assessing the impacts of the effectiveness of the traffic management plan shall be undertaken at the end of each year by the developer and agreed in writing by the Local Planning Authority. Any changes required to the plan shall be implemented prior to the next year of concerts taking place.
10. Events shall be attended by a maximum of 14,999 spectators.
11. Noise levels at the nearest noise sensitive properties shall be restricted to a maximum of 75 dBA in accordance with the National Noise Council guidelines.
12. Prior to any event the developer shall submit details of the proposed noise monitoring for that event and for proposed temporary lighting, which shall be agreed in writing with the Local Planning Authority. The event shall be carried out in accordance with the approved noise monitoring and lighting details. A review of the noise monitoring and temporary lighting impact shall be provided to the Council within 4 weeks after each event and any remedial action identified shall be incorporated into the plan for any future events.
13. The permanent flood lights shall not be used in connection with this temporary planning permission.

1.0 INTRODUCTION:

1.1 This application is brought to the Panel because of its sensitivity and significance and because objections have been received from Councillors Sue Bentley and Judith Chapman. Members may recall that South and West Plans Panel previously gave planning permission for the Stadium to have a temporary planning permission for a two year period to stage up to 6 concerts with a maximum of 3 per year (12/04557/FU). That permission expired in January 2015. The Stadium did not hold any concerts during the lifetime of the previous permission. The reason being that due to the limited opportunity to align artists schedules with that of the Cricket Season an suitable opportunity did not present itself. Holding music concerts still remains a key objective within the Clubs business plan to generate additional revenue.

1.2 As with the now expired previous temporary planning permission Yorkshire Country Cricket Club is applying for a 2 year temporary planning permission for the use of the cricket ground as a venue for staging music concerts. The club propose holding up to 3 concerts per calendar year. Due to the need to erect and then dismantle a stage on the cricket ground the club envisages these 3 concerts would most likely

be held on consecutive days, probably over a weekend in the summer. This is identical to the previous temporary planning permission.

- 1.3 Members may recall that the initial request by the Club during the previous planning application was for a capacity of 25,000 spectators to attend each concert. Through negotiations with officers the applicant previously agreed to a reduced capacity of 14,999 spectators per concert. The concerts would finish at 10pm and the ground would be cleared of spectators by 10.30pm. This time limit and spectator numbers was conditioned on the previous permission and again is proposed to be conditioned under this current application.
- 1.4 Planning permission is required for the staging of non-cricket events because there is a planning condition on the 1995 Outline Planning permission (26/185/95/OT) for the wider redevelopment of the stadium restricting non cricket events to a capacity of 2000 people. The use of the stadium for music events is also a material change of use of the ground which requires planning permission. Members should note that the current planning application is identical to the now expired temporary planning permission reference 12/04557/FU.
- 1.5 The applicant has advised officers that the Club are in negotiations with the band Madness who are likely to play one concert in September 2015, should the application be approved and temporary planning permission be granted.

2.0 PROPOSAL

- 2.1 The proposal is for the use of the cricket ground to hold 3 concerts per calendar year for a 2 year period. The concerts will start around 7pm and finish at 10pm and the ground will be cleared by 10.30pm. A stage will be erected on the cricket field behind the Carnegie Pavilion facing in a southerly direction. The exact position of the stage will differ depending on the artists who are performing.
- 2.2 The applicant has stated that they will be aiming for 'Radio 2 type' acts. The noise level of the music from the concert will be restricted to 75db when measured from the nearest noise sensitive properties.
- 2.3 To manage the event the applicants will produce an event management plan which will include details such as how the park and ride scheme from Becketts Park will be operated through the evening and a coning plan that is relevant to music concerts. The event plan will also include details of how spectators will leave the ground and disperse through the surrounding streets. This may include the need for temporary road closures. In addition the event management plan will also provide details of a telephone hotline residents can call if they have concerns.

3.0 SITE AND SURROUNDINGS

- 3.1 The site is the Headingley Carnegie Stadium, home of the Yorkshire County Cricket Club. The stadium is located within a predominantly residential area, near to Headingley town centre and is surrounded by residential properties. The site is not within but is adjacent to the Headingley Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/04557/FU-Temporary change of use of cricket stadium and educational facilities to accommodate up to three music concerts per calendar year for a period of two years at Headingley Carnegie Stadium. Permission expired 10.01.2015.
- 4.2 13/05526/FU - Installation of four floodlights, sub station and associated infrastructure to cricket ground. Approved 04.06.2014.
- 4.3 26/185/95/OT - Outline application to erect new cricket and rugby stands and facilities - Headingley stadium redevelopment. Decision issued 22.08.2000

Condition 14 - The noise levels from plant and activities carried on within the site shall not exceed 60dBA when measured as a 1 minute Leq at the nearest boundary of all properties surrounding the stadium on plan 95013/117 revision D except in the case of safety announcements.

In the interests of the residential amenity of the occupants of nearby property.

Condition 22 - All events at the site which are not sport related shall be limited in attendance to not more than 2000 people and the details recorded which shall then be supplied to the Local Planning Authority at the end of each calendar year.

For the avoidance of doubt and in the interests of the residential amenity of people living near the site.

08/02354/FU – Demolition of existing winter shed stand and erection of 5 storey building for university teaching space and admin offices, new cricket facilities including changing and officials rooms, hospitality facilities, new media centre, replacement spectator seating and admin offices, associated landscaping and car parking off St Michael's Lane (Carnegie Pavilion) – approved 10 March 2009

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This current application was not the subject of formal pre-application discussions, however the previously approved application had been the subject of pre-application discussions before submission of the application. The applicant states that the previous Concerts proposal was discussed at the Stadium Liaison Group meeting in October, a meeting chaired by Councillor Nell Walshaw, Councillor Martin Hamilton, YCCC and community representatives. The applicant reports that this discussion did not elicit objections to the principle of holding concerts in the form applied for.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been a total of 26 representations received of which 24 are objections with 1 further letter making comment and 1 letter supporting the application. The Turnways and Laurel Bank Residents' Association have also objected to the application. Councillors Bentley and Chapman have both objected to this planning application.

- 6.2 The following issues have been raised:

1 The existing planning conditions from the 2005 Outline permission should remain in place.

2. The noise level is currently set at 65db and the stadium should not be allowed to raise it to 75db.
3. The stadium already receive noise complaints from residents.
4. Speaker location may result in speakers exceeding 75db.
5. What is the impact of holding a concert in an open air stadium?
6. What is the monitoring scheme for the speakers?
7. How will the public complain to the council if noise from the concerts is too loud?
8. The location of the stage is shown as variable.
9. The distances from some properties to the stage are not clearly shown.
10. Noise and disturbance from the concerts will be unbearable.
11. Families will not be able to sleep until after the gigs have finished and the crowds have finally dispersed.
12. Residents should continue to be issued free of car parking permits
13. The revenue generated will benefit the club
14. Litter needs picking up after the concerts
15. The Club should continue to have dialogue with residents.
16. The extra traffic and car parking will be a problem
17. The ground is surrounded by residential properties that will all be affected.
18. There are concerns over antisocial behaviour
19. The Council now has an Arena which is more appropriate to hold music concerts.
20. The flood lights recently approved will add to the increased night time activity before any concerts are held.
21. The supporter of the application thinks the Club should offer free tickets to local residents.

6.3 Councillors Sue Bentley and Judith Chapman have both objected for the following reasons:

- The Cricket ground is in the middle of a very densely populated residential area and it is inappropriate to have such events in this area
- Live music events would be very loud, probably end late in the evening with noisy crowds walking to their cars, bars or eateries
- The sound would travel affecting a large part of the local population, including Weetwood residents, and would have an adverse effect on people's lives particularly young children and workers needing to work the next day if woken up
- The area already suffers from a lack of parking facilities and such events would add to the parking pressures in the neighbourhood with probably more irresponsible parking blocking pavements and residents' drive-ways
- Attendees are likely to add to the litter problem in the area – who would pay for clearing this
– the Cricket Club or the council tax payer?
The Council has opened the Arena for such music events which is in more appropriate

7.0 CONSULTATION RESPONSES:

7.1 Highways – no objections subject to conditions relating to a traffic event management plan being provided and approved prior to each concert.

7.2 Environmental Health - Whilst there is always the potential for some disturbance with events attracting large numbers of people (up to 15,000 in this case) in a largely residential setting, given the conditions proposed we do not object to this proposal subject to proper enforcement of the proposed conditions. The need to review the situation after two years if permission is granted is also essential to

ensure any further application is 'informed' by the experience of events subject to the current application.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the adopted Core Strategy (2014) and the Saved Policies of the Leeds Unitary Development Plan Review (2006).
- 8.2 In the "General Policy" the Core Strategy has regard to the NPPF, outlining that it will take a positive and proactive approach that reflects the presumption in favour of sustainable development and will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions of Leeds. Chapter 4.7 outlines the economic development priorities of the area and states in promoting a strong local economy, leisure and tourism are both employment sectors which are of significant importance to the regional economy.
- 8.3 Spatial Policy 8 outlines that a competitive local economy will be supported through leisure and tourism with paragraph 4.7.10 specifically stating that: *"Leeds has a number of high profile sports venues that attract major events. In principle, the Council supports improvement at its major sporting venues, such as Headingley Carnegie Stadium and Elland Road and recognises that such developments may not be financially viable and therefore may require some form of enabling development in order that a valuable sporting resource can be retained and the wider economic and social benefits for the City realised. The Council is in principle willing to consider such enabling development providing it is demonstrated to be necessary and that the scale of enabling development is no more than is required to bridge any funding gap."*
- 8.4 Core Strategy Policy T2 requires that new development is located in accessible locations that are adequately served by existing or programmed highways, public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.5 The most relevant Policies in the Saved Policies Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

8.6 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to "plan positively" and that there should be a presumption in favour of sustainable development:

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

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

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

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of the development and change of circumstances since previous temporary permission was granted.
- Impact on residential amenity
- Highway safety
- Benefits of the development

10.0 APPRAISAL:

10.1 Yorkshire Country Cricket Club state that it is applying for the use of the grounds to include concerts to help the club generate additional revenues. The Club needs to secure its financial position, as international cricket, which is the only profitable element for the club, is only secured until 2019. The club provides the City with a major international sporting venue that is a positive asset for the image and status of the city both domestically and internationally. The presence of Headingley Stadium for cricket events has been shown to benefit the City and the wider region. The use of the ground for 3 music concerts a year over a 2 year period is also likely to have benefits to the City and the wider region both in economic terms and in raising the profile of the City and also Headingley Carnegie Stadium.

10.2 The ground is located in a very sustainable location. The ground is well served by public transport options. The club is committed to promoting sustainable forms of travel and has given a commitment to ensure that the park and ride scheme that operates on major cricket match days from Becketts Park will be used on concert days. They have also committed to ensuring they produce an events management plan which will address the highway impacts of the development on the surrounding network and will also help address the impacts of the crowds when they leave the venue at 10-10.30pm.

10.3 Members are reminded that this current application seeks an identical temporary planning permission to that granted in January 2013 (12/04557/FU). Since that permission was granted the Council has adopted its Core Strategy in November 2014. The site has also benefited from the planning permission for the erection of 4 permanent flood lights. The Council has also opened the First Direct Arena in the city centre. These changes in circumstance are not considered significant in the determination of this application. The adopted Core Strategy was in draft form at the time of the previous permission and the adopted version retains its importance of preserving and enhancing strategically important assets that enhance the City.

The recently approved permanent floodlights will not be used in connection with this temporary planning permission and a condition is attached to ensure this. The now expired temporary permission 12/04557/FU was a material consideration at the time of the determination of the flood lights application and the use of the flood lights is restricted to cricket only events. The opening of the First Direct Arena is not relevant to the determination of this application.

- 10.4 The proposed music concerts are likely to have an impact on the living conditions of the neighbouring residents by reason of the noise of the concert and also from the noise of the crowds as they leave the venue. Clearly some residents may find this disturbing. In order to minimise these impacts a range of mitigation measures dealing with noise levels, hours of operation and crowd management are proposed. The noise from the music at the concert will be restricted to 75db at the nearest noise sensitive properties. This level accords with the guidance of the National Noise Council for the maximum level of noise that a music concert in an urban stadia or arena should be allowed to produce. The Club have stated that Madness are the likely act to perform one concert in September 2015 should planning permission be granted. The applicant states that the types of acts it will be looking to host would be 'Radio 2' type acts, and although this may exclude some types of bands and artists that might require higher decibel levels than Radio 2 acts, it is not possible to use a planning condition to control the types of acts that perform. It is however appropriate and enforceable to use a planning condition to control noise levels. In addition, a planning condition can be used to ensure these levels are monitored through the installation of noise monitoring equipment. The exact location of the stage is not confirmed because each artist may require a slightly different set up. What is confirmed is that the stage will be sited by the Carnegie Pavilion facing roughly south. Residents concerns about where the stage is sited should not affect what the noise level is at the nearest noise sensitive properties. This noise level should be fixed and should not exceed 75db when measured from the nearest noise sensitive location regardless of the slight changes in the direction or set up of the stage.
- 10.5 Originally the applicants had intended to finish the concerts at 10.30pm and clear the ground by 11pm. This is in accordance with the planning conditions on the 1995 Outline planning permission for the wider redevelopment of the stadium. The applicants have since revised this finish time to 10pm with the ground to be cleared 10.30pm. This change is intended to help the situation for local residents to get the ground and the local streets cleared earlier. The reduction in audience size from the originally applied 25,000 down to 14,999 will also have a notable impact on the amenity of local residents and also upon highway safety as the crowds will be able to clear more quickly, and also the impacts on the highway network including the public transport system should be markedly less.
- 10.6 The restriction on the number of concerts allowed each year and when the concerts can be held is also designed to address residents' concerns over noise and disturbance. The applicants have stated it is likely that the concerts will be held over a single weekend with the stage being erected and taken down the weeks either side. Overall it is considered that having the concerts over one weekend is a suitable way to proceed as even though the concerts may cause some noise and disturbance to local residents it will likely be over one weekend. In addition officers are proposing a condition which ensures that if a concert is held on a Sunday the following Monday cannot be a working day, ie a Public Holiday. This is in order to protect residents from 3 nights of continuous concerts when the next day is a working/school day.

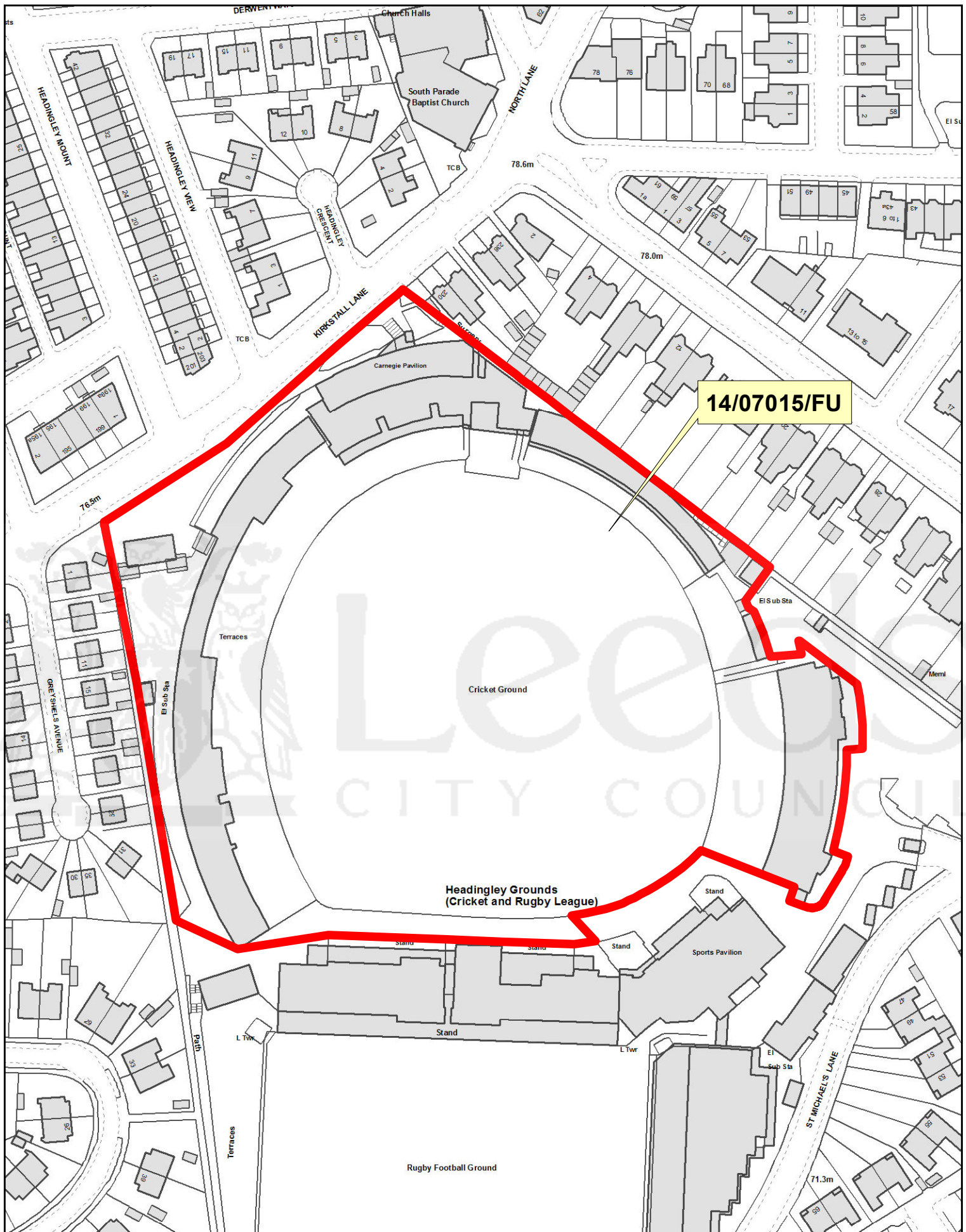
- 10.7 The traffic management plan submitted with the application required amendments to address the specific impacts of evening music concerts. Through the event management plan the applicant will deliver a traffic management plan. A new street coning plan is also required that is relevant to evening music concerts. Different types of artists will attract different crowds and as such the traffic management plan should be flexible enough to cater for different modal patterns which may have different impacts upon both the local highway network and local residents' amenities. With appropriate consultation with officers, Members and residents, this is likely to take up to three months to prepare for each event. Subject to receiving a positive resolution on 19th February, the Club has a major international artist lined up in September, so in practice work on the Traffic/Event Management Plan will begin in the Spring.
- 10.8 After the concerts have been held a working group of Council officers, residents associations, stadium representatives and Councillors is proposed to meet to discuss how the event went and if the event plans require reviewing. This could perhaps be an additional function of the existing Stadium Liaison Group chaired by Councillor Walshaw. The results of these discussions would be fed into the plans for any future events.
- 10.9 A revised Travel Plan would be required by condition that shows how spectators would be informed of the various travel options etc. It is hoped that spectators will be informed of public transport options when they receive their ticket for the concert. It is recognised that the spectators coming for concerts could be less familiar with the ground and the surrounding area than sports spectators. Accordingly the travel plan will be an important document to help spectators in their travel arrangements to and from the ground.
- 11.0 CONCLUSION:**
- 11.1 The benefits to the City from the retention of an international sporting arena are positive. The use of the stadium for the staging of concerts will provide a leisure and amenity benefit to the City and the local area. The temporary nature of the use and the planning conditions suggested should ensure that the harm arising from noise and disturbance is kept to a minimum. The event management plans should also help mitigate the comings and goings of the crowd and should manage the highway safety implications. There are no change in circumstances since the expired temporary planning permission 12/.4557/FU was granted that would warrant a reason for refusal of the current application.
- 11.2 It is emphasised that the recommendation is to grant permission for a maximum of 6 concerts over 2 years. If permission is granted and concerts go ahead the results of the monitoring which would be required would inform whether permissions for any further concerts should be granted.

Background Papers:

Application file;

Certificate of Ownership.

Pervious permission 12/04557/FU



SOUTH AND WEST PLANS PANEL





Originator: Sarah Hellewell

Tel: 0113 444 2209

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th February 2015

Subject: 14/04994/FU - Change of use and alterations to hostel to form 29 self-contained flats, detached blocks of 31 new flats and 23 new houses; laying out of access road and associated parking and landscaping - Mount Cross, 139 Broad Lane, Bramley, LS13 2JJ.

APPLICANT

Salvation Army Housing
Association – John
Macfarlane

DATE VALID

1st October 2014

TARGET DATE

19 March 2015

Electoral Wards Affected:

Bramley and Stanningley

Y Ward Members consulted
referred to in report)

Specific Implications For:

- Equality and Diversity
- Community Cohesion
- Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a S106 Legal Agreement within 3 months of the date of the Panel resolution (unless an extended period is agreed in writing) to include the following obligations:-

1. The whole site will be affordable housing and the refurbished block will be over 55s only and not available for sale, rent only and this will be put in the tenancy agreements
2. The car parking management plan
3. Travel Plan, Travel Plan Coordinator and monitoring fee £2,500
4. Taster Ticket Cards (£162.00 for a 3 month ticket per dwelling)
5. Local employment initiatives

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

Conditions:

Time limit

Plans to be approved

Submission of a construction phasing

Sample of all walling and roofing and external materials

Sample of surfacing materials

Landscaping conditions

Replacement tree conditions

Remediation conditions

Car parking management plan

Highways conditions

Drainage conditions

Cycle and bins storage location and details

Boundary treatments

Existing and proposed level and finished floor levels

Drainage conditions

Nature Conservation

Obscure glazing to bathroom windows

Permitted development rights removed (all)

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as the proposal does not deliver all S106 contributions due to viability issues.

2.0 PROPOSAL:

- 2.1 The proposal seeks full planning permission for 83 affordable housing units through the refurbishment of an existing vacant building and 54 new build units with car parking and landscaping. The proposal comprises of:-
- 2.2 Refurbished block - Change of use with alterations to existing hostel to form 29 self-contained flats providing 25 x 1 bedroom units and 4 x 2 bedroom units with parking and uses the access to remain as existing.

New build – 14 new build block comprising of mix of houses and flats between a and 3 storey properties providing 54 units in total with parking and landscaping.

Block A - 5 X 2 bedroom 2 storey terrace of dwellings (plots 50 - 54)

Block B – 1 x 3 bedroom 2 storey detached dwelling (plot 49)

Block C1 – 2 x 3 bedroom 2 storey with part two-storey rear gables to rear semi-detached dwelling (plots 47 – 48)

Block C2 – 3 x 3 bedroom houses 2 storey with part two-storey rear gables to rear semi-detached dwelling. There are 3 C2 blocks on site (plots 24 – 25, 37 – 38, and 39 – 40).

Block D – 2 x 2 bedroom 2 storey with part single storey rear extension (plots 22 – 23)

Block E – 2 x 2 bedroom 2 storey semi-detached property (plots 24 – 25)

Block F – 2 x 2 bedroom 2 storey semi-detached property (plots 31 – 32)

Block G – 2 x 2 bedroom 2 storey semi-detached property (plots 33 – 34)

Block H – 2 storey terrace which includes 1 x 2 bedroom and 4 x 2 bedroom flats (plots 26 and 27 – 30)

Block I – 3 storey L- shaped building of 1 x 21 bedroom flats. This block front onto Broad Lane (plots 1 -21)

Block K – 2 storey terrace building which includes 6 x 1 bedroom flats.

The new build element of this proposal provides 31 flats, 27 x 1 bedroom and 4 x 2 bedrooms and 14 x 2 bedroom houses and 9 x 3 bedroom houses.

2.3 All the above are to be affordable dwellings

2.3 The nursery is to remain on the site and does not form part of the application red-line boundary but the existing car parking for the nursery is allocated on the application site; the application/proposal does include parking provision for the nursery and the same issue relates to the Hostel office/Women's hostel

2.4 Initially some extensions were proposed to the refurbished block but these are no longer proposed. The only external alterations proposed are improved remodelled entrances to the building.

2.4 There is to be some tree loss through the proposed development.

2.4 For information the applicant has HCA funding for this development until End of March 2015 for development to start.

3.0 SITE AND SURROUNDINGS:

3.1 The site is approximately 1.45 hectares and is situated on Broad Lane. The site is currently home to Copper Beech children's nursery, Mount Cross hostel and women's hostel and a large area of hardsurfacing for car parking with trees subject to a tree preservation order (TPO) on the site. The remaining land is grassed over and has become overgrown with vegetation. The buildings on site range from a crescent shaped single storey nursery building to a 2 storey red-brick womens hostel and office and a large part 2 part 3 storey red brick building which is vacant at present but formerly used as a hostel.

3.2 The surrounding area is predominantly residential in nature with a mix of housing types and designs. Access to the site is off Broad Lane with one access to the main part of the site in the centre and a second access to the right-hand-side of the site serving the Hostel and womens hostel.

3.3 There is a steady increase in levels from the main entrance on Broad Lane to the centre of the site of approximately 3 m, but relatively flat beyond this.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/333/02/OT – children’s nursery - approved 3rd February 2003
4.2 24/202/03/RM - single storey children’s nursery with car parking - 2nd July 2003

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been pre-submission discussions/workshops regarding the new build part of the proposal over the last 12 months. Through the planning application there have been workshops between all parties regarding the key issues of the whole site delivering all affordable housing, highways, car parking assessment methods, layout, design and trees.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 A public consultation event was held by the Applicants and their Architects on 28 April 2014 between 14:00 and 19.00. Approximately 14 signed the attendance sheet.
- 6.2 The application was advertised by site notice posted 10 October 2014, and a press notice published 15 October 2014.
- 6.3 1 letter of representation has been received raising the following points:-
- Neighbours did not receive notification of application but public consultation was well attended
 - Consultation document submitted by applicant states development residents generally supportive of the development which is generally true but ignored concerns raised.
 - Our property backs onto site and we suffer flooding – what happens if this gets worse, who is responsible?
 - Concerned who will be put forward for these residencies?
 - Concerned about safety and standards of the community.
 - There are some foxes and frogs on site – how will this be managed before building starts.

Ward Members

- 6.4 Ward Members have been briefed through the pre-application process and consideration of the planning application and are generally supportive of the development of the site and the provision of affordable housing.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Environment Agency – EA has agreed with the Leeds City Council Flood Risk Management (FRM) team, as the Lead Local Flood Authority (LLFA), that they will provide comments in relation to the sustainable management of surface water. We ask that your FRM team is consulted on this application to ensure that this potential source of flood risk is appropriately managed and therefore mitigated against. It was noted that no Flood Risk Assessment has been submitted and is required.

Non-statutory

- 7.2 Yorkshire Water – made comments and advised developer to contact them directly – recommended conditions if permission recommended for approval.
- 7.3 Contaminated Land – no objection subject to conditions.
- 7.4 Flood Risk Management - No objection following submission of Flood Risk assessments subject to conditions.
- 7.5 Landscape – following significant negotiation, some loss of some TPO-ed trees, no objection subject to conditions.
- 7.6 Design – following significant negotiation, no objection is raised to layout and design of the scheme subject to conditions.
- 7.7 Highways - following significant negotiation, no objection is raised regarding highway safety subject to a S106 and conditions.
- 7.8 Public Transport and NGT Project team – the development proposal requires a contribution of £25,557.
- 7.9 West Yorkshire Combined Authority - comments for consideration regarding installation of shelter at a cost of £10,000, provision to include 'live' bus information to two bus stops at a cost of @ £10,000 each, totalling £20,000 and residential metro card scheme A – Bus only at a cost of £39, 487,25.
- 7.10 Travel Wise - Travel plan and monitoring fee and taster tickets secured through a S106.
- 7.11 Local Plans – The site is within the main urban area and is designated in the Leeds UDP as a phase 3 housing site confirming residential development is acceptable in this location. More recently the Draft Issues and Option Site Allocations plan also supports housing on the site. Therefore, I have no policy objections to the scheme.
- A greenspace contribution of £250,913.82.
- 7.12 Education Contribution team – not required.

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Core Strategy, saved policies within the Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.
- 8.2 Local Development Framework Core Strategy policies:
The site is an existing UDP allocation for housing phase 3 and these sites have been released for housing, and in the draft site allocations DPD it is also allocated for housing.

SP1 Location of Development
 SP6 Housing requirement and allocation of housing land
 H1 Managed release of sites

- H2 New housing development on non-allocated sites
- H3 Density of residential development
- H4 Housing mix
- H5 Affordable housing
- G4 New greenspace provision
- EN5 Managing flood risk
- T1 Transport management
- T2 Accessibility requirements and new development
- P10 Design
- P12 Landscape
- ID2 Planning obligations and developer contributions

8.3 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

- GP1 Land use and the proposals map
- GP5 General planning considerations
- N25 Landscape design and boundary treatment
- T7A Cycle parking guidelines

8.4 Relevant Supplementary Planning Guidance:

Building for Tomorrow Today – Sustainable Design and Construction (2011):
 Sustainability criteria are set out including a requirement to meet BREEAM standards.
 Natural Resources and Waste Development Plan Document
 Neighbourhoods for Living – A Guide for Residential Design in Leeds
 Leeds Interim Affordable Housing Policy 2011
 Designing for Community Safety – A residential Design Guide
 Street Design Guide – Supplementary Planning Document
 Travel Plans – Supplementary Planning Document
 Public Transport – Developer Contributions

8.5 National Planning Policy:

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

9.0 MAIN ISSUES

Principle of development
 Layout and design
 Impact upon trees
 Highways
 Impact upon amenity
 Section 106

10.0 APPRAISAL

Principle of development

- 10.1 The site is an existing UDP phase 3 allocation for housing and these site have been released for housing. In the draft site allocations DPD it is also allocated for housing.

- 10.2 The site is located within in a built up urban area with residential on all sides. There are buildings already established on site along the west boundary with a large area of hard standing and an access road through the centre of the site used for car parking. The rest of the site is grassed over with some vegetation and trees which are subject to a tree preservation order.
- 10.3 It is considered that the proposal follows the policy guidance of policies SP1 and SP6 which states new development should be within and adjacent to urban areas, and have the least impact on Green Belt purposes. The site would form a natural infill, with existing housing which is located to all sides of this site, although the site does have some buildings already on it and a significant area of hard standing the remaining area is grassed over but it is understood that this site previously house a maternity home (now demolished) and therefore was previously developed land.
- 10.4 Policy H1 of the Core Strategy which is concerned with housing proposals highlights a presumption for the development of brownfield sites, with a target of 65% for all new housing to be located on brownfield sites, for the first 5 years of the Core Strategy, and on sites where development would aid regeneration, have good transport links and accessibility, accessibility to local services and the least impact on the Green Belt. It is considered that the proposal complies with this guidance. The site is unde utilised, the existing building is vacant and being brought back into use and some of the land is covered by hardstanding.
- 10.5 The site is privately owned land which is not used for recreational purposes. It is considered the site has limited amenity value with some vegetation on site, some of which will be retained and some to be removed. It is not considered the site makes a valuable contribution to the visual character of this area.
- 10.6 Policy H3 relates to density, the applicable density for this area is 40 dwellings per hectare; the density calculations works out at 68 dwelling per hectare. The policy requires schemes to meet or exceed the net density of 40 dwellings per hectare therefore it considered that this proposal complies with this policy.
- 10.7 Policy H4 relates to housing mix. The proposed mix of apartments and houses for Affordable Rent proposed by SAHA for this scheme would address housing demand and shortages as well as Affordability of homes within the area and therefore it is considered to provide a sustainable mix of homes for this area.

Layout and design

- 10.8 The layout provides a credible response to various onsite constraints (landscape, and boundaries), to existing buildings situated in difficult positions, and to a stated need to create a high density scheme. Landscape and outdoor spaces attempt to pull the two halves of the site together, although the variety of building types and forms onsite (existing and proposed) should be unified through the use of consistent materials.
- 10.9 A central spine road services both existing and proposed development, with smaller spurs accessing parking areas and new residential buildings. Parking for the nursery is relocated into a more convenient and safe location for users.
- 10.10 Existing green space has been largely retained and reconfigured at the heart of the scheme, providing much needed landscape and visual amenity.
- 10.11 The layout of perimeter blocks largely complies with the requirements of the Council's design guidance for residential development (Neighbourhoods for Living), including space about dwellings standards, relationships of buildings to each other, and

ensuring safe, private outdoor spaces to rear. Perimeter blocks provide high levels of natural surveillance to public areas, with active frontages and buildings that turn corners, softened by planting to frontages where possible.

- 10.12 Parking requirements and the density of development result in small areas which are car dominated, although a variety of parking approaches have been adopted to reduce the impact of parking, assisted by soft landscape and tree planting. Parking needs and movement of nursery visitors may ultimately have negative impacts on residents.
- 10.13 Block I is a 3-story block of apartments providing a strong presence to Broad Lane, with a wing which turns the corner working together with the Women's Hostel to form a gateway into the site. Parking is accommodated with a parking court to the rear which has the benefit of overlooking from a pair of semis which this area also serves.
- 10.14 Block H provides continual frontage on to the central green space with access available to individual ground floor units. The form of this block informs the view into the site and helps guide movement through to the nursery and beyond. The green space assumes key visual importance and confers visual amenity to the apartments; which in turn ensures the central public space is overlooked. This block helps to open up the central space and respects the geometry of the nursery so that the overall area feels part of a wider whole.
- 10.15 The spine road ultimately splits and terminates in two small shared space areas. The final perimeter block (defined by Blocks B, C1&2, and Block K) has been configured to allow retention of a high quality oak tree.
- 10.16 The architectural treatment provides for a variety of traditional and contemporary building forms, with attention to detail, generously proportioned windows, and unified by a consistent and restrained palette of materials, although these should ultimately be conditioned to ensure compatibility with the existing context.

Highways

- 10.17 The site has two existing access points which will continue to be used, these are satisfactory for the level of development proposed from each. The internal road will be adopted and be subject to a 20mph speed limit, some alterations are required to the existing section of road to bring it to adoptable standards including a new block paved surface. The layout has been tracked to ensure that it can be used by refuse vehicles.
- 10.18 Access to the new build element of the proposals meets modern design standards. Access to the existing car park is sub-standard but no highway objections are raised to its use as the refurbishment of the building would be unlikely to intensify vehicular movements compared with previous use of the car park and no traffic accidents have previously been recorded.
- 10.19 New Build - The level of parking provided accords with the Council's Street Design Guide providing some of the spaces remain unallocated, these spaces have been identified on the car parking plan. Leaving spaces unallocated gives greater flexibility to their use and means less spaces are required than if each space is allocated to a dwelling.
- 10.20 Refurbished block - The level of car parking has been agreed based on the refurbished block being only available to over 55year olds and rental accommodation only, this stipulation would be secured by s106. Information has been provided by the applicant to demonstrate that other similar sites owned by them have low levels of car

parking. The refurbished block would require 27 *unallocated* spaces for owner occupied tenancy or a minimum of 9 unallocated spaces for rented tenancy. With the additional s106 clause of it being only occupied by over 55s rental units only, a reduced level of parking of 14 spaces has been accepted by officers.

- 10.21 Nursery - The parking provision for the nursery has been based on a survey of the current operation, where only 45 of the potential 90 nursery places are currently taken. The survey indicated a current maximum demand for 8 parking spaces and a total 18 bays have been provided. Operating at maximum capacity, the nursery would employ a maximum of 12 employees (full and part time) at any one time, parking provision at the nursery would therefore accommodate approximately 1 space per 3 staff plus 1 space per 6 children attending nursery when operating at maximum capacity. Staff parking will be marked out and reserved in the car park furthest from the building in order to reserve more convenient spaces for parents.
- 10.22 The applicant has following the discussion regarding parking provision agreed to provide a Travel Plan and metro taster tickets for new residents for the first 3 months.
- 10.23 It is therefore considered that the proposal is considered acceptable with regard to parking provision and pedestrian highway safety subject to the S106 and relevant conditions.

Impact upon trees

- 10.24 The site has a Tree Preservation order on it.
- 10.25 Refurbished block – the trees along the western boundary which back onto the residential properties on Lincroft Crescent remain unaffected and all to be retained. The trees in-front of the refurbished block fronting onto Broad Lane is also all to be retained.
- 10.26 New build - The remaining trees on the site are located sporadically around it, some on boundaries and some on the main area to be developed. The trees survey indicates that some of these trees, approximately 12 are category C or below which trees of low quality or poor condition are therefore their loss is accepted. A few further trees, approximately 6 which are category B, which are trees of moderate conditions will be lost which is accepted but there are a few Category B and A to be retained as part of the development.
- 10.27 It is considered that on balance, after significant discussions and an updated tree survey it was agreed that the loss of some trees on the site was accepted in order to deliver the housing scheme subject to mitigation measures through replacement via condition.

Impact upon amenity

- 10.28 The scheme submitted here is following significant discussions and workshops, taking into account guidance contained with the SPG - Neighbourhoods for Living regarding garden/amenity space and amenity distances. It is considered that the layout provides good space about dwelling and relationship to boundaries and it on balance meets, or exceeds this guidance respecting the neighbour existing properties and future occupiers. There is a small area of greenspace/amenity in front of Block H providing some communal on site space for future occupiers.
- 10.29 The applicant has provided some daylight and sunlight analysis regarding Block I located at the front of the site due to its 3 storey nature. This analysis has shown no significant impact on the properties opposite or adjacent.

10.30 It is considered that the proposed layout does not have an adverse impact upon the amenity of neighbouring or future occupiers.

Section 106

10.31 The application triggers the following obligations:-

- 15% affordable housing
- Greenspace contribution – £250, 913.82
- Metro Contribution – bus shelters installed at bus stop @£10,000 + live bus information at two bus stops @ £10,000 each = £30,000
- Public Transport Contribution - £25, 557
- Metro Cards Scheme A (bus only) - @ £39, 487
- Taster Tickets for Public Transport (£13,446)
- Travel Plans and monitoring fee (£2500)

10.32 Obligations not being provided:-

- Greenspace contribution – £250, 913.82
- Metro Contribution – bus shelters installed at bus stop @£10,000 + live bus information at two bus stops @ £10,000 each = £30,000
- Public Transport Contribution - £25, 557
- Metro Cards Scheme A (bus only) - @ £39, 487

10.33 Obligations being provided by applicant:-

- 100% affordable housing on the whole site with the refurbished block providing over 55s accommodation which will not available for sale (rent only) and this will be put into tenancy agreements. The car parking plan will be put in the agreement too.
- Travel Plan (£2500)
- Taster tickets (£162 for a 3 month ticket per dwelling - £13, 446)
- Local employment initiatives

10.34 It is considered that the principle of housing is acceptable in this location and that the scheme will bring back a vacant building previously use as a hostel into use as affordable housing for over 55s; the new build element of the scheme provides all affordable housing (100%) therefore the whole site will be delivered as affordable housing in excess of the 15% policy requirement for this area. The site is considered to be located in area with sufficient local provision of greenspace within an acceptable walking distance of the site and in a sustainable location. It is therefore considered that on balance the benefits of the scheme outweigh the loss of the obligations not provided.

10.35 The applicant has submitted a viability appraisal which is currently under assessment by the District Valuer and the outcome of this will be provided within a pink paper to Plans Panel.

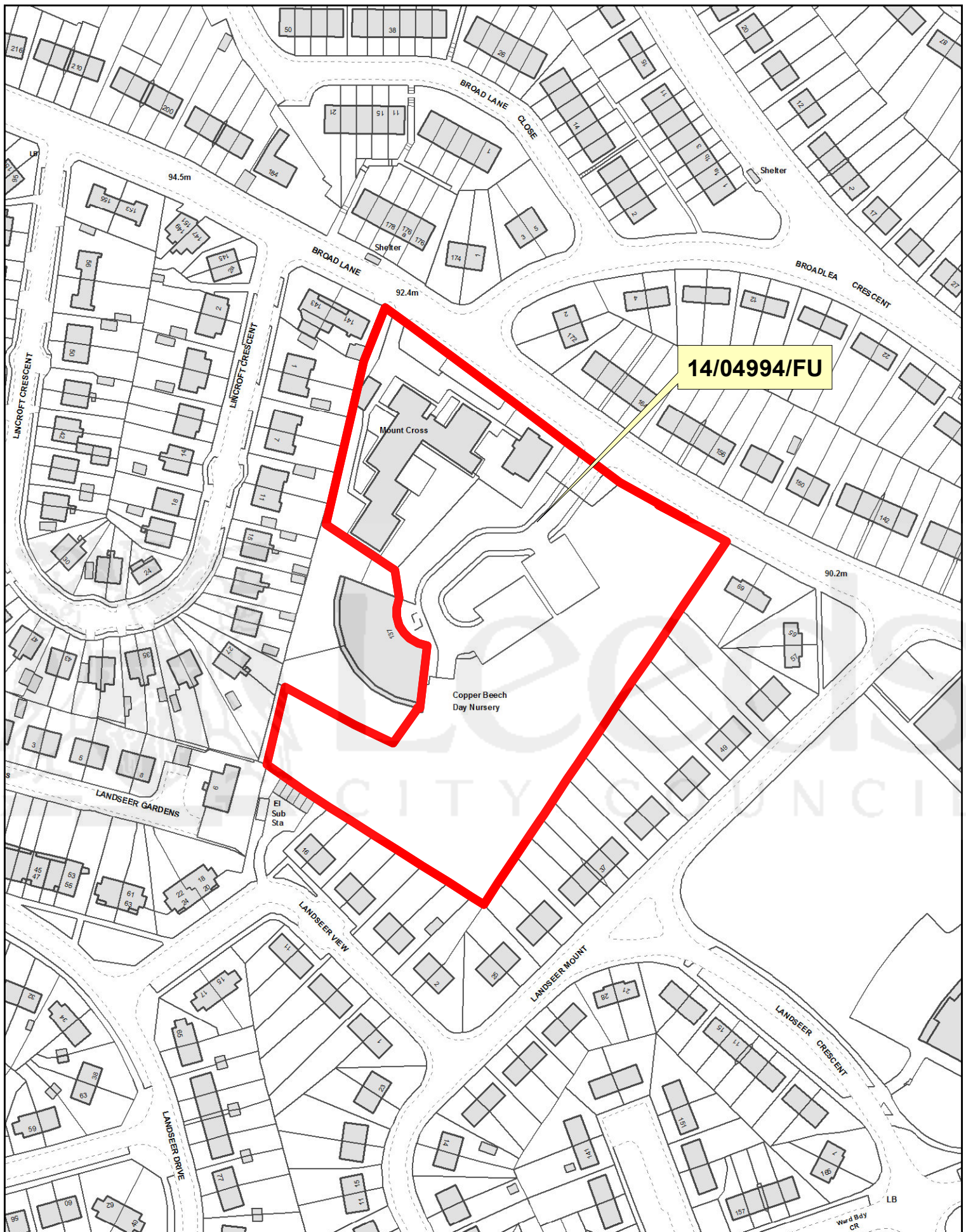
11.0 CONCLUSION

11.1 The scheme is not considered deliverable if all the planning obligations required are met. However, the application is offering obligations with regard to travel plans, local employment initiatives and metro taster travel cards and the balance of the loss of some TPO-ed trees, mitigated through a replacement tree condition in which to

facilitate the amount of development. In determining the application the delivery of 83 affordable units in a mix of flats and houses and bringing back into use a vacant building are considered of significant weight sufficient to outweigh the loss of greenspace and public transport contribution obligations. Therefore on balance the application is recommended for approval.

Background Papers:

14/04994/FU



SOUTH AND WEST PLANS PANEL





Originator: Amanda Stone

Tel: 011324 78054

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 19th February 2015

Subject: APPLICATION 14/07076/FU – Temporary modular detached unit to Windmill Primary School.

APPLICANT	DATE VALID	TARGET DATE
Windmill Primary School	10.12.2014	20/02/2015

Electoral Wards Affected:

Middleton Park

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Temporary 5 year permission.
2. Development in accordance with approved plans

1.0 INTRODUCTION

1.1 This application is reported to Plans Panel at the request of Ward Councillor Groves who has raised concerns in relation to the impact on highway safety.

2.0 PROPOSAL:

2.1 The application seeks five year temporary consent for a modular unit. The modular building is proposed over a landscaped area, to the north side of the site, near to the school entrance.

- 2.2 The building is to be 9m in length x 7m in width x 3m in height and is to be located approx. 5m from the north elevation of the building and 5m from the northern boundary of the site. Windows are proposed to the east and west elevations.
- 2.3 The purpose of the modular classroom is to provide additional school space for the existing children. Existing pupil capacity at the school is 420 (the current number of pupils on roll is 382)
- 2.4 Existing access and parking arrangements/demand would remain as existing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located to the north side of Windmill School. There are two accesses to the school from Windmill Road, pedestrian access and vehicular access.
- 3.2 Parking is provided to the west side of the building around the main entrance. The school is generally one level however parts of the building are of increased height, almost two storey.
- 3.2 Residential properties run along the northern and western boundaries of the school site, these boundaries are bounded by 2m palisade fence, vegetation and domestic single storey outbuildings.

4.0 RELEVANT PLANNING HISTORY:

10/03858/LA: Windmill Primary School, Windmill Road, Belle Isle, Leeds, LS10 3HQ
- Retention of 2.4m high fence and gates to school playing field – Approved 15-NOV-10

09/00611/LA: Windmill Primary School, Windmill Road, Belle Isle, Leeds, LS10 3HJ
Single storey extension and enlarged car parking and new boundary fence to school
Approved: 12-JUN-09

21/99/03/FU: Windmill Primary School Windmill Road Leeds 10 - 3 single storey extensions to nursery to school - Approved: 08-JUL-03

21/82/96/FU – 3 single storey extensions to school. Approved April 1996

H21/250/83/: Windmill Road Leeds 10
Detached single storey changing rooms, with showers, toilets, plant room and referee's room to playing fields – Approved: 23-JAN-84

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The site notice was posted on 19 December 2014 and neighbour notification letters posted on 11/12/2014.
- 5.2 One letter of representation received from a local resident objecting to the proposal for the following reasons: increase in size will lead to further traffic related problems caused by 'school runs' on a morning and afternoon due to blocked driveways and anti-social parking.

- 5.3 Ward Councillor Groves raised concerns relating lack of parking and parents complaining.
(Concerns raised have been addressed in the appraisal section of the report)

6.0 CONSULTATION RESPONSES:

- 6.1 Highways:
The unit is not to facilitate an increase in pupil or staff population and as such there would be no change to the existing traffic/parking characteristics associated with the operation of the school. It is therefore unlikely that the unit would have a harmful impact on highway safety over and above that which already exists.

7.0 PLANNING POLICIES:

- 7.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Core Strategy (adopted November 2014); Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste DPD along with relevant supplementary planning guidance and documents.

- 7.2 The site is allocated in the greenbelt in the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – proposals should resolve detailed planning criteria

BD5 - new buildings should be designed with consideration to both their own amenity and that of their surroundings

- 7.3 Core Strategy - The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.

GENERAL POLICY 1 – Presumption in favour of sustainable development
T1 & T2 – Highways requirements.

7.4 National Planning Policy:

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.

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

8.0 MAIN ISSUES

- Impact on site appearance and visual amenity.
- Residential amenity
- Highways

9.0 APPRAISAL

Impact on site appearance and visual amenity

- 9.1 The application seeks temporary five year consent for a detached prefabricated unit which is similar in appearance to temporary classrooms seen on many school sites. The purpose of the unit is to provide additional school space for existing children/staff.
- 9.2 The proposed unit is to be positioned within a soft landscaped area close to the north side of the school within a recessed area. The nature and appearance of such a unit does not make it suitable for permanent retention on site and it is a short term solution to provide valuable accommodation. This area is bound on two sides by the school building (east and south). Directly opposite is the northern boundary which is bordered by a palisade fence, hedging and the rear elevations of detached outbuildings located within the rear gardens of residential sites.
- 9.3 In light of the above it is considered unlikely that the development would have a harmful impact on visual amenity given its screened location.

Impact on residential amenity

- 9.4 The proposed unit is to be located close to the (northern) boundary of the site within a soft landscaped area. This part of the site is bordered by a palisade fence which runs along the site boundary, directly opposite detached outbuildings at the rear of residential properties on Windmill Road. Whilst the new building will be nearer to these properties than the current building it is considered unlikely that it would pose a significant threat to neighbouring amenity from overdominance and over shadowing given its modest height and position. Windows are proposed to the east and west elevations only and as such afford direct outlook over the school site.

Whilst there may be additional noise created from comings and goings of pupils accessing and exiting the unit throughout the day. This would be for a short period of time during school hours and as such is considered unlikely to result in significant harm to amenity.

Highways

- 9.5 Highways have raised no objection to the proposal and as such the proposed extension is considered unlikely to compromise highway safety. Onsite parking is unaffected by the proposal. The modular classroom is to provide extra space for existing pupils rather than creating any additional pupil capacity. The overall pupil capacity at the school would remain as existing (420 children). Furthermore, no more staff would be required as a result of the proposal.

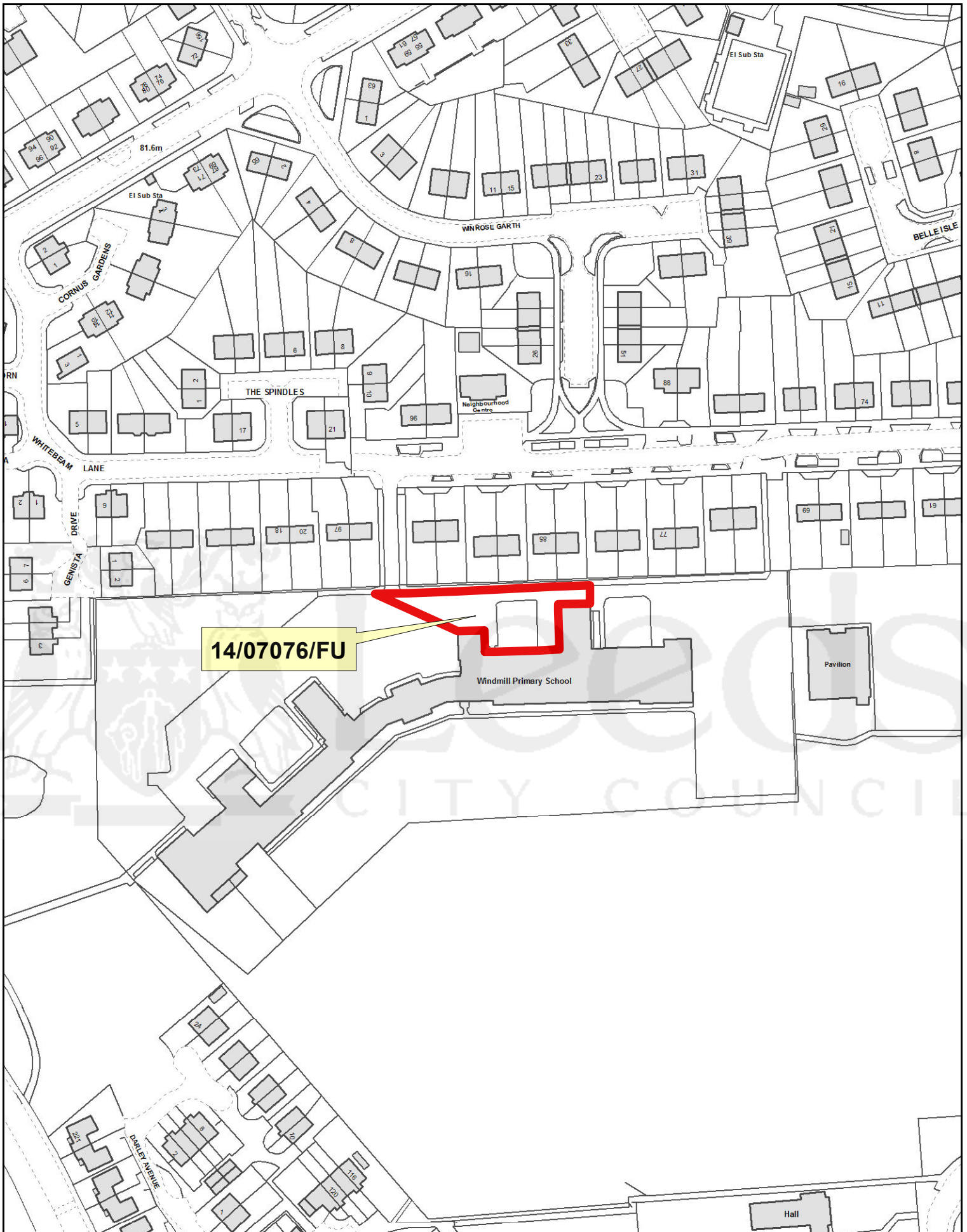
10.0 CONCLUSION:

- 10.1 Overall the proposed development is considered to be acceptable in planning terms and lies within an area of sufficient size to accommodate such a proposal without having a detrimental impact upon visual and residential amenity. Furthermore its position and use is considered unlikely to compromise highway safety or result in additional on street parking in the area. It is therefore recommended that the application be supported.

Background Papers:

Application file; 14/07076/FU

Certificate of Ownership



SOUTH AND WEST PLANS PANEL





Originator: Lisa Hart

Tel: 0113 247 8053

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 19 FEBRUARY 2015

Subject: ERECTION OF A FENCE/STRUCTURE ON LAND AT COLLEGE HILL HOUSE BURRAS LANE OTLEY.

APPLICANT	DATE VALID	TARGET DATE
N/A	N/A	N/A

<p>Electoral Wards Affected:</p> <p>Otley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
(1) Members to note this report.
(2) Members are requested to determine that it is not expedient to take enforcement action.

1.0 INTRODUCTION

1.1 This report is brought before Members to advise of a breach of planning control and to determine based on the information contained within this report, whether it is expedient to take enforcement action. Normally compliance matters are dealt with under delegated powers, however, this report is exceptionally brought before Plans Panel at the request of Councillor Campbell given the unusual circumstances of the juxtaposition of the dwellings in question.

2.0 DESCRIPTION OF THE STRUCTURE

2.1 College Hill House is a house located in Otley Conservation Area; it is not a listed building. A structure was erected within the front garden of College Hill House to support a Russian Vine. It was constructed of vertical posts approximately 2 metres in

height with wire supports in between to which the Russian Vine could be attached to and grown around. It was around 2 metres from the rear wall of Musgrave Hall, (a listed building) a dwelling to the south. Following the erection of the structure, solid wooden panels were added to the top of it and provided a more solid appearance to it. The maximum height of the panels is 2.17 metres above adjacent sloping ground level.

3.0 LOCAL REPRESENTATION

3.1 A local resident complained to the City Council about the structure and its impact on their residential amenity and impact on their listed building. Their points of objection can be summarised below:

1. Consider the structure an unsightly fence and can be seen from their rear windows
2. Has a negative impact on the setting of their listed dwelling.
3. Has an adverse impact on the Conservation Area
4. Risk of Russian vine growing out of control and they have no access to cut it back
5. Loss of light

4.0 BREACHES OF PLANNING CONTROL

4.1 Guidance on breaches of planning control and effective enforcement action are set out in central government's Planning Practice Guide (PPG). A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

4.2 In order to ascertain if there has been a breach of planning control as a result of the erection of this structure, we have to look at the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Under schedule 2, minor operations, Class A relates to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. If this structure was considered to be a 'fence' then at over 2 metres in height it would require planning permission and it would be considered that there has been a breach of planning control.

4.3 Case law is clear about what is considered to be a fence. The leading case in this matter is *Prengate Properties Ltd v Secretary of State* 1973. In this case it was held that a fence or wall had to have the function of enclosure for it to be considered under the minor operations class. The structure at College Hill House does not enclose anything; it is freestanding and is not attached at either end to other boundary treatment. It acts as a screen to prevent overlooking between two residential properties and to support a Russian vine. The structure does not fall under the definition of a fence but acts as a screen or privacy shield.

4.4 It is considered that the structure would be controlled under the provisions of Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. This class states:

The provision within the curtilage of the dwelling house of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

The Order advises that a structure would be interpreted as a 'building operation' for the provisions of this class. That being the case the structure would require planning permission in its own right as it falls foul of subsection b which states:

(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

4.5 The works carried out at College Hill House fall within the first bullet point at para 4.1 above. The home owner is unwilling to take down the structure or apply for planning permission for it to remain. Officers of the City Council together with a local Ward Councillor have tried to encourage the two parties to agree to mediation but that has not been forthcoming.

5.0 POTENTIAL NEXT STEPS

5.1 Government Planning Practice Guidance (PPG) sets out that local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest. There is a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way.

5.2 Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. Accordingly a local planning authority has to first consider whether there has been a breach of planning control and then move on to consider whether the harm (the environmental effects) caused to matters of public interest are such that it warrants the taking of enforcement action to remedy that harm. The taking of enforcement action is not justified by the fact that there has been a breach of planning control.

5.3 The PPG progresses to set out that in deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

5.4 The LPA could serve an Enforcement Notice requiring the structure to be removed from the site within a specified period. The owner would have the right of appeal against any notice.

5.5 The owner of College Hill House wishes the structure to remain in situ in its present location and in its present form. The owners of Musgrave Hall want it to be removed or as a minimum the solid panels removed. If the owner of the structure extends it to the boundaries (with a gate for access), it will become a means of enclosure and could be retained at a height of 2 metres, under the minor operations provisions described above in para. 4.2. There would be no controls over what the panels could be constructed from. If this happened then the neighbours would have views of a longer structure which would be visible from more windows in their dwelling. This could be considered a worse situation than the one they presently find themselves in.

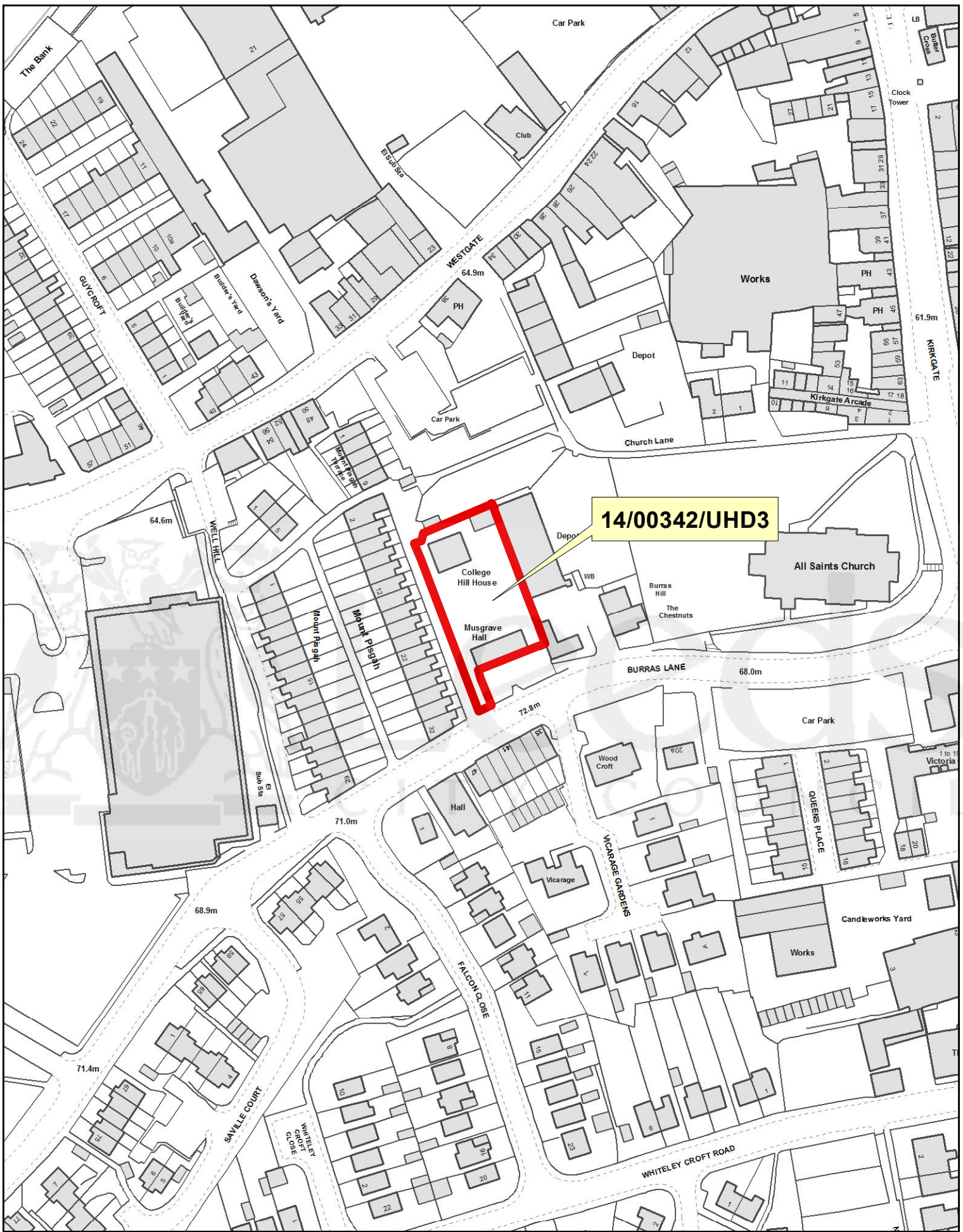
5.6 The structure is not within the grounds of a listed building, it is in the Conservation Area but there are not many views of it from public vantage points. The fencing panel elements of the structure consist of interwoven timber panels which are commonly used for garden boundary fences. The structure impacts on the residential amenity of the occupants of one dwelling, but it is not however considered that in planning terms this impact is harmful to a significant extent. It is recognised however that the complainants strongly object to it. As highlighted above, it is possible that the structure could be readily increased in length and with only a minor reduction to its maximum height by 17cm, would be considered to be Permitted Development. At that point the LPA would have no control over it or its appearance.

6.0 CONCLUSION

6.1 It is recommended to Members that it is not expedient to take any enforcement action in respect of the structure given its limited impact on the adjoining dwelling and the real prospect that an alternative solution falling outside planning control would have a similar or greater impact on those affected by the structure. Members are requested to note this report and then to reach a view on the taking of enforcement action.

Background Papers:

None



SOUTH AND WEST PLANS PANEL



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