



SOUTH AND WEST PLANS PANEL

**Meeting to be held in the Civic Hall, Leeds, LS1 1UR on
Thursday, 23rd April, 2015
at 1.30 pm**

MEMBERSHIP

Councillors

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

J Bentley

A Castle
R Wood

R Finnigan

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

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>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			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES To confirm the minutes of the meeting held on 19 March 2015 as a correct record.	3 - 12
7	Calverley and Farsley		APPLICATION 14/04306/OT - 3 CROWTHER AVENUE, CALVERLEY, PUDSEY To receive and consider the attached report of the Chief Planning Officer regarding an outline application to layout access road and erect residential development.	13 - 24
8	Headingley; Hyde Park and Woodhouse		APPLICATION 14/05794/RM - VICTORIA ROAD, HEADINGLEY To receive and consider the attached report of the Chief Planning Officer regarding an application for a reserved matters application for residential development of 24 dwellings, layout of access roads and associated work.	25 - 38
9	Horsforth		APPLICATION 14/06826/FU - 22 BRIDGE WOOD CLOSE, HORSFORTH To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of condition 3 of previous approval 14/02722/FU to amend boundary treatment	39 - 44

Item No	Ward	Item Not Open		Page No
10	Morley North		<p>APPLICATION 13/05511/FU - DEANHURST, GELDERD ROAD, GILDERSOME</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision)</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	45 - 54

Legal & Democratic Services

Governance Services

4th Floor West

Civic Hall

Leeds LS1 1UR

Contact: Andy Booth

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Your reference:

Our reference: ppw/sitevisit/
2015

To:

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

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 23 APRIL 2015

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

- | | | |
|---|---------------|--|
| 1 | 10.50
a.m. | Application 14/06826/FU – Variation of condition to amend position of fence - 22 Bridge Wood Close, Horsforth. Leave 11.00 (if travelling independently meet at 22 Bridge Wood Close). |
| 2 | 11.15
a.m. | Application 14/04306/FU – Erection of 5 dwellings - Land to the rear of 3-5 Crowther Avenue, Calverley Leave 11.35 (if travelling independently meet at 3 Crowther Avenue). |

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 10.30 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 10.25 am

Yours sincerely

Andy Booth
Governance Officer

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SOUTH AND WEST PLANS PANEL

THURSDAY, 19TH MARCH, 2015

PRESENT: Councillor M Rafique in the Chair

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

87 Exempt Information - Possible Exclusion of the Press and Public

Members were advised that there was an exempt appendix to Agenda Item 9 – Green Lane Dyeworks, Green Lane, Yeadon and that members of the public and press should be excluded from the meeting should the content of this appendix be discussed.

88 Minutes - 19 February 2015

RESOLVED – That the minutes of the meeting held on 19 February 2015 be confirmed as a correct record.

89 Matters arising from the Minutes

With reference to Minute No 85, erection of a fence/structure on land at College Hill House, Burras Lane, Otley, concern was expressed as to why this was referred to the Plans Panel and that all information had not been submitted prior to the meeting. It was reported that it was an unusual case that had seen a dispute between two parties and was still the subject of consideration through the customer complaints procedure.

Members were also informed that the appeal in relation to the Kirklees Knows site had been dismissed. The Inspector and Secretary of State had concurred that the Council did have a 5 year supply of housing land and that loss of this site would be harmful.

90 Application 14/00905/FU - 29-31 Moor Road, Headingley, Leeds

The report of the Chief Planning Officer presented an application for the change of use, extensions, part demolition and alterations to form 32 extra care apartments and ancillary facilities for older people at 29-31 Moor Road, Headingley, Leeds. The application had previously been considered by the Panel when it was deferred to allow negotiations for amendments to the proposals.

Site plans and photographs were displayed and referred to during the discussion on the application.

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

- Members were shown a photo montage of how the proposed application would look from neighbouring properties.
- Members' attention was brought to key changes following the previous report which was considered in February. These included obscure glazing to windows that overlooked neighbouring properties, reconfiguration of the parking area with an additional space and revised floor plans.
- It was reported that the distance between the proposals and neighbouring properties were within acceptable guidelines.
- Reference was made to objections from local Ward Members and local residents.
- The scheme needed a minimum of 32 units to be viable.
- It was felt that with the changes made to the application that it should be deferred and delegated to the Chief Planning Officer for approval.

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

- Concern regarding the close proximity of the proposals to neighbouring properties.
- The photographic images of how the proposals would look did not give a true reflection of the height of the development.
- Local residents had not had any further communication with the developer.
- The only real concession seemed to be the provision of obscured glass.
- Concern regarding the proposals overlooking existing properties.

The applicant's representative addressed the Panel, the following issues were raised:

- The Panel was given an overview of the site's previous use and the need for extra care provision in the area.
- The garden frontage to the site would remain the same and trees would be retained.
- Residents' concerns had been taken into account, the designs had been reconfigured to reduce the impact on neighbouring properties.
- Residents concerns had first been known during the public consultation period and there had been work to address these ever since.

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

- The car parking was felt to be adequate in comparison to other similar schemes.
- Changes to first floor accommodation to be used as a corridor.
- Concern that the changes had not fully addressed the objections from neighbouring residents.

91 RESOLVED – That the application be deferred
Application 14/06380/FU - Land adjacent to the former Swan with Two Necks, Raglan Road, Woodhouse

The report of the Chief Planning Officer presented an application for a residential development, block of 6 flats at land adjacent to the former Swan with Two Necks, Raglan Road, Woodhouse, Leeds.

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 site fell within a predominantly residential area.
- The proposals were for three one bedroom flats and three two bedroom flats with four off road parking spaces and cycle and bin storage.
- There were a number of concerns in relation to the application:
 - The size and scale of the building
 - It was out of character with neighbouring buildings
 - Insufficient parking and a potential increase in on street parking
 - Poor vehicular access
 - Close proximity to other properties
- It was not felt that the proposals outweighed the re-use of a vacant site in consideration of the concerns and it was recommended that the application be refused.

The applicant's representative addressed the meeting. The following issues were highlighted:

- The pictures displayed did not show similar properties opposite the site.
- The applicant had developed one of the neighbouring properties.
- The site was in a sustainable location with access to amenities and public transport.
- In response to Members' questions, the following was discussed:
 - Bulk and scale of the proposals – it was reported that this was the same as neighbouring properties.
 - Problems with parking in the area – there were traffic regulation orders in place and existing residents had permits. The properties would be marketed to people who wouldn't want to use cars.

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

- Concerns regarding the size of the footprint of the proposed development.
- It was felt there were already enough flats in the area.
- More family housing in the area would be welcomed.

RESOLVED - That the application be refused as per the officer recommendation outlined in the report.

92 Application 14/05524/FU - Green Lane Dyeworks, Green Lane, Yeadon

The report of the Chief Planning Officer presented an application for a residential development comprising 93 new build units and conversion of existing mill to create 46 units, 64 bed care home, new access from Focus Way, provision of public open space, realignment of existing watercourse and demolition of redundant industrial buildings at Green Lane Dyeworks, Green Lane, Yeadon Leeds.

Site plans and photographs were displayed and referred to during the discussion on this application.

Issues highlighted in relation to the application included the following:

- The site fell within a conservation area.
- The mill ponds would not be retained.
- The water tower would be demolished and re-erected within the site.
- The older stone chimney would be retained.
- Members were shown the previous proposals for the site – main changes included a different range of property types and sizes along with much more retention of original buildings.
- The larger brick chimney which is a prominent landmark feature would restrict views for properties on the site and the view of planning and conservation officers was that this could be demolished.
- There would be at least 2 parking spaces for each house, 1 for each flat and generous visitor parking.
- There would be 10 affordable housing units – this figure had been advised by the District Valuer.
- Reference was made to representations from a local Ward Member. These included the retention of all the original buildings and the brick chimney.
- It was recommended that the application be deferred and delegated to the Chief Planning Officer for approval.

A member of the Aireborough Civic Society addressed the Panel. Issues raised included the following:

- It was felt that the scheme was much improved but there were still a number of concerns.
- The loss of the landmark brick chimney would be controversial and there were other schemes where similar features had been retained.
- The site had become derelict and it was important that the existing buildings be brought back to uses as soon as possible.
- Stone from demolished properties should be used in new buildings on the site.

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

- The proposals had been revised along with planning officers and Elected Members.
- The proposals offered a residential development that would bring a brownfield site back into use.
- A number of flagship buildings would be retained on the site.
- Retention of the brick chimney would have an impact on amenity and would affect the opportunity to deliver the proposals as outlined.
- The provider of the care home was a joint applicant and the care element of the scheme would definitely go ahead.

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

- Timing for construction of the care home and phasing of affordable housing and re-use of existing buildings – this would all be detailed in conditions to the application.
- Retention of the gateway to the site.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval as per the recommendation outlined in the report.

(Members of the public and press left the meeting during the discussion of information detailed in the exempt appendix for this item).

93 Application 14/07276/FU - Leeds Trinity University College, Brownberrie Lane, Horsforth

The report of the Chief Planning Officer referred to an application for erection of student accommodation (up to 7 storeys) comprising 29 cluster flats providing 228 rooms with associated communal space, landscaping and parking at Leeds Trinity University College, Brownberrie Lane, Horsforth, Leeds.

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

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

- The University was looking to expand and additional accommodation was key to attracting students.
- Reference to Ward Member and residents' complaints – that the building was too close to existing properties and could lead to problems with noise disturbance and litter.

- Members were shown details of arrangements for a replacement car parking on the site.
- The proposed building would be at least 100 metres from the nearest residential property.
- The University had a green travel plan.
- Residents would have permits to park on the site and there would be funding for any necessary traffic regulation orders and payments towards public transport facilities.
- There had not been any complaints about noise from the existing halls of residence on the site.
- It was recommended that the application be deferred to the Chief Planning Officer for approval.

Local residents addressed the Panel. Issues raised included the following:

- The proposals were not sympathetic to the site and area.
- There had been over 50 complaints including Horsforth Town Council and the local MP.
- The height, massing and location should all be reconsidered.
- The proposals would cause noise and light pollution to local residents.
- Concerns regarding car parking in the area – many students used off site parking on local streets which caused problems for residents.
- Problems with litter.
- Concerns regarding the consultation process.

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

- There had been three consultation events during the development of the proposals.
- The University carried out annual parking surveys in relation to the travel plan and the numbers of students parking had reduced.
- There had not been any problems with litter or noise and the University had a robust noise mitigation plan.
- Traffic regulation orders could be used to prevent students parking on local streets and provide permits for local residents.
- There were reciprocal parking arrangements with the local rugby club.
- There was a community forum and meetings took place with local residents.

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

- Further concern regarding car parking and the impact of having additional students and staff at the site. It was felt that the proposals would be sufficient for extra parking and it was suggested that an extra condition be attached to the application to monitor this position.

RESOLVED – That the application be deferred to the Chief Planning Officer for approval as per the officer recommendation outlined in the report and that

condition 17 be altered to include surveys and monitoring and review of car parking provision to inform possible further mitigation if required.

Application 14/06917/OT - Nethertown, Old Lane, Drighlington

The report of the Chief Planning Officer referred to an outline application for residential development and means of access at Nethertown Farm, Old Lane, Drighlington.

Members attended a site visit prior to the meeting. Site plans and photographs were displayed and referred to during the discussion of this application.

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

- Current uses of the site included caravan and container storage, stables, and outdoor and indoor horse arenas.
- A previous application for residential development had been felt inappropriate for the site.
- The site had now been assessed as brownfield.
- The proposals would include the installation footpaths and an agreement for off site highways works.
- Reference was made to letters of objection from local residents.
- Reference was made to conditions to site management and construction and also that moving the use of the current site to other land could lead to enforcement legislation.

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

- Concern that the existing materials at the site would be transferred to adjacent land and further greenbelt would be lost.
- That the road was not suitable for construction vehicles.
- Concerns regarding the extra traffic that would be generated.
- The current use of the site did not have a detrimental impact on the village.
- Concern that new properties would overlook the village.

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

- This was a reduced application from what was initially proposed.
- Greenbelt could be developed in certain circumstances.
- Only the stables and menagerie were to be relocated.
- There would only be limited access for construction vehicles for such a small scale development.
- The applicant would be willing to sign a legal agreement regarding use of the adjacent land.

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

- Concern that the Council should be more committed to building on brownfield sites.
- It was suggested that additional conditions be included for a management plan for construction traffic and to ensure that materials at the site are not moved to additional land.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval as per the officer recommendation outlined in the report and in addition to the Section 106 to identify adjacent areas of land to village site where any similar development to that being displaced by the approval of this application could be restricted. Also to ensure that condition 19 was robust enough to properly manage construction traffic.

95 Application 14/06211/FU - Former Denso Marston Premises, Armley Road, Armley

The report of the Chief Planning Officer referred to an application for the demolition of existing buildings and erection of non-food retail unit (Class A1) with garden centre, two retail food stores (Class A1), provision of associated access, customer car parking, landscaping and associated works at former Denston Marston Premises, 45-49 Armley Road, Armley, Leeds.

Site photographs and plans were displayed and referred to throughout the discussion on this application.

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

- The site was located at a key gateway to Armley.
- There was a mix of uses proposed for the site.
- Reference was made to representations from local residents.
- Members were shown a photographic montage of how the development would look.
- It was recommended that the application be deferred to the Chief Planning Officer for approval.

Further discussion referred to employment at the site and obligations to employ local people. This would include both the construction of the site and the retail element once completed.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer as per the officer recommendation outlined in the report.

96 Application 14/05882/FU - Former Railway Public House, Moor Knoll Lane, East Ardsley

The report of the Chief Planning Officer referred to an application for the development of 12 houses with associated access road, parking and landscaping on land at the former Railway Public House, Moor Knoll Lane, East Ardsley.

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

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

- There had previously been outline permission for 8 houses at the site.
- Concerns of local residents and Ward Members including highways, loss of greenfield, lack of services and the loss of an asset with the Public House.
- The Public House was not a listed building and neither did it fall in a conservation area.
- The applicant had considered conversion of the public house.
- It was felt that the loss of the public house building was not enough to merit refusal.

In response to a question, the applicant's agent confirmed that there had not been a survey of the public house building but that it had been agreed that the scheme would only be viable with a minimum of 12 units. Members had attended the site and felt that it would be a shame to lose the building from the street scene. It was suggested that the application be deferred to allow the applicant to give further consideration to conversion of the public house building.

RESOLVED – That the application be deferred for further discussions with the applicant to explore full possibility of retaining Public House and converting it into flats.

97 Application 15/00585/FU - Robin Lane Filling Station, Robin Lane, Pudsey

The report of the Chief Planning Officer referred to an application for the change of use of a petrol filling station to a car wash at Robin Lane Filling Station, Pudsey.

Site plans and photographs were displayed and referred to throughout the discussion on this application.

Further issues highlighted included the following:

- Previous applications had been refused due to residential amenity and highway safety.
- Pictures showed the close proximity of the site to other properties.
- There was potential for an impact on the highway due to queuing vehicles.
- The site was in the Pudsey Conservation Area.
- There was no drainage plan for the collection of effluence.
- It was recommended that the application be refused.

RESOLVED – That the application be refused as per the officer recommendation outlined in the report.



Originator: Ian Cyhanko

Tel: 0113 247 4461

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 23rd April 2015

Subject: 14/04306/OT – Outline application for 5 residential properties, new access and layout. On land to the rear of 3- 5 Crowther Avenue, Calverley, Leeds

APPLICANT

Frankil LTD

DATE VALID

23rd July 2014

TARGET DATE

Electoral Wards Affected:

Calverley and Farsley

Y

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

GRANT approval to the Chief Planning Officer subject to the conditions specified

- 1 Submission of Reserve Matters within 3 years
- 2 Plans to be approved
- 3 Existing and proposed level and finished floor levels
- 4 Tree protection to submitted and installed prior to commencement of development
- 5 Sample of all walling and roofing and external materials
- 6 Sample of surfacing materials
- 7 Maximum gradients for access and driveways
- 8 Submission of cycle and motorcycle parking
- 9 Retention of garages
- 10 Vehicle spaces to be laid out prior to occupation
- 11 No development to commence until speed bump on Crowther Avenue is relocated
- 12 Provision of contractors during Construction
- 13 Phase 2 site investigation to be submitted
- 14 Amended Remediation Statement is unexpected Contamination encountered
- 15 Submission of Verification Certificate

16	No site clearance or removal of trees and vegetation to take place between 1st March and 31 August
17	Submission of bat and bird nesting opportunities
18	Submission of landscaping scheme and implementation schedule
19	Submission of landscaping management plan
20	Boundary details to be submitted, approved and installed, prior to occupation

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel due to the level of objection received to the application, in the interests of transparency and democracy

2.0 PROPOSAL:

- 2.1 The proposal seeks outline planning consent for 5 new properties. The proposal involves the demolition of the existing pair of semi-detached houses at 3 and 5 Crowther Avenue to allow access into the site.
- 2.2 The only matters to be considered at this outline stage are the means of access and layout of the scheme.
- 2.3 Plot 1 would front onto Crowther Avenue. To overcome over-looking/ privacy concerns, the applicants have stated plots 2 and 5 would be bungalows. The consideration of this issue, i.e height and detailed design would be considered at the Reserve Matters Stage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of an irregular shaped area of green land. The land has previously been used as allotments and is presently unused. The site is land locked, being surrounded by dwellings to all sides. Stone built terraced properties lie to the north, and front onto Carr Road. The rear gardens of semi-detached properties lie to the east, south and west on Fraser Road, Crowther Avenue and Ravenscliffe Road.
- 3.2 The site contains a number of trees and other vegetation, which is covered by a Tree Preservation Order. The site slopes downwards in a north to south direction, and in an east and west direction. Changes in levels are confined to the edges of the site, with a gentle upwards slope toward the north-eastern corner. Houses to the northern and eastern boundaries are elevated above the site by around 2.0m whilst those to the west are set considerably lower (around 3.0m below the main portion of the site) with the transition in each case achieved by means of earthen embankments.
- 3.3 The site appears to have been cut and backfilled into a hillside to form a level plateau. The majority of this plateau is approximately 1.5m above the existing house at 3 Crowther Avenue and 3m above the highway itself. Boundary treatment generally consists of a mixture of domestic garden enclosures and includes timber panel / board fencing, hedging, a rendered wall and a long drystone wall across the northern boundary.

- 3.4 The site appears to have been substantially cleared in the recent past, with evidence of large-scale burning of waste to the centre. Most of the site is dominated by grasses and low-growing scrub. However, there are also a wide variety of mature and semi-mature trees, particularly to the western and northern boundaries but also to the northern portion generally, including a large silver birch, holly bushes to the rear boundary, several sycamores of varying ages and screening evergreens.
- 3.5 The site lies in an established suburban residential area, which is characterised by regular spaced semi-detached properties. The site lies in Calverley in very close proximity to the border with the Bradford district.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are 3 previous applications upon this site for residential schemes in recent years. These are highlighted below.

- 4.2 Planning Application 13/02162/OT: for outline residential development with access and layout for 8 properties was refused planning permission on 19th July 2013 under delegated powers, on the following four grounds

- Poor Quality Layout/ over-development
- Impact on adjacent occupiers caused by over-shadowing and over-bearing impact
- Impact on highway safety/ due to causing conflict between the users/ occupiers of the development
- Loss / adverse impact on Protected Trees

This refusal was appealed. The Inspector dismissed the appeal on 15th May 2014 and supported all the Local Planning Authorities grounds for refusal, except for the impact on Highway Safety.

- 4.3 Planning Application 10/03327/OT: Outline application to layout access road and erect residential development, was also refused planning consent on 21st October 2010, under delegated powers on the following grounds

- Principle of development of Green field land
- Loss of allotments/ green space

- 4.4 Planning Application 08/06811/OT: Outline application for residential development including access was refused planning consent on 14th April 2008. This application is solely refused due to the loss of greenspace (allotment land).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been various discussions with the applicants since this application was submitted in July 2014 between Officers and the applicants. This layout is the third version of the scheme which has been devised through this application. Officers were concerned that the previous two versions of the layout did not fully overcome the previous reasons for refusal which were dismissed by the Inspector.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by site notices posted on 25th July 2014, and a press notice published on 21st August 2014. To date 33 objections have been received to the application. Letters advising the objectors of the revised plans were sent on 9th February 2015, 9 further letters of objections were received from the previous objectors.

6.2 The points raised in these objections are highlighted below.

- Disappointment over the submission of another scheme on this site, given its history.
- Loss of privacy and over-shadowing
- Will cause significant disturbance to a lovely peaceful area
- Increase in traffic on local highway network
- Plants, and wildlife would be completely obliterated
- Impact on property prices
- Destruction of 2 well-built period properties
- Trees would be at risk of illegal felling and further applications for their removal
- Development of site would reduce soak-away potential, leading to surface run-off and the potential to flood other existing properties
- Local highway network already full, and traffic queues
- Loss of view over greenery
- Applicants have deliberately let the site become unsightly
- Land is awkward size and shape for residential development
- Disruption through construction period.
- Risk to injury to children from HGV's
- Removal of habitat and flora including migrating birds and bats
- New houses are out of keeping with the locality
- Loss of protected trees
- Loss of view
- Loss of outlook from windows of 177 Carr Road
- Applicant has not engaged with local residents
- Calverley is over populated, local services are over subscribed
- Lack of parking for the new properties
- Allotment use of the land is preferable
- The proposal would 'tower' over Ravenscliffe Road
- Site is too small for this number of properties
- Full details of the design should be submitted, to fully consider the scheme. Outline details is not sufficient
- Site is used by local children on an informal basis for recreational purposes
- The site has been re-graded by the owners to make it appears unattractive

Ward Members

6.4 Ward Members have been briefed through the pre-application process and consideration of the planning application. Councillor Carter has written the following objection on the revised application.

- Object to the principle of building on this land, it should be returned to an allotment use.
- Relationship with existing properties on Ravenscliffe Road requires special consideration due to the slope of the land

7.0 CONSULTATIONS RESPONSES:

- 7.1 Contaminated Land – No objection subject to conditions.
- 7.2 Public Rights of Way – There are no definitive or claimed rights of way crossing or abutting the site.
- 7.3 Highways - Following significant negotiations, no objection is raised regarding highways.
- 7.4 Yorkshire Water – Recommended conditions if permission recommended for approval.
- 7.5 Mains Drainage
Recommend conditions
- 7.6 Nature Conservation – No objections subject a condition which prohibits site clearance between 1 March and 31st August.
- 7.7 Landscape – Following significant negotiation, no objection. The scheme retains the most important trees upon the site.

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
- Principle of Demolition/ Impact on Character of Locality
- Layout
- Highways/ Access
- Trees
- Other Issues

10.0 APPRAISAL

Principle of development

- 10.1 The two main issues affecting whether the principle of the residential development of this site is accepted are the established use of the site (namely, whether the land comprises allotment gardens) and whether the development of a greenfield site should be accepted. These will be addressed in turn. The only other issues under the assessment of this application are the layout and highways arrangement of the scheme, as these are the only matters which fall to be considered by this outline application.
- 10.2 The site is in private ownership, is not currently in an allotment use and due to the fact it is not specifically defined as open space on the UDP proposals map, it does not constitute allotment gardens. From the available evidence (objections from local residents, aerial photography from 1999, 2002 and 2006, identification of the site on OS maps dating back to the 1950s as 'allotment gardens', evidence gathered as part of a PPG17 audit carried out by Local Plans and the previous refusal of a domestic

garage to the rear of Crowther Avenue), it is possible to establish that the site was tenanted as allotment gardens until relatively recently (several objectors suggest that termination of tenancies, clearance and burning of waste took place between 2004 and 2007).

- 10.3 Policy N1A of the saved UDP policies indicates that development of land currently used as allotments will not be permitted for purposes other than outdoor recreation unless the need in the area for greenspace is already met and a suitable alternative site for allotment gardens can be identified. Therefore the site does not fulfil the strict definition of being 'currently used' (i.e. 'subject of a formal tenancy or license agreement') for the purposes of Policy N1A. The site has also been identified as an area of existing open space in the draft Local Development Framework (LDF).
- 10.4 However there is no mechanism for the delivery of this site being developed for amenity use for public use, or funds to carry out this development. The LDF is also at the 'issues and options' stage and therefore only limited or no weight can be afforded to this proposed allocation, as it is too premature. It is not considered a realistic prospect that this site will be brought forward as 'green space', as the site is within private ownership and it is unlikely the site will be compulsory purchased by the Local Authority to be developed as green space due to the cost implications. Therefore it is not considered the proposal can be refused on the basis it was once used as allotments. The Inspector who dismissed the previous appeal on this site in 2014, accepted the principle of residential development upon this site.
- 10.5 The NPPF published in March 2012 continues to indicate that planning decisions should encourage the effective use of land by re-using land that has been previously developed, and that Local Planning Authorities may consider the case for a locally appropriate target for the use of brownfield land. However, it does not include reference to a sequential approach. Instead the advice is that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 Policy H1 of the recently adopted Core Strategy has adopted a target of 65% of new dwellings to be located on brownfield sites, for the first 5 years of the plan. Given this site is located within an existing urban settlement, which is already well served by infrastructure and amenities, it is considered that the proposal, due to its location and the fact it is surrounded by existing properties to all sides, would constitute sustainable development. The scheme is a small proposal (5 units) and would not result in the loss of a significant area of green field land, which would undermine the 65% target contained within Policy H1.
- 10.7 Policy H2 of the adopted Core Strategy states that new housing on non-allocated sites should be accepted, provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, accord with accessibility standards and Green Belt policy is satisfied. It is not considered this proposal (which is for a net gain of 3 properties) would create a demand on local services which could not be met.
- 10.8 Policy H3 relates to density, the applicable density for this area is 40 dwellings per hectare; the density calculations works out at 11.36 dwellings per hectare. The proposal does not meet this density, however this is due to the site constraints of levels, an awkward shape and the fact the site accommodates protected trees. The need to retain protected trees outweighs the need to achieve a minimum density upon this site. The previous application for 8 dwellings was refused on over-development grounds. Policy H4 relates to housing mix. The proposed mix of bungalows and

houses is considered to provide a sustainable mix of homes for this area. It is considered the principle of this proposal accords with both national and local planning policy regarding new residential development.

Principle of Demolition/ Impact on Character of Locality

- 10.9 The proposal includes the demolition of 3 and 5 Crowther Avenue. These properties appear to have been constructed in the 1950's, and are considered to be attractive examples of popular suburban house building trends of this era. These properties have hipped roofs, ground floor bay windows and have facing materials of stone and pebbledash. These properties are to be demolished to allow access into the site.
- 10.10 Although the loss of these properties is regrettable, they are not considered to be remarkable architecturally, and are not listed and not located within a Conservation Area. Therefore in planning legislation they are not afforded any protection and could be demolished regardless of this application. The exact design of Plot 1, which would face onto Crowther Avenue, would be assessed in full at the Reserve Matters stage. The design of this plot would need to be carefully considered, to preserve the character and patterning which exists along Crowther Avenue.

Layout

- 10.11 The layout provides a credible response to various onsite constraints (landscape, levels, and site boundaries), to existing properties which surround the site. The proposal comprises of spacious plots. The site slopes upwards, west to the east, and the siting of plots 2 and 3, which lies adjacent to the properties at 13- 27 Ravenscliffe Road have been subject to much debate between Officers and the agent, as these plots lie at a higher land level than these opposite properties. This relationship has been the most challenging in terms of devising a workable layout, as there is no flexibility regarding the means of access into the site. The application has been supported by sectional drawings which show the relationship with existing dwellings.
- 10.12 Plot 2 now lies between 9m and 14m from the rear boundary of 23 and 25 Ravenscliffe Road. The agents have stated this property would be a bungalow, with potentially only front dormers, to ensure they do not appear overly dominant to these existing occupiers, due to the difference in levels. The ground floor of this property is approximately level with the first floors of these two opposite properties. This boundary is defined by mature trees which offer further screening. Plot 3 lies between 10m and 15m from the rear boundary of 17 and 19 Ravenscliffe Road. This boundary too is defined by mature trees. It is not considered the siting of this plot, due to these distances, would have an adverse impact on the living conditions of this property.
- 10.13 Plot 4 has been sited away (4m) from the southern boundary of the gardens/ parking areas of the terraced properties which face onto Carr Road, which lie to the north. The land is also situated at a lower land level than these gardens. The side of Plot 5 lies 6m away from the rear boundary of garden of 8 Fraser Road, and at a lower land level. The agents have also stated this property would be either a bungalow or dormer bungalow. The heights of the proposed properties and exact relationship with existing properties in terms of window openings etc would be assessed in full at the Reserved Matters stage. It is however, considered that this proposed layout could achieve an acceptable scheme, would not appear over-dominant or result in significant levels of over-shadowing or over-looking onto existing properties, subject to a suitable design.

Highways

- 10.14 The scheme includes a new access into the site would has been designed up to adoptable standards. Highways have raised no objections to the application. It is not

considered the intensification of the site from 2 dwellings to 5, would create an unacceptable demand on the local highway network, which would warrant grounds to refuse the application. A speed bump exists on Crowther Avenue, opposite the proposed means of access. This would need to be relocated at the expense of the applicant. A condition is proposed which places a duty on the developer to carry out this work.

Impact upon Trees/ Landscaping

- 10.15 The trees on site are covered by a group Preservation Order. The scheme has been designed to retain the majority of the trees upon the site. 28 trees exist upon the site and 20 have been assessed to have a Category B rating, with 7 being rated as Category C and 1 as category R. T1, T2, T3 and T8, which comprise of two Ash trees, a Silver Birch and one Sycamore are the largest trees on the site, located near to the northern boundary and are to be retained. The scheme has been designed to have good levels of clearance to these trees, and retain the most important trees which generally are situated around the site boundaries. Based on the submitted layout, 8 trees no's 5, 12, 13, 16, 25, 26, 27 and 28 would be removed, to facilitate this development
- 10.16 T14- T24 lies along the western boundary of the site, along the boundary with 25 and 27 Ravencliffe Road. These trees are also to be retained and will provide a good degree of screening to these properties. As discussed in section 10.12, Plot 2 is located between 9m and 14m away from this boundary and it is considered this provides a good degree of clearance to ensure the long term retention of these trees. This plot also has a side garden area which would ensure this property has a useable garden area which is free from the shade of trees.
- 10.17 A full landscaping scheme would be conditioned on the approval of the application. The submitted layout includes a landscaping buffer to the eastern boundary of the site access, this has been included to ensure the access and approach into the development is not dominated by long hard boundary which would enclose the side of the existing property at number 7 Crowther Avenue.

Biodiversity/ Conservation Issues

- 10.18 A number of objections have been received to the loss of wildlife and vegetation. As stated above the majority of the trees upon the site are to be retained, and a large proportion of the site will be retained as soft landscaping, which will continue to provide a habitat for various wildlife etc. The Nature Conservation Officer has raised no objections to the proposal subject to a condition which prohibits site clearance works occurring between 31st March and 31st August.

Drainage

- 10.19 Full drainage matters would be considered by Buildings Regulations. The site does include significant areas of soft landscaping which will allow for the soakaway of water and thus avoid surface run-off.

Other Issues

- 10.20 Many of the points raised by the objections received are not material planning considerations. These include the loss of a view, and impact on property prices. The short term disruption to local residential caused by the construction of this development would be temporary, and would not warrant grounds to refuse the application.
- 10.21 The fact other previous applications have been refused on this site does not prejudice the outcome of this application. This proposal has been devised to overcome the

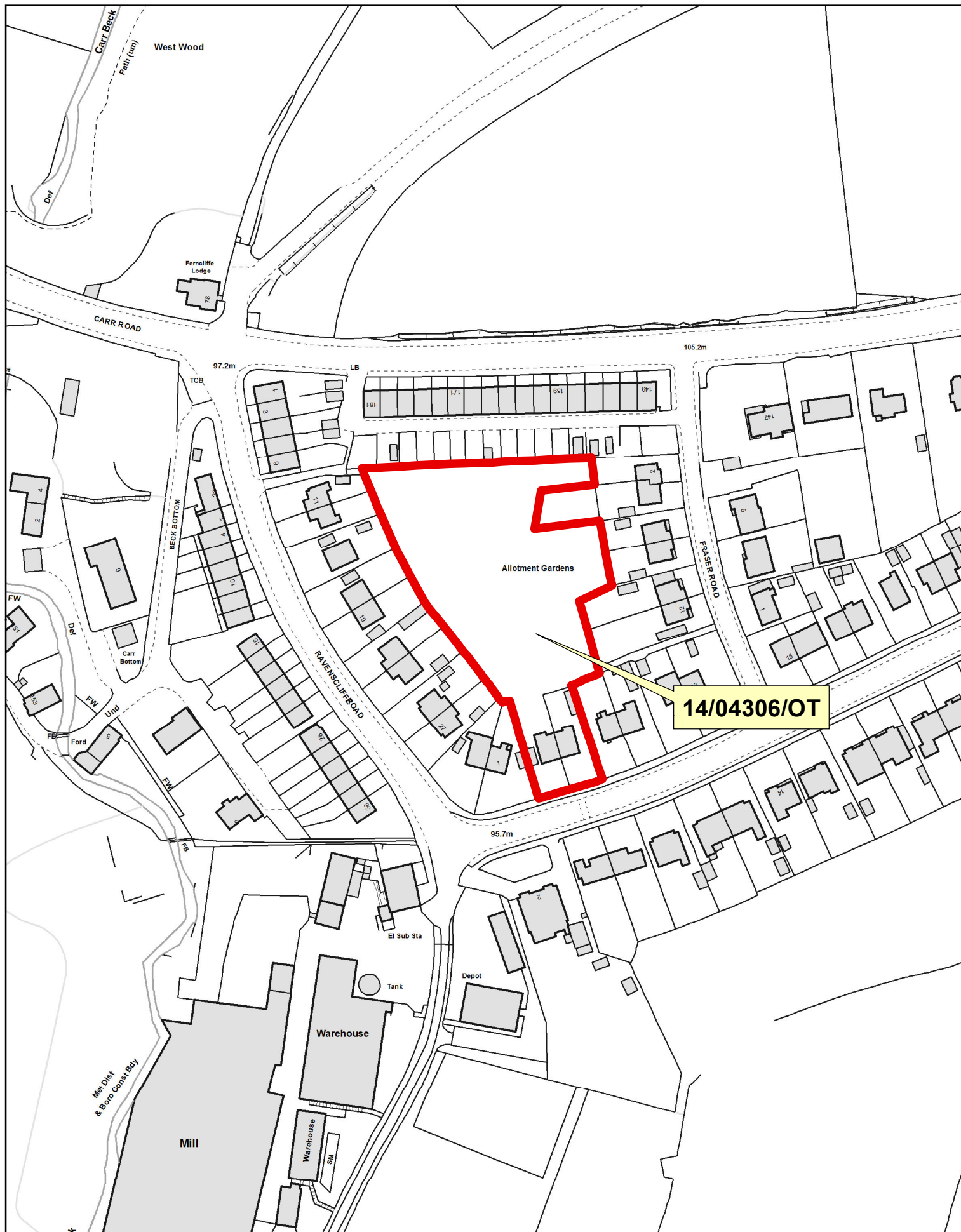
previous reasons for refusal and every application is assessed on its own merits. The fact the owners have not maintained the site, according to the objectors to an adequate standard similarly has no bearing on the outcome of this application.

11.0 CONCLUSION

- 11.1 The scheme is considered to comply with both National and Local planning policy regarding new residential development. There are not considered to be any planning reasons to resist the principle of developing this vacant area of land, and the means of access are considered to be acceptable. The proposal retains the majority of the protected trees which have a high local amenity value. The layout is also considered to protect the general amenity of adjacent occupiers in terms of privacy, overshadowing and dominance. This outline application is recommended for approval subject to conditions.

Background Papers:

14/04994/FU



SOUTH AND WEST PLANS PANEL

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Originator: Ryan Platten

Tel: 0113 24 75647

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 23rd April 2015

Subject: APPLICATION 14/05794/RM - Reserved Matters application for residential development of 24 dwellings, layout of access roads and associated works at Victoria Road, Headingley, LS6

APPLICANT

Chartford Homes And
Holbeck Land - Mr Paul
Wade

DATE VALID

1st October 2014

TARGET DATE

27th April 2015

Electoral Wards Affected:

Headingley
Hyde Park and Woodhouse

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following conditions:

1. Plans to be approved;
2. Details of aftercare treatment if the development weren't to come forward;
3. Construction Method Statement including limiting hours of construction to 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no works on Sundays or Bank Holidays;
4. Landscape Implementation and Management Plan for the proposed area of Public Open Space;
5. Use of the land to the front of the site as a temporary area of public open space (including an implementation and management plan).
6. Window and door detailing to be approved.
7. Houses to be built in accordance with the approved floorplans, no changes to room layout to provide additional bedroom accommodation without prior planning approval.
8. No bedrooms except for those shown on the approved plans to be created in the roofspace without prior planning permission.

9. Levels details for proposed houses to be agreed prior to commencement of development.

The above conditions are in addition to the section 106 obligation and those conditions which were attached to outline planning consent reference 13/000858/OT which relate to:

(S106 Agreement)

1. *5% affordable housing contribution (on site 100% sub market or an off-site contribution to go towards bringing vacant properties back into family use in the Headingley/Hyde Park area);*
2. *On-site greenspace provision and maintenance in accordance with Leeds UDP policy N2;*
3. *Off-site greenspace contribution for children's play equipment of £19,950.14;*
4. *Residential Metrocard Scheme A – Bus Only of £11,088.00;*
5. *Contribution towards improving and enhancing sports facilities in the locality of £26,777.00;*
6. *Local Employment Scheme.*

(Conditions)

1. *Outline approval relates to access only. All other matters reserved;*
2. *Reserved matters to be submitted within 3 years, Development to commence within 2 years of approval of last reserved matter;*
3. *Plans to be approved;*
4. *Reserved matters application to be submitted in accordance with the contents of the Victoria Road Design Statement;*
5. *Surface water drainage details to be approved;*
6. *Contaminated land conditions;*
7. *Details of hard and soft landscaping scheme and implementation;*
8. *Retention of existing stone wall to Victoria Road including any necessary works to make good;*
9. *Tree protection and replacement conditions;*
10. *Cycle and motorcycle parking details to be approved;*
11. *Completion of highways works;*
12. *Front boundary treatments limited to a maximum of 1m in height;*
13. *Construction method details to be approved;*
14. *Retail store opening hours and delivery hours;*
15. *Details of plant equipment for the retail store to be agreed;*
16. *Removal of permitted development rights for dwellings;*
17. *Restriction of internal footprint of retail building;*
18. *Samples of external walling and roofing materials to be agreed;*
19. *All dwellings to be in the C3 planning use class.*

1.0 INTRODUCTION:

- 1.1 The application is for the determination of reserved matters for appearance, layout, scale and the landscaping of the site. Outline planning consent for the principle of the development and means of access to the site was granted in September 2014 following a Plans Panel resolution at the South and West Plans Panel meeting on 4th September 2014.

- 1.2` This application is presented to Plans Panel at the request of Ward Councillor Neil Walshaw who has noted community concern in relation to the details of the proposal.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning consent for the reserved matters of appearance, layout, scale and the landscaping of the site for a residential development of 24 dwellings. The application only relates to the housing element of the proposal granted outline planning permission under reference 13/00868/OT and does not include details of the retail element of the proposal which will be brought forward at a future time.
- 2.2 The proposed 24 dwellings will include a mix of 3 bedroom (12 in total) and 4 bedroom (12 total) terraced houses in six blocks of four. The blocks will be situated either side of a central street with the block in the south east corner of the site situated at a right angle to the other five blocks. The houses will be predominantly two storey in scale (with rooms in the roof space for 12 of the properties created) and constructed of red brick with tiled roofs.
- 2.3 All 24 houses will include private rear gardens with front gardens facing the street. Each property will include two off-street car parking spaces with bin and cycle storage also provided to the rear of each property. The site will include an area of public open space to the north west corner with some existing trees to be removed along the east and western boundaries.
- 2.4 The site will be served from Victoria Road to the north with the details relating to the access being agreed as part of the outline consent.
- 2.5 Following discussions with the Local Planning Authority the applicant has offered to landscape the front part of the site which will accommodate the retail element as an additional temporary area of public open space until this part of the development can be brought forward. This would be controlled by way of an appropriately worded planning condition attached to the any reserved matters consent.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site includes the swimming pool and sports hall building (recently demolished) and playing field of the former Leeds Girls High School site on the south side of Victoria Road. The site is rectangular in shape with an existing vehicular access from Victoria Road to the north. The site sits in a predominantly residential area with residential properties being situated to the east, west and south of the site. The predominant character of the south side of Victoria Road is one of rows of red brick Victorian Terraces.
- 3.2 The front part of the site, including the trees on the frontage, the stone boundary wall and the existing access, is included in the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. The aforementioned trees also benefit from a Tree Preservation Order (TPO Reference 2012/25). To the north west of the site the building at 63 Victoria Road, a two storey brick and slate Georgian Villa, is Grade II listed. There is a significant level change from Victoria Road immediately into the site with a 3m fall within the first 11m of the site when accessed from the road. The playing fields within the site slope more gently from north to south.

4.0 RELEVANT PLANNING HISTORY:

4.1 Previous Applications:

08/04218/OT - Outline application for residential use (Withdrawn 2009).

12/02491/OT - Outline application for residential development and retail store (Withdrawn 2012)

Application 12/02491/OT was withdrawn in November 2012 prior to being presented to Plans Panel. The application had been recommended for refusal by officers on grounds that the proposed retail store building would harm the character and appearance of the conservation area and the setting of the neighbouring listed building. The application was likely to result in an over bearing and dominant impact on the neighbours from the size of the retail store proposed. The application was also considered likely to harm important trees.

13/00868/OT – Outline application for residential development and retail store at Victoria Road, Headingley. (Approved September 2014)

Planning application 13/00868/OT was submitted to a number of meetings of the Council's Plans Panel South and West throughout 2013 and 2014 with the Panel determining to approve the application at the meeting of 3rd April 2014. The Panel agreed to extend the time limit for the agreement of the section 106 agreement at the meeting of 4th September 2014, and following the completion of the agreement, planning permission was issued under delegated powers, as agreed by the Plans Panel resolution, on 12th September 2014.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions (Reference PREAPP/14/00723) were held between the applicant and Council officers in late 2014. The scheme submitted at the pre-application stage was broadly similar to that which had been seen by Plans Panel previously. Officers did however express concerns in relation to some of the detailing proposed including the layout of dwellings and arrangement of car parking, bin stores and cycle stores.
- 5.2 As part of the discussions relating to the outline planning consent (LPA reference 13/00868/OT) the applicant offered a contribution to local greenspace provision of £26,777.00. This is included in the completed section 106 agreement for the site. At the time of drafting this report the creation of a new public greenspace on the former Royal Park School site is on-going and these monies are expected to contribute to this development.

6.0 COMMUNITY CONSULTATION

- 6.1 None.

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. Councillor Neil Walshaw (Headingley Ward) has requested that the application be determined at Plans Panel due to community concerns. Councillor Gerry Harper (Hyde Park and Woodhouse Ward) has objected to the application on the grounds that the scheme will generate additional traffic, anti-social behaviour and noise.

- 7.2 The Leeds Civic Trust have objected to the application on the grounds that the proposal has failed to take into account relevant guidance in the Neighbourhoods for Living SPG or the Headingley and Hyde Park Neighbourhood Design Statement, noting that the proposal has made no attempt at place making or creating and enhancing local distinctiveness.
- 7.3 Greg Mulholland MP and 23 local residents have objected to the application. The following is a summary of the concerns which have been raised:
- The development would represent an over-intensive use of the space;
 - The amount of public open space has decreased from the scheme approved at the outline stage;
 - The scheme includes larger houses than those approved at the outline stage with the overall number of bedrooms being increased across the site as a result;
 - The larger house sizes would mean that the houses would be less affordable for most first time buyers and couples wanting to start a family;
 - The properties would be purchased by landlords and occupied by students as houses in multiple occupation (HMOs). As such this would further imbalance the local housing market and population and contribute to the existing impacts which have resulted from this;
 - The swimming pool and sports hall building has already been demolished and the sports field dug up without consent;
 - The submitted plans do not show the development at 16 Ash Grove and therefore the impact on these neighbours has not been taken into account;
 - The amenity of surrounding neighbours would be impacted upon in terms of noise, anti-social behaviour, overlooking and a loss of open space;
 - The proposal would harm the character of the Conservation Area;
 - The part of the site which is to accommodate the delayed retail element of the scheme should be used as a temporary area of additional public open space or used for additional sports facilities; and,
 - No letters/ emails were sent to neighbours of the site or previous objectors informing them of the planning application.
- 7.3 A number of representations have raised further matters which were considered as part of the outline planning applications (12/02491/OT and 13/00868/OT) relating to the merits of the change of use of the site for housing, the loss of the playing field and sports facilities and the community attempts to purchase the site.

8.0 CONSULTATION RESPONSES:

- 8.1 Sport England – Sport England have noted that they do not wish to comment on the application.
- 8.2 Contaminated Land – No objections subject to appropriate conditions.
- 8.3 Flood Risk Management – No objections subject to appropriate conditions.
- 8.4 West Yorkshire Police – Offered comments on crime levels in the area.
- 8.5 METRO – Requested a contribution towards providing travel cards for future residents.
- 8.6 Landscape – No objections subject to appropriate conditions.

8.7 Highways and Access - No objections subject to appropriate conditions.

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:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Policy H2 – Housing on Unallocated Sites

Policy H3 – Density of Residential Development

Policy H4 – Housing Mix

Policy P10 – Design

Policy P11 – Conservation

Policy P12 – Landscape

Policy T2 – Accessibility and New Development

Policy G8 – Protection of Important Species and Habitats

Policy G9 – Biodiversity Improvements

Policy EN1 – Climate Change

Policy EN2 – Sustainable Design and Construction

Policy EN5 – Managing Flood Risk

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

N14 - Listed Buildings and Preservation

N18 - Demolition in Conservation Area

N19 - Development in Conservation Areas

N20 - Demolition or removal of features in a Conservation Area

N25 - Site boundaries

BC8 - Demolition of unlisted buildings in a Conservation Area

LD1 - Landscape design

LD2 - New and altered roads

T24 - Parking

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

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Headingley and Hyde Park Neighbourhood Design Statement SPD (September 2010)
- Sustainable Design and Construction (August 2011)

- Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area Appraisal and Management Plan (May 2012)
- Natural Resources and Waste Development Plan Document (January 2013)

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

Paragraphs 56 and 57 – Design

Paragraph 61 – High Quality and Inclusive Design

Paragraph 64 – Poor Design should not be accepted

Paragraph 131 – Heritage Assets

10.0 MAIN ISSUES:

10.1 The following main issues have been identified:

- (1) Outline planning permission and the principle of the proposed use;
- (2) Layout;
- (3) Scale and appearance;
- (4) Landscaping;
- (5) Other material planning considerations.

11.0 APPRAISAL:

1. Outline planning permission and the principle of the proposed use

11.1 Outline planning permission was granted at the site for a residential development and retail store in September 2014 under planning application reference 13/00868/OT. In granting outline consent the Local Planning Authority approved the principle of the proposed use and the detailed matter of access to the site. The reserved matters process aims to resolve those matters of detail which have been reserved. In this instance the reserved matters include layout, scale, appearance and landscaping. This report will not therefore assess the principle of the development or the detailed matter of the access to the site, as these have been previously established, but will instead look to assess the details of the scheme submitted in relation to those reserved matters noted above. Sections 2 to 4 of this report set out the relevant considerations in relation to these matters.

11.2 It is noted that as part of the outline planning submission, the applicant provided a degree of indicative detail to give an indication of the detail of those matters which were to be reserved (relating to layout, scale, appearance and landscaping). This is not uncommon for an outline planning application and is often necessary for a Local Planning Authority to make an informed judgement on the merits of a scheme at the outline stage. These indicative details showed a scheme which is broadly similar to the scheme put forward under the reserved matters application in that both schemes were for 24 terraced houses set out in 6 blocks around a central access road including a mix of 3 and 4 bedroom properties with an area of on-site public open space of a broadly similar size to the north west corner of the site. However, it should be noted that, notwithstanding any differences in the reserved matters

scheme now submitted, the details submitted at the outline stage were indicative only and were not approved by the Local Planning Authority as part of the outline approval. It was clear at the outline stage that these details would need to be agreed as part of a future reserved matters application. The indicative details submitted at the outline stage should not therefore prejudice the outcome of the current reserved matters application.

- 11.3 Further to the above, in granting outline consent for the principle of the development the Local Planning Authority took into account the relevant section 106 requirements generated by the scheme. A section 106 agreement was agreed between the applicant and the Council and includes provision for (1) affordable housing, (2) on-site greenspace and maintenance, (3) an off-site greenspace contribution for children's play equipment, (4) a residential travel card scheme for future residents, (5) a contribution to improving and enhancing sports facilities in the locality and (6) a local employment scheme during the construction stage. The details of the section 106 agreement agreed are outlined at the beginning of this report. The completed section 106 agreement included reasonable provisions to allow for any variation to the detail which may have resulted through the transition from the indicative scheme seen at the outline stage to the detailed scheme which is the subject of the current reserved matters application. As such it is not considered necessary to revisit these matters which are central to the principle of the development (which was established at the outline stage) as part of this appraisal. It is further noted that as the outline planning consent addressed these relevant matters through the section 106 agreement the reserved matters scheme is not liable to make any contributions through the Community Infrastructure Levy (CIL).

2. Layout

- 11.4 The layout of a development relates to the way in which buildings, routes and open spaces are provided within a development and how these relate to buildings and spaces outside the development. The basic design premise of 6 blocks of 4 terraced houses set around a central access road with an area of public open space to the north west of the site, as was also shown on the indicative plans at the outline stage, is considered to be appropriate to the character and urban grain of the locality and is broadly in-keeping with the applicant's Design Statement which set out similar design principles at the outline stage. This layout will allow sufficient punctuation between blocks of terraces and neighbouring buildings and will represent an appropriate quantity of development for the site. The provision of the area of public open space in the north west corner of the site, adjacent to the site of the Grade II listed building at 63 Victoria Road, is considered to be appropriate within the context of the site and will preserve the setting of the listed building.
- 11.5 One of the key aims of the development has been to provide housing which is suitable for families in order to make a positive contribution towards the housing and population imbalances in the area. It is considered that the strong green edge to the site, which includes good sized rear gardens to the east, west and south of the site not only makes a positive contribution to visual amenity and provides green buffers to neighbouring sites, but also provides gardens of the size, nature and level of privacy which are appropriate for family use. Although the site frontages will include car parking areas to the front of mid-terraced dwellings, it is considered that a sufficient level of 'green' front garden areas will be provided to counter the level of hardstanding proposed. It is further noted that bin and cycle stores are proposed to the rear of properties and this will prevent unnecessary street clutter which can lead to untidy frontages.

- 11.6 Alongside the provision of good quality private garden spaces the layout has allowed for a good level of amenity for future occupiers. The properties proposed are of a size which are in excess of the draft Leeds Standard and the recently introduced National Space Standards and will allow for a good level of amenity, privacy and outlook. There is approximately 25m separation distance between the rear elevation of proposed plots 1-8 and the rear elevation of the massionettes on Ash Grove. There is over 22m separation distance between proposed plots 13-24 and the rear elevation of the terraces on Back Chestnut Avenue. The properties on Back Chestnut Avenue are also sited on higher ground level than the development site. The distances retained from the new dwellings and garden areas to neighbouring sites are considered sufficient to protect neighbouring amenity and will prevent any significant overlooking or overshadowing impacts or a loss of outlook from these sites. It is not considered that the development, for houses falling within the C3 planning use class (i.e. families, couples etc.), would be likely to lead to an unreasonable impact on neighbouring sites in terms of noise, disturbance, comings and goings, and anti-social behaviour.
- 11.7 The matter of the access to the site from Victoria Road has been agreed under the outline consent. The retention and making good of the existing stone wall to the front of the site, which is considered to be a positive feature of the Conservation Area, is also controlled by way of a relevant planning condition under the outline consent and remains a positive aspect of the proposal. The general layout of vehicular and pedestrian routes through the site are considered acceptable and will allow for the necessary servicing and refuse vehicles to access and exit the site safely. The level of car parking provision, in providing 2 off street spaces per dwelling, is in keeping with the local planning policy requirements and is sufficient to serve the development. As such it is considered that the necessary highway matters have been sufficiently addressed.
- 11.8 Taking the above into consideration it is considered that the proposed layout represents an acceptable design solution which is in-keeping with the wider aims of Leeds Core Strategy policies P10, P11, P12, T2, G8 and G9, saved UDP policies GP5, BD5, N14, N19, LD1, LD2 and T24 and the guidance contained within the Neighbourhoods for Living SPG, Street Design Guide SPD, Headingley and Hyde Park NDS SPD and the National Planning Policy Framework.

3. Scale and appearance

- 11.9 The scale of a development relates to the height, width and length of buildings in relation to their surroundings. The appearance relates to those aspects of a building or place which determine the visual impression it makes. As is noted above the proposed layout is considered to be in keeping with the character and urban grain of the locality. The two/ three storey scale of the terraced blocks is also considered to be in keeping with local character and reflects the predominant terraced housing in the locality. As advised in the Headingley and Hyde Park Neighbourhood Design Statement the development is considered to reflect the density, house type and rhythm of neighbouring streetscapes.
- 11.10 The individual properties will be constructed in red brick with tiled roofs, materials which are common in the locality, and take design cues from the neighbouring buildings. The introduction of detailing such as bay windows, gables and pitched roofs, alongside the vertical emphasis of the elevations proposed is considered to represent a sympathetic design solution. Appropriate door and window detailing will be an important aspect of securing a positive design solution and as such these details are considered appropriate to be controlled by way of an appropriately worded planning condition to be attached to any planning consent granted. The

properties will also provide defensible space to front in keeping with the guidance contained in the Neighbourhoods for Living SPG.

- 11.11 The layout, scale and appearance of the scheme is considered to be sympathetic to the neighbouring Conservation Area and the development will preserve the character and appearance 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 in this respect.
- 11.12 Taking the above into consideration it is considered that the proposed design and appearance represents an acceptable design solution which is in-keeping with the wider aims of Leeds Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, N14, N19 and LD1 and the guidance contained within the Neighbourhoods for Living SPG, Headingley and Hyde Park NDS SPD and the National Planning Policy Framework.

4. Landscaping

- 11.13 Landscaping includes the treatment of private and public space to enhance or protect a site's amenity. As is noted above the proposal will include a strong green edge to the east, west and south of the site with landscaped rear gardens situated along these boundaries. The garden sizes and layouts proposed are considered to provide for a good level of private amenity for future occupants. Those trees which are considered to be of benefit to the site and area in terms of visual amenity are to be retained with new landscaping proposed to supplement existing planting.
- 11.14 The boundary treatments proposed around and within the site are important to achieving a positive design solution. It is noted that the outline consent included a condition which requires further details of proposed boundary treatments to be agreed with the Local Planning Authority. It is considered that these details should be appropriate to local character through the appropriate use of walling, railings, fencing and planting.
- 11.15 The area of public open space proposed to the north west of the site is of a size (1233m²) which is considerably larger than the requirement of Leeds UDP policy N2 for the site (960m²) on which the level of amenity space required by the completed section 106 agreement (attached to the outline consent) was based. The layout and landscaping of the public open space is to be controlled by an appropriately worded planning condition attached to the outline approval and as such will be agreed with the Local Planning Authority prior to commencement of the development.
- 11.16 In addition to the area of public open space proposed, following discussions with the Local Planning Authority, the applicant has offered to layout the part of the site which is proposed to accommodate the retail development with temporary landscaping until this part of the site can be brought forward. Whilst this would be a temporary arrangement, and would not prejudice this part of the site being developed in due course, it is considered that this would represent a short term benefit for future and existing residents in the locality and prevent this part of the site being left in an untidy state.
- 11.17 Taking the above into consideration it is considered that the proposed landscaping represents an acceptable design solution which is in-keeping with the wider aims of Leeds Core Strategy policies P10, P11, P12, G8 and G9, saved UDP policies GP5, N14, N19, N25 and LD1 and the guidance contained within the Neighbourhoods for Living SPG, Headingley and Hyde Park NDS SPD and the National Planning Policy Framework.

5. Other Material Planning Considerations

- 11.18 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.
- 11.19 Housing Mix and Sustainable Communities – One of the key benefits of the outline proposal was considered to be the introduction of housing of a size and nature which would be likely to attract families. The application site falls within an area with a recognised housing and population imbalance between long term residents and those of a more transient nature, predominantly students. This existing imbalance is recognised in both the Core Strategy and the Headingley and Hyde Park Neighbourhood Design Statement. At the outline stage the applicant indicated a mix of 3 and 4 bedroom properties would be accommodated at the site. The reserved matters proposal is also for a mix of 3 and 4 bedroom properties, albeit with a higher proportion of 4 bedroom properties than indicated at the outline stage (12 as opposed to 4). Notwithstanding the indicative only nature of the plans submitted at the outline stage (as is discussed in section 1 of this appraisal), this is not considered to be a significant deviation from the scheme indicated at the outline stage within the context of the wider development. As such it is considered that the reserved matters scheme, in providing housing which is of an appropriate size and mix to encourage family occupation, will have a positive impact in addressing the local housing and population imbalance which exists by aiming to attract families back into the area.
- 11.20 A number of objectors have expressed concerns that 4 bedroom properties are more likely to be sold to landlords who will convert these properties into HMOs. It is noted however that the outline planning permission was for C3 dwellings (i.e. houses normally occupied by couples or families for example) and not for HMOs. Because of the Article 4 Direction in place in this area planning permission would be required for the future conversion of these properties to HMOs falling within the C4 planning use class (3-6 bedrooms) which means that such a conversion could not take place without the consent of the Local Planning Authority. It is further noted that the applicant is a housebuilder and not a landlord property owner. The developer has confirmed their intention is to sell the houses on the open market and will not look to sell the houses to landlords. Furthermore it is noted that the outline consent removed permitted development rights to construct roof additions/ alterations, extensions and outbuildings. An additional condition has been proposed to this Reserved Matters application to ensure no additional bedrooms, over those shown on the current plans, are created in the future, for example through the conversion of living rooms, without prior planning permission. This will allow the Local Planning Authority an appropriate level of control over any future extensions and alterations of the properties at the site.
- 11.21 A number of objectors have also expressed concern that the higher proportion of 4 bedroom properties would mean that the new houses created may be unaffordable to many prospective first time buyers or couples with young families. It is noted that the resolution of Plans Panel at the outline stage was that affordable housing should be delivered off-site as a commuted sum to be used to bring vacant properties in the area back into use. This was the same resolution as was offered previously at the main Leeds Girls High School site to the north of Victoria Road. The delivery of affordable housing in this way was considered to be a locally appropriate response to the wider issue of housing and population imbalance which is detailed above. The benefit of such an approach is that existing vacant properties which are likely to have been targeted at the student market in the past would be brought back into use

as affordable housing for longer term residents in the wider locality, including first time buyers and young families. This off-site affordable housing, to be delivered locally in Headingley and Hyde Park and Woodhouse wards, would be in addition to the delivery of family sized units at the application site. It is considered that the proposal put forward will continue to deliver these twin aims by allowing for the delivery of both affordable housing in the wider locality and family units at the application site in an appropriate way which responds to local circumstances.

- 11.22 Taking the above into consideration it is considered that the proposal, with the appropriate controls in place, is in-keeping with the wider aims of the Leeds Core Strategy, Headingley and Hyde Park NDS SPD and the National Planning Policy Framework in respect of housing mix and the creation of sustainable communities.
- 11.23 Demolition of the existing facilities – a number of objectors have noted that the former swimming pool and sports hall building at the site has been demolished and works to remove the turf at the paying pitch have already taken place without consent. The Local Planning Authority was made aware of this in January 2015 at which time the substantive works had already taken place. Whilst this was ill-advised and the Local Planning Authority cannot advocate that any works take place without the necessary consents in place for obvious reasons, in retrospect the Local Planning Authority's key area of concern, if the appropriate consent had been sought, would have been in relation to the potential for damage to protected trees at the site. The applicant was able to demonstrate after the works had taken place that no significant damage had occurred to trees and as such it is considered, subject to achieving the necessary consents through the reserved matters process, that it would not be prudent to take further planning enforcement action.

12.0 CONCLUSIONS

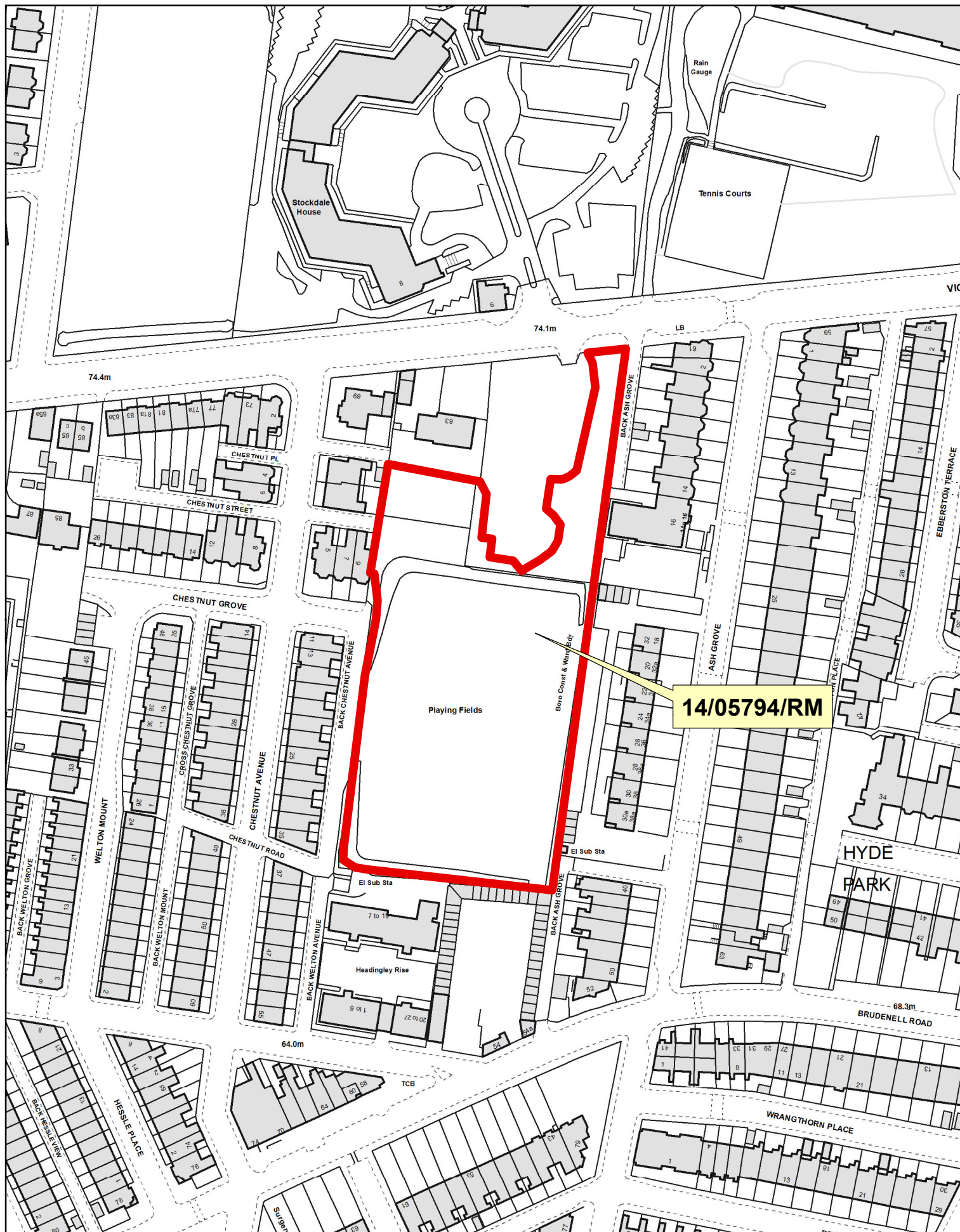
- 12.1 The principle of the development and the detailed matter of the access to the site have already been established under outline planning consent reference 13/00868/OT. As such the relevant considerations to the determination of the Reserved Matters application relate to the layout, scale, appearance and landscaping of the detailed proposal now put forward, alongside any other relevant material planning considerations.
- 12.2 The proposal is considered to represent an appropriate quantity of development in a layout which responds to the character and urban grain of the locality. The strong green edge provided by the rear gardens along the eastern, western and southern boundaries of the site is considered to be a key benefit of the proposal. The development will provide for a good level of amenity for future occupiers and protect the amenity of existing residents in the locality.
- 12.3 The scale and appearance of the buildings proposed is considered to respond positively to local context with the regular blocks of red brick terraces reflecting the density, housing type and rhythm of neighbouring streetscapes. The layout, scale and appearance of the development are considered to be sympathetic to the neighbouring Conservation Area and setting of the Grade II listed building at 63 Victoria Road.
- 12.4 The private and public spaces of the development provide a good level of amenity for future residents. The public open space provision provided is in excess of the requirement of (the now deleted) UDP policy N2 on which the completed section 106 agreement is based. The temporary landscaping of the site is considered to represent a positive short term benefit of the development.

- 12.5 The proposal is considered to be making a positive contribution to the local housing and population imbalance and will help to contribute to the wider sustainable communities objectives of the Council and local community. The comments of ward members, local residents and other representatives have been taken into account.
- 12.6 Taking the above and all other material planning considerations put forward into account it is considered 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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SCALE : 1/1500





Originator: Patrick Bean
Tel: 0113 39 52109

Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 23rd April 2015

Subject: Application number 14/06826/FU – variation of condition 3 of previous approval 14/02722/FU to amend boundary treatment at 22 Bridge Wood Close, Horsforth, Leeds LS18 5TR.

APPLICANT

Mr Manhar Parmer

DATE VALID

16th December 2014

TARGET DATE

10th February 2015

Electoral Wards Affected:

Horsforth

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: Approve subject to the following conditions

1. Commencement within three years of the date of issue of planning permission 14/02722/FU
2. Development to accord with approved plans
3. The car port shall not be altered or converted to prevent its use by motor vehicles
4. The visibility splay shall be retained clear of all obstructions for the lifetime of the development

1.0 INTRODUCTION

- 1.1 This application has been brought to Panel at the request of Councillor Cleasby who is concerned about the unauthorised siting of a boundary fence.
- 1.2 This application seeks variation of a boundary treatment condition attached to a recent approval of planning permission which was for a two storey and single storey extension to side and rear. The condition requires the removal and re-siting of part of the property's boundary fence. The existing approval to which the condition

relates is presently the subject of an enforcement notice seeking the removal and re-siting of the fence, and the current application is an attempt to address this issue.

2.0 PROPOSAL:

2.1 Variation of condition 3 of previous approval 14/02722/FU to amend boundary treatment. Condition 3 is set out below:

2.2 *Notwithstanding the information shown on the approved plan reference PLA-001N dated 19.06.14 and within 6 weeks of the date of issue of this decision notice the existing 1.8 metre high timber boundary fence shall be removed and re-sited so that it maintains a minimum of 2 metres separation distance from the edge of the carriageway used by vehicles at all times. The resited fence shall be retained and maintained in that position thereafter for the lifetime of the development.*

In the interest of pedestrian and highway safety.

3.0 SITE AND SURROUNDINGS:

3.1 The host property is a two storey dwelling of brick and tile construction. It is the end property of a short terrace of four. It is located facing a short cul-de-sac of similar properties to the end of Bridge Wood Close.

3.2 A later development of four larger detached properties of stone construction have subsequently been added, which are accessed off Bridge Wood View. The property is located at the junction of these two residential access roads, which is just after a bridge which crosses a small beck.

4.0 RELEVANT PLANNING HISTORY:

4.1 14/02722/FU - Two storey and single storey extension to side and rear; alterations to boundary treatment to side and rear - approved

12/05265/FU – proposed two storey side extension with a rear sunroom and new boundary treatment to side – approved.

5.0 HISTORY OF NEGOTIATIONS

5.1 Discussions have been ongoing between the applicant's agent and officers since submission of the planning application in order to resolve highway safety concerns raised by the unauthorised works.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notices and neighbour notification letters posted on 16th December 2014. In response five letters of objection have been received which express concern that the City Council has failed to intervene in a land ownership dispute, and that the Council has also failed to enforce the condition which is the subject of this variation application.

7.0 CONSULTATION RESPONSES

- 7.1 Highways – no objections to the revised proposals subject to conditions to require the retention of the car port and the retention of the visibility splay.

8.0 PLANNING POLICIES:

The Development Plan

- 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 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.
- 8.2 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 - Alterations and extensions

Supplementary Planning Guidance / Documents:

- 8.3 The **Householder Design Guide** was adopted by the Council as a Supplementary Planning Document in April 2012. The following policies from the Design Guide are relevant to this application:

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;

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments and
- v) 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.

Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.

National Guidance - National Planning Policy Framework

- 8.4 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

- Highway safety
- Residential amenity
- Representations

10.0 APPRAISAL

- 10.1 This application follows two previous approvals in relation to this property. In 2012 planning permission was granted for a two storey side extension with a rear sunroom and new boundary treatment to side. However, discrepancies between the approved plans and the finished extension lead to the submission of a further application in 2014 which sought to regularise the consent. These discrepancies were considered to be relatively minor in nature and were not considered to cause material harm to the proposals. The proposal was therefore approved.

- 10.2 The 2014 planning permission includes condition 3 which reads:

Notwithstanding the information shown on the approved plan reference PLA-001N dated 19.06.14 and within 6 weeks of the date of issue of this decision notice the existing 1.8 metre high timber boundary fence shall be removed and re-sited so that it maintains a minimum of 2 metres separation distance from the edge of the carriageway used by vehicles at all times. The resited fence shall be retained and maintained in that position thereafter for the lifetime of the development.

Reason: In the interest of pedestrian and highway safety.

- 10.3 This condition was imposed as it was considered that the fence alignment causes some loss of highway visibility. The condition sought to have the fence alignment reinstated to the location originally approved in 2012.
- 10.4 As the condition included a time limit for action, an enforcement notice to require compliance was served in November 2014. The time limit for compliance with this notice expired in February 2015. However in the interim the applicant has submitted this application to vary the condition which seeks to address this issue.
- 10.5 The current proposal effectively seeks to restore visibility by reducing the height of the existing boundary treatment to less than a metre for a section around the north east corner of the site. Highways Services have been consulted on the proposal and considered that this approach would improve highway visibility to an acceptable level. The proposal is therefore considered to be an acceptable compromise solution in respect of the improvement of highway safety.
- 10.6 The proposed changes to the boundary treatment would only have a small effect upon the visual appearance of the scheme.

- 10.7 A public footpath, No.42 Horsforth, exists along the side of the property boundary. The footpath has a definitive width of 0.9m. The proposal retains the same width of path, and provides a hard surface including paving flags and brick paviours. It is therefore considered that the proposal makes adequate provision for the retention of the public right of way. The Council's Public Rights of Way team have been consulted on the proposals and do not raise objection to it. They have stated that they do not consider that there is an issue with the public footpath or its legal line.
- 10.8 Paragraph 187 of the NPPF requires that Local Planning Authorities should proactively look for solutions rather than problems, and should seek to approve applications wherever possible. In view of this advice, the proposed variation of the condition is considered an acceptable solution.
- 10.9 The applicant appears to be involved in a land ownership dispute with a neighbouring occupier which relates in part to the siting of the fence. It is alleged that the fence line as already constructed occupies land outside of the applicants' ownership. However, the applicant has submitted revised plans with a red line boundary that includes all of the fence within the site. Additionally the application includes a signed Certificate 'A' which states that nobody except the applicant is the owner of any part of the land to which the application relates.
- 10.10 Whatever the true situation, land ownership is a civil matter outside of the scope of the planning application and does not form part of the consideration of it. However if, as is alleged, the application does include land outside of the applicants' ownership, then the applicant should have served formal notice of the application on the owner to notify them of the proposals and would still require the agreement of the landowner. Given that the individual claiming ownership, and other neighbours, have objected to the application then clearly that person is aware of the proposals.

11.0 CONCLUSION

- 11.1 The application is for a variation of a condition requiring the removal of a boundary treatment in the interests of pedestrian and highway safety. The proposal adequately addresses highway visibility and is visually acceptable, and as such approval is recommended.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file





Originator: Michael Howitt

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 23rd April 2015

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

APPLICANT

Innergy LPG Ltd

DATE VALID

29th November 2013

TARGET DATE

24th January 2014

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

If Members are minded to refuse planning permission then the following reason is suggested:

The proposed development by reason of the increased activities close to the common boundary with the properties on Kenilworth Avenue will result in noise and disturbance that will significantly harm the residential amenity of the occupiers of those properties. As a result, the proposal is contrary to Leeds Unitary Development Plan (Review 2006) saved Policy GP5 and the guidance within the National Planning Policy Framework (2012).

1.0 Introduction

- 1.1 This application was considered at the South and West Plans Panel meeting of 3rd April 2014 where Members resolved to approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report with an additional condition to ensure parking was marked out on site prior to first use; consultation with Ward Members was to take place regarding the provision of acoustic fencing to the northern boundary and swapping of car parking on the southern boundary with storage of unpalletised gas containers on the northern boundary, with a revised plan being submitted showing these alterations.
- 1.2 In the event that agreement on these matters could not be achieved, that the application be brought back to Panel for determination. A Members site visit also took place at the last meeting.

2.0 Summary of issues

- 2.1 The key issue raised by Members of Panel at the April 3rd 2014 meeting related to noise nuisance from the movement of non-palletised gas cylinder storage. The proposal was previously considered by Neighbourhoods and Housing (Environmental Health) and the response was that the majority of the noise generated from the site, was emanating from the loading and unloading of canisters and cylinders that are located within the central part of the yard. It was considered that the palletised gas cylinder storage areas, which are the subject of this revision of the condition, do not contribute to the noise nuisance that is raised by the residents adjacent to the site. The applicant informed the Council that the noise on the site emanates from the collisions of loose gas bottles that are contained on the trailers for individual collection, rather than from removal of the bottles from the trailers. The cylinders are removed by forklift, rather than dropped for obvious safety reasons. A noise report has been submitted to explain and elaborate on these points but it is considered that this report does not prove that there are no issues raised by the proposal. The Environmental Health officer has commented that the report considers the continuous equivalent energy levels which are not overly useful in this case as the method 'averages out' noise levels. As the complaints from residents highlight impact noises, the method used is not appropriate and therefore the harm, or lack of it, cannot be assessed using this data and as such, the report does not prove that the business is not harmful in this respect.
- 2.2 Members of Plans Panel were very concerned about the location of the proposed parking and un-palletised storage near to the boundary with residential properties. It was suggested therefore that these two areas should be handed to minimise noise caused by the handling of empty gas containers which can make a piercing clanging noise when accidentally banged together. In addition Members of Panel felt that an acoustic fence along the boundary would also help to minimise disturbance to residents caused by the operation. Members of Panel were therefore minded to support the application subject to the aforementioned amendments (full details of the issues and policy/guidance relating to the application are contained in the appended original report to panel for Members information)
- 2.3 Despite meetings with Ward Member Councillor Robert Finnigan, the applicants' agent and the planning case officer, a satisfactory scheme has not been agreed between all

parties. The application is therefore returned to South and West Plans Panel for further consideration.

3 Conclusion

- 3.1 Whilst the applicants have provided information with regard to noise emissions from the site, they have been unable to agree a scheme which would address Members concerns expressed at the 3rd April Panel meeting and therefore if members are minded to refuse the application, it is suggested that this be as a result of the negative impact upon residential amenity to neighbouring residents (reason for refusal stated above).

Background Papers:

Application files 13/05511/FU

Certificate of ownership:

Signed as applicant



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3rd April 2014

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

APPLICANT

Innergy LPG Ltd

DATE VALID

29th November 2013

TARGET DATE

24th January 2014

Electoral Wards Affected:

Morley North

☐ 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 conditions referred to in the report below:

Conditions

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

1.0 INTRODUCTION:

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

2.0 PROPOSAL:

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

3.0 SITE AND SURROUNDINGS:

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

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There have been a number of planning applications relating to this site with the most recent / relevant as follows.
- 12/01608/FU - Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision. Approved 1 June 2012.
- 11/01427/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away. Refused 1 June 2011. Subsequent appeal dismissed.
- 09/04919/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away with associated car parking. Refused 14 May 2010. Subsequent appeal dismissed.
- 23/63/97/FU - Use of cleared site as commercial vehicle parking area. Approved 9 May 1997.
- 23/64/96/RE - Extension of permission for use of cleared site as commercial vehicle parking area. Approved 26 April 1996.

5.0 HISTORY OF NEGOTIATIONS:

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

6.0 CONSULTATION RESPONSES:

Statutory Consultations:

- 6.1 None.

Non Statutory Consultations:

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour notification letters on 9 December 2013 and by site notice on 13 December 2013. 17 letters of objection from 15 separate addresses have been received with one letter of support and the remainder objecting.
- 7.2 The issues raised are
- a) The noise from moving the cylinders severely harms residential amenity and prevents the usage of garden areas particularly in summer.
 - b) There is a health and safety risk of storing such cylinders close to residential properties.
 - c) The business has been operating in this manner ever since it was first opened in 2012.

8.0 PLANNING POLICIES:

8.1 Emerging Core Strategy

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

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

8.2 Unitary Development Plan Policies:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless

material considerations indicate otherwise. The development plan consists of the Leeds Unitary Development Plan Review (2006).

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

8.3 National Planning Policy Framework

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

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

9.0 **MAIN ISSUES:**

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

10.0 **APPRAISAL:**

1. Overview of previous approval.

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

2. Residential Amenity

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

3. Visual Amenity

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

4. Hazardous Substances

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

11.0 CONCLUSION:

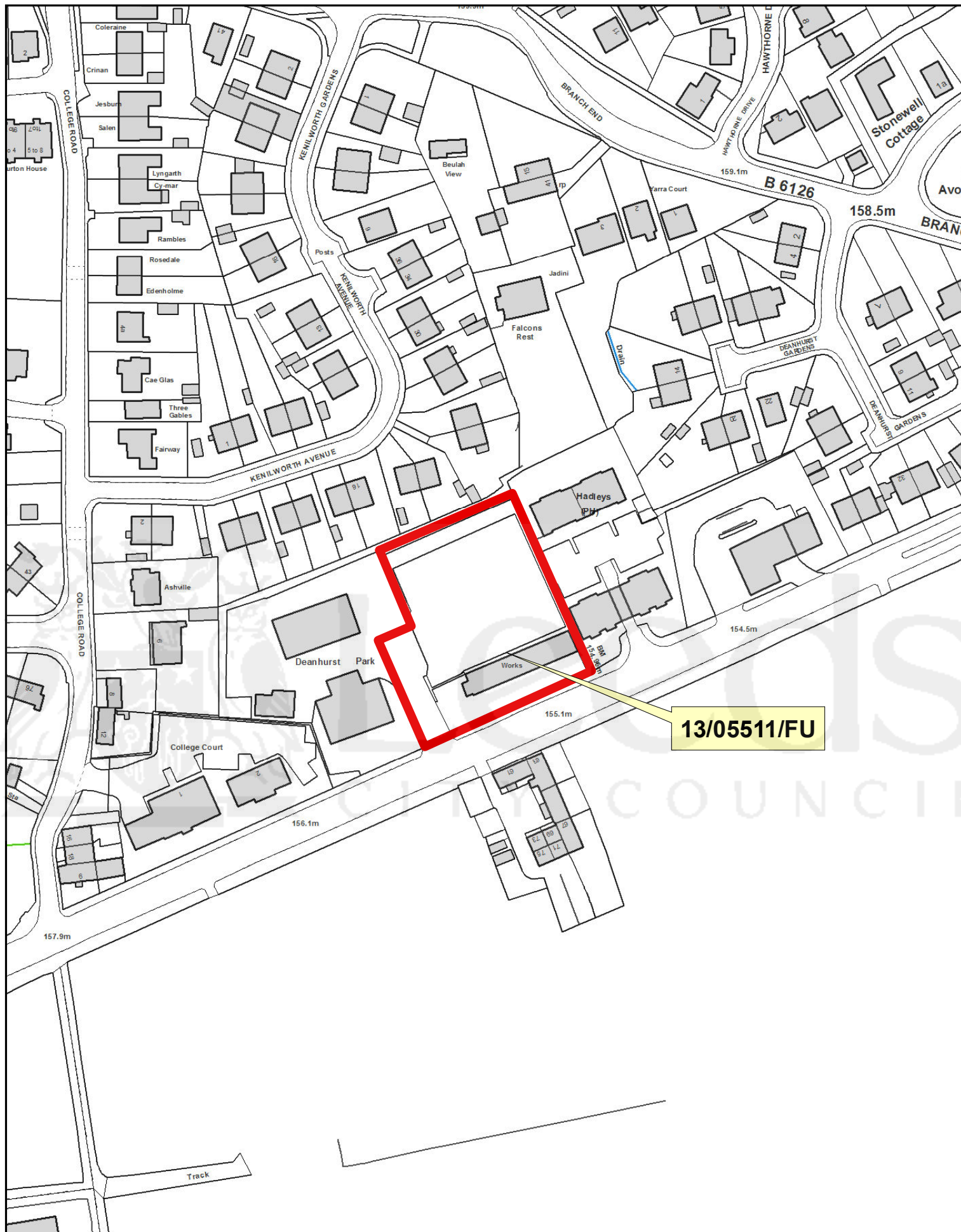
- 11.1 On balance, it is considered that as discussed above, the application is acceptable. The proposal complies with the relevant provisions of the Development Plan and there are no other material considerations that outweigh this finding.

Background Papers:

Application files 13/05511/FU

Certificate of ownership:

Signed as applicant



SOUTH AND WEST PLANS PANEL



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