



SOUTH AND WEST PLANS PANEL

Meeting to be held in the Civic Hall
Thursday, 4th June, 2015
at 1.30 pm

MEMBERSHIP

Councillors

| | | | |
|-----------------|-----------|----------|------------|
| J Akhtar | J Bentley | A Castle | R Finnigan |
| M Coulson | | R Wood | |
| C Gruen (Chair) | | | |
| J Heselwood | | | |
| E Nash | | | |
| A Smart | | | |
| C Towler | | | |

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

A G E N D A

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|---------|------|---------------|--|---------|
| 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> | |

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| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES - 23 APRIL 2015</p> <p>To confirm the minutes of the meeting held on 23 April 2015 as a correct record.</p> | 3 - 8 |
| 7 | Headingley | | <p>APPLICATION 15/00923/FU - FORMER LEEDS GIRLS HIGH SCHOOL, VICTORIA ROAD, HEADINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a residential development comprising of 54 apartments, 42 townhouses and retention of Rose Court Lodge.</p> | 9 - 24 |
| 8 | Ardsley and Robin Hood | | <p>APPLICATION 15/00200/FU - LOFTHOUSE SURGERY. 2 CHURCH CLOSE, LOFTHOUSE, WAKEFIELD</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding and application for two single storey extensions to front and first floor infill extension.</p> | 25 - 32 |

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| 9 | Rothwell | | <p>APPLICATION 14/04467/FU - MARSH STREET, ROTHWELL, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding the demolition of existing buildings and construction of single storey supermarket with associated works, car parking and landscaping.</p> | 33 - 50 |
| 10 | Bramley and Stanningley | | <p>APPLICATION 14/00774/FU - FORMER BELGRAVE WORKS, TOWN STREET, STANNINGLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a mixed use development comprising 10 units A1/A2/A3 uses; laying out of access road, car parking, landscaping and boundary treatments.</p> | 51 - 64 |
| 11 | Ardsley and Robin Hood | | <p>APPLICATION 113/05882/FU - FORMER RAILWAY PUBLIC HOUSE, MOOR KNOLL LANE, EAST ARDSLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the development of 12 houses with associated access road, parking and landscaping.</p> | 65 - 78 |

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

Third Party Recording

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Use of Recordings by Third Parties– code of practice

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To:

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

Legal & Democratic Services

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2015

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 4 JUNE 2015

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

- 1 10:20 **Application 14/04467/FU** – Erection of supermarket, Marsh Street, Rothwell - **Leave 10.40** (if travelling independently meet on Marsh Street).
- 2 10:50 **Application 15/00200/FU** – Extensions to surgery, 2 Church Farm Close, Lofthouse **Leave 11.00** (if travelling independently meet on Church Farm Close)
- 3 11:25 **Application 14/00774/FU** – 10 units comprising shops and related commercial units – Former Belgrave Works, Town Street, Stanningley - **Leave 11.45** (if travelling independently meet at junction of Town Street and Grangefield Road)

Return to Civic Hall at 12.00 p.m.

A minibus will leave the Civic Hall at 10.00 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.55 am

Yours sincerely

Andy Booth
Governance Officer

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SOUTH AND WEST PLANS PANEL

THURSDAY, 23RD APRIL, 2015

PRESENT: Councillor M Rafique in the Chair

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

98 Declarations of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests.

99 Minutes

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

100 Application 13/05511/FU - Deanhurst, Gelderd Road, Gildersome

The report of the Chief Planning Officer referred to 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).

It was reported that there had been additional information received from the applicant following a noise report from Environmental Health and there had been a request to defer this item. Members were asked to consider deferring the item and concern was expressed that due to the time since the original application was approved that it would be unreasonable to allow any further delay. Members did not support a deferral of the application.

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 was used for the storage of LPG canisters.
- There were offices adjacent to the site and residential properties to the other boundaries.
- Reference was made to conditions to the original application including the provision of an acoustic fence. It was reported that following the original application and additional conditions applied following consideration by Panel that agreement had still not been reached by all parties for operations at the site.
- Following complaints regarding noise from the sites there had been visits from Environmental Health. On four occasions there were no problems with noise but on another visits it was noted that there had been regular banging noises.

- The site had a history of industrial uses and had been used for the storage of gas canisters since 2012.

The applicant's representative addressed the Panel. It was reported that the applicant had worked closely with Officers to resolve the outstanding issues and had requested further time to address a noise report that had been produced by Environmental Health.

A local resident addressed the Panel. Issues raised included the following:

- Noise disturbance from the site prevented local residents from enjoying the use of their gardens and conservatories.
- The problems had been ongoing for three years since the change of use at the site.

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

- The clear tension between the business and local residents and how to resolve these issues.
- Concern that previous conditions to the application had not been applied and there had not been any progress regarding the provision of acoustic fencing.
-

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

101 Application 14/04306/OT - 3 Crowther Avenue, Calverley, Pudsey

The report of the Chief Planning Officer presented an outline application for 5 residential properties, new access and layout on land to the rear of 3-5 Crowther Avenue, Calverley, Leeds.

Members attended a site visit prior to the meeting and 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:

- There had been a high level of objection to the application.
- A previous proposal for 8 properties at the site had been dismissed.
- All the plots within the site met the criteria for space in between properties.
- Reference was made to a late submission by a Ward Councillor - it was reported that any concerns outlined could be dealt with under a Reserved Matters application which would be brought back to the Panel for consideration.
- Members queried one of the plots and whether it should be subject of a condition that only a bungalow should be erected. It was reported that this would be subject to negotiation under a Reserved Matters application.

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

1. Removal of permitted development rights for extensions and garages.
2. Submission of a drainage scheme.

102 Application 14/05794/RM - Victoria Road, Headingley

The report of the Chief Planning Officer presented a Reserved Matters application for residential development of 24 dwellings, layout of access roads and associated works at Victoria Road, Headingley.

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

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

- This application just referred appearance, scale, layout and landscaping to the housing element of the site and not the retail proposal.
- The site fell within a predominantly residential area with high density housing.
- Part of the site fell within the Headingley Conservation Area.
- It was proposed to have 24 terraced houses which would be situated in six blocks of four. Twelve would be three bedroom properties and twelve would be four bedroom.
- All properties would have two off street parking spaces and there would be additional cycle and bin storage areas.
- Public open space at the site would be in excess of minimum requirements.
- The scale and design of the proposals met with guidelines in the Neighbourhood Design Statement and were sympathetic to the conservation area and nearby listed buildings.
- Reference was made to representations received from Ward Councillors, local residents and the South Headingley Community Association.
- There would be an additional condition to the application to address off site highways works.

A member of the South Headingley Community Association addressed the Panel with concerns regarding the application. These included the following:

- Concern that the opportunity for new sports facilities had been lost and a reduction in public open space.
- Increase in the number of bedrooms overall on the development and potential for the properties to be used as Houses in Multiple Occupation (HMOs) and not family homes.
- A lack of affordable housing.
- Further to Members questions, the following was discussed:

- Concern regarding a demographic imbalance in the area – the sites was surrounded by HMOs and it was felt that the proposed properties with double bedrooms could be used as HMOs. It was reported that the proposed properties would be Class C3 and not open to be used as HMOs.

The applicants' representative addressed the meeting. The following was raised:

- There had been ongoing discussions regarding the application that had led to slight amendments.
- There had not been any concern regarding the design of the proposals.
- The applicant was a housebuilder and the proposals had not been designed for HMOs or student accommodation.
- Families would be the target market for the properties.

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

- Measures to keep the properties as Class C3 including restrictions to prevent properties being extended and other rooms within properties being converted to bedrooms.
- Affordable housing contribution – this would be used to purchase vacant properties in the area to be used for family housing.
- Planning permission would be needed to change the use of the properties.
- The proposals met Neighbourhoods for Living guidelines.

RESOLVED – That the application be approved as per the officer recommendation and conditions outlined in the report and with an additional condition to clarify off site highways works in relation to a pedestrian crossing.

103 Application 14/06826/FU - 22 Bridge Wood Close, Horsforth

The report of the Chief Planning Officer referred to an application for the variation of condition 3 of previous approval 14/02722/FU to amend boundary treatment at 22 Bridge Wood Close, Horsforth, Leeds.

Members attended a site visit prior to the meeting and 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:

- The application was for the re-siting of part of the properties boundary fence which was erected following permission for a side extension and boundary treatment.
- The application had been brought to the Panel following representations from a local Ward Councillor concerned about the unauthorised siting of the fence. There was also concern regarding the height of the boundary treatment and restricted views for pedestrians and vehicles.

- The site had been visited by the Public Rights of Way Officer
- It was recommended that the application be approved subject to the conditions outlined in the report.

A local resident addressed the Panel with concerns regarding the application. These included the following:

- The fence had not been sited as originally approved.
- There had not been any enforcement action taken.
- The applicant had encroached on to the public right of way.
- A change of height of the fencing would not address the concerns and it should be returned to how it was or the position as originally agreed.

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

- The applicant had checked with the Land Registry and all work had been carried out within the correct guidelines.
- Reference was made to modifications to the original application that had been done following further consultation with planning officers.
- There had been improvements to the footpath.
- The public right of way had originally been in the wrong place.

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

- Concern that the applicant had not carried out the works as originally approved.
- Timing of the proposed alterations – it was reported that this could be subject to a further condition.

RESOLVED - That the application be approved as per the officer recommendation and conditions outlined in the report but with amendment to ensure works carried out within 3 months of approval to reduce height of fence and to ensure no trellising to reduced section.

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Originator: Mathias Franklin

Tel: 0113 24 77019

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th June 2015

Subject: APPLICATION NUMBER 15/00923/FU: Residential development comprising of 54 apartments, 40 townhouses and retention of Rose Court Lodge at former Leeds Girls High School, Headingley Lane, Headingley

| APPLICANT | DATE VALID | TARGET DATE |
|-------------------|------------|-------------|
| Stonebridge Homes | 23.02.2015 | 30.06.2015 |

| | |
|--|--|
| <p>Electoral Wards Affected:</p> <p>Headingley & Hyde Park and Woodhouse</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p> | <p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p> |
|--|--|

RECOMMENDATION:
DEFER AND DELEGATE approval to the Chief Planning Officer subject to the completion of a Section 106 Agreement to be completed within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer and to cover: Affordable Housing (5% built on site), On-site greenspace laying out and 10 year maintenance and off site contribution (£90,835.44), Travel planning measures (£45,672.00 for bus only metrocards or for other measures) and monitoring fee (£2500) and a bus stop contribution (£10,000). A clause will be added to allow a recalculation of the contributions should NGT be constructed.

Conditions:

1. Implementation of Planning Permission within 3 years
2. Approved Plans
3. Development to be carried out in accordance with the approved phasing plan which includes the commencement of Rose Court redevelopment in phase 1 and to allow for the 'with' or 'without' NGT scenario.
4. Development to be carried out in accordance with the approved sample of materials; walls, roofing, windows, doors, surfacing as shown on the approved materials plan.
5. Natural slate to be used on all roofs and no uPVC to be used on any doors, or windows notwithstanding the information in the approved design code.

6. Boundary treatments to be approved. No close board fencing to be used on properties visible from public areas.
7. Survey of gate piers, steps and railings, and other features of interest and scheme for the retention and restoration of these to be submitted and implemented and the removal of existing timber fencing on Victoria Road frontage.
8. No change of levels within Root Protection Areas of all trees shown to be retained on the approved plans.
9. Landscaping implemented in accordance with the approved plan in and maintained thereafter.
13. Replacement tree planting scheme to be implemented in accordance with the approved plan.
14. Protection of existing hedges, trees and shrubs not to be felled. No trees that are otherwise healthy to be felled along Headingley Lane except in the event of NGT being approved.
15. Pre-start meeting to agree protective fencing for tree scheme.
16. Development to be carried out in accordance with approved Arboricultural Method Statement.
17. Any unexpected contamination or where development cannot proceed in accordance with approved Remediation Statement notify LPA.
18. Any soils brought to site or removed to be checked for contamination.
19. Works shall be carried out in accordance with approved Remediation Statement and the developer shall confirm on completion of works that the development has been carried out in accordance with the approved Remediation Statements.
20. Prior to the commencement of development details shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting (for species such as House Sparrow, Starling, Swift, Swallow and House Marten) opportunities to be provided within buildings and elsewhere on-site. The agreed Plan shall thereafter be implemented.
21. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
22. Replacement planting if trees die within 5 years of planting.
23. Demolition and construction including deliveries to and from the site should be restricted to 0800 hours until 1800 hours Monday to Friday and 0900 hours until 1300 on Saturdays with no operations on Sundays or Bank Holidays.
24. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.
25. Development shall not commence until a feasibility study into the use of infiltration drainage methods has been submitted to, and approved by the council. The study shall contain the results of soakaway tests -carried out in accordance with BRE Digest 365 and an appraisal of various infiltration systems that could reasonably be employed on the site.
26. Development shall not commence until a scheme detailing measures to reduce surface water flood risk, including details of finished floor and adjacent ground levels, has been submitted to and approved in writing by the Local Planning Authority.
27. The means of vehicular access to and from the site shall be as shown on the approved plan and prior to first occupation the Headingley Lane access shall be closed to vehicular traffic and thereafter retained for the lifetime of the development.
28. Development shall not be occupied until all areas or approved phase as shown on the approved plans to be used by vehicles have been fully laid out, surfaced and

drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

29. The gradient of all drives shall not exceed 1 in 12.5 (8%).
30. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.
31. No vehicular access shall be taken from Headingley Lane for construction purposes.
32. Garages to be retained for the storage of motor vehicles
33. Details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the LPA.
34. All areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway.
35. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
36. Development shall not commence until details of works comprising:
 - (i) a 'Residents Only' permit parking scheme on the highways within the development site;
 - (ii) the laying out of 2 'Car Club' parking spaces on the internal estate road and;
 - (iii) any necessary waiting restrictions on Victoria Road and Headingley Lane within the vicinity of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to the occupation of 10% of the dwellings.
37. Parking arrangements shall be in accordance with the approved 'Parking Allocation Plan' for the lifetime of the development
38. The Area of on-site public open space shall be laid out in accordance with the approved plan and the connections to the off site highway network shall be completed in accordance with a scheme to be approved by the LPA detailing the timing of implementation.
39. Removal of domestic PD Rights
40. All dwellings to be C3.
41. No demolition of Stable or brick lodge building or removal of T75 until NGT scheme has been approved and is confirmed to be implemented.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel for a determination due to the extensive planning history of the site and the previous role the Plans Panel has played in the determination of applications at this site. The application is a FULL planning application which includes full plans of all the house types, layout and landscaping along with car parking and public open space plans. Unlike the previous Outline planning permissions granted on this site by the former owner this application sets a clear intention from the developer to commence development on site should planning permission be granted for this application. Members will recall discussing this site in September 2014 when South and West Plans Panel approved the most recent Outline planning permission on the site for residential development (reference 14/02073/OT). The current Full planning application is broadly similar to the recently approved Outline masterplan Members saw last September however, the main changes with the current application include retention of the entire Main School building and its conversion to 36 apartments. Previously only the front

façade was to be retained and 19 apartments built behind this façade. The second main change between the previous Outline permission and the current planning application relates to the housing mix: The current application proposes to create 54 apartments and 40 houses. The previous Outline application proposed 50 houses and 19 apartments.

- 1.2 Members will recall that the listed building, Rose Court had planning permission (which has now expired) to be converted into 12 apartments (there is a current application to effectively renew that permission 14/02914/FU). The plans for Rose Court remain to convert it into 12 apartments and the developer proposes to commence this refurbishment at the same time as they will commence phase 1 of the new build dwellings on site. Phase 1 will involve the construction of blocks 10-18, laying out of the public open space in front of the Main School building and the construction of the new access onto Victoria Road in addition to the conversion of Rose Court to 12 apartments. Phase 2 will involve the conversion of the Main school building to apartments and the construction of the remainder new build dwellings and apartments. Splitting the development into two phases makes logical sense as the NGT scheme impacts and by the time phase 1 is complete it is anticipated there will be some clarity about the NGT proposals which affect the northern part of the site adjacent to Headingley Lane.
- 1.3 The current planning application has a masterplan that can be constructed if the NGT scheme is constructed but also has a Masterplan that allows the entire site to be developed should the NGT scheme not be constructed. Members will be asked to determine both Masterplan's in order to provide flexibility as the decision on the NGT scheme under the Transport and Works Act Order is not known at this time.
- 1.4 Leeds City Council and Metro are jointly promoting the Transport and Works Act Order for the implementation of the New Generation Transport ("the NGT") system. The NGT system will take the form of a guided trolley bus that will provide a rapid transit system that will run from Holt Park to the North of the city centre, through Headingley and the city centre and will terminate at the south of the city at a new park and ride off junction 7 of the M621/M1. The proposed works along Headingley Lane will have a consequential impact upon the former Leeds Girls' High School Site. An application for the TWAO was made to the Secretary of State in September 2013 and a Public Inquiry has closed and a decision is awaited.
- 1.5 In order to facilitate the construction of the NGT route the existing boundary wall along the north of the site will be realigned to the south which will have an impact upon the extant 2012 planning consent. In addition to the position of a new wall, a 2 metre maintenance zone will be required immediately adjacent to the wall. The current application therefore requires the demolition of the existing stone stables building and the red brick lodge house located in the north west corner of the site. Several high quality trees located against the boundary with Headingley Lane are also required to be removed to facilitate the NGT route. The current application presents two masterplan's; one showing a 'with' NGT scenario which shows the buildings and wall mentioned above being removed and the area being used for extra car parking and landscaping whilst the other 'without' NGT scenario shows details of the conversion of the existing stone stable building and the brick lodge into dwellings. The existing high quality tree adjacent to Headingley Lane (T75) is also shown to be retained in this without NGT scenario but removed in the 'with' option.

2.0 PROPOSAL:

- 2.1 The application seeks full planning consent for the construction of 94 dwellings at the former Leeds Girls' High School. The existing Rose Court lodge will also be refurbished.
- 2.2 The recently approved scheme to redevelop the Site (14/02073/OT) had been designed to promote a NGT compliant scheme; however the consent included a condition which would prevent two buildings to the north of the Site (The Lodge and The Stables) from being removed if NGT does not come forward. It is likely that the Inspectors report into the NGT will not be released for at least another year, which the developer considers makes the consent unviable and sterilises part of the Site.
- 2.2 The main changes between the current application and the previous application which was approved in September 2014 are:

The South West Corner

- 2.3 As part of the previous approvals it had been proposed to provide four blocks of townhouses in the south west corner of the Site. It is now proposed to provide seventeen townhouses split across five separate blocks. The siting and massing of the blocks will remain very similar to those previously approved, however block 13 has increased slightly in scale. It has been sited to ensure that it will not adversely impact upon adjacent trees to the north and south.

The Western internal access road

- 2.4 The approved scheme included an internal vehicular access road that ran from Victoria Road along the western boundary of the Site, with proximity to a number of mature trees. It is now proposed that this access will only serve blocks 11-16. The units to the north of the Site will now be accessed via the main vehicular access to the Site.

Retention of the Main School Building

- 2.5 As part of the approved scheme it was only proposed to retain the façade of the main school building, with new apartment blocks being constructed behind the façade. It is now proposed to retain the whole of the building. The proposal will remove all modern additions and "open up" the area immediately to the north, thus improving views from the north.

Alterations to Block 9

- 2.6 The scale and massing of block 9 has been altered to provide a unit that will sit alongside, but not dominate, the main school building to the west and Rose Court to the east. The block has increased in depth to better reflect the dimensions of the two adjoining buildings. In addition, it is proposed to provide apartments within this block as opposed to townhouses as this would require areas of private amenity space which would impact upon views looking into the site from Victoria Road.

The North West of the Site

- 2.7 The stable block will now be retained to provide 4 townhouses as will the lodge in the north western corner. Three blocks of townhouses will be provided along the western boundary as opposed to two which had previously been consented. However, the massing of these blocks will be very similar.
- 2.8 This scheme has been designed on the basis that NGT does not come forward and as such the Lodge and Stables located to the north of the Site have been retained as part of the proposal. If the NGT scheme is constructed the applicant has created a

masterplan which shows the existing brick lodge and stone stable blocks demolished and the area not required by NGT used for additional landscaping and car parking.

2.9 In total there would be 106 units built on site if the current application and the 12 apartments in Rose Court are combined. The current application involves more apartments and less houses than the previous September 2014 permission. Overall there are 12 more residential units than the 2014 Masterplan.

2.10 The majority of the flats are 1 and 2 bedroom properties, whilst the houses are predominantly 4 bedroom units. There are 2 three bedroom apartments located in each of the new build gatehouse properties either side of the new access from Victoria Road.

3.0 SITE AND SURROUNDINGS:

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

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

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

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

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

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

4.0 RELEVANT PLANNING HISTORY:

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

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

July 2011: A public Inquiry was held following the refusal of Outline planning permission for residential development and also refusal of the change of use and extension of the Main school buildings and conversion of the stable block to apartments and dwellings. In total 5 applications were heard at appeal. 3 were allowed and 2 were dismissed. The Conversion of Rose Court and associated Listed Building application along with the Conservation Area Consent application were all allowed. The Outline application and the change of use of the Main School Building were both dismissed. The Appeal established the established the principle of development on the former tennis courts and netball pitches.

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

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

14/02073/OT: Outline planning application for the amendments to the layout of extant planning permission 12/01236/FU for demolition and partial demolition of former school buildings and to provide 50 Townhouses, 19 Apartments and 1 dwelling at Rose Court Lodge. Approved November 2014.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has undertaken pre-application consultation with representatives of the Council, elected members and have also consulted with the local community. The community event was held at the Heart Centre, Bennett Road, Headingley on 15th December 2014. Representatives on behalf of the Applicant were on hand over a four hour period between the hours of 3:30pm and 7:30pm to explain the proposals in detail and answer any questions. In total 13 questionnaires were received from the event. Broadly residents welcomed the re-use of the existing buildings and the creation of high quality homes along with areas of open space but were concerned about the housing mix being proposed.

6.0 PUBLIC/LOCAL RESPONSE AND CONSULTATIONS:

- 6.1 The application was advertised via a site notice and an advert in the local newspaper which expired on the 27th March 2015. Following receipt of revised plans which included revisions to the external appearance of the dwellings and additional tree protection details site notices were displayed to inform interested people of the changes. The site notices expire on the 29th May 2015. Any additional representations made after this Panel report is published will be presented verbally at the meeting. There have been 24 representations received to the publicity of this application. 22 objection and 2 make comments. The following matters have been raised:

- Pleased that the main school building is kept in its entirety and accept it converted into flats but would like more of the new build to be houses rather than flats
- Broadly welcome the development
- Headingley Neighbourhood Forum wishes neither to support nor object to the proposed development but wants to secure the affordable housing as an off site contribution.
- Steering Group of Headingley Neighbourhood Forum requests the number of flats are reduced
- Objections are raised to the over intensive use of the site
- Lack of parking is a concern along with added congestion
- Too many flats not enough houses
- Adverse effect on the local community
- There should be no new buildings higher than 3 storeys
- New builds will harm the character of the conservation area
- Friends of Woodhouse Moor request that the S106 money is not used to create a new café of Woodhouse Moor as proposed by the Lawn Tennis Association
- Too many flats in the area already
- North Hyde Park Neighbourhood Association object due to increased number of flats and the design of the new builds is not good enough
- The Civic Trust are pleased that the entire original school is being kept and converted, they have some concerns over the original elevational treatment (but have not commented on the revised elevation plans). They request Rose Court is brought forward early on for redevelopment. They are unclear if NGT has been considered in the layout.
- Greg Mulholland MP has objected to the application on the grounds that the mix of accommodation provides too many flats as apposed to houses.

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

6.3 Mains Drainage: No objection subject to conditions to deal with surface water drainage and feasibility assessments into what methods of drainage can be installed within the site

6.4 Yorkshire Water: No objection

6.5 Highways: No objection subject to conditions and a parking plan to ensure the parking spaces available for occupiers of the Main School building apartments are unallocated.

6.6 Sport England: Non statutory objection due to loss of existing sports facilities but suggest a contribution towards sports equipment could overcome this non statutory objection. As the Council's CIL list states the money can be used for community sports facilities and the developer has confirmed they will pay the CIL liability for the application this matter is considered addressed.

7.0 PLANNING POLICIES:

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

unless material considerations indicate otherwise. The development plan 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.

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

7.3 The following policies are relevant:

Policy P10 – Design

Policy P11 – Conservation

Policy P12 - Landscape

Policy T2 – Accessibility requirements and new development

Policy H2 – New housing development on non-allocated sites

Policy H4 – Housing mix

Policy H5 – Affordable housing

Policy G4 – New greenspace provision

7.4 The following policies have been saved from the UDPR:

Policy GP5 – General planning considerations

Policy BD6 – Alterations and extensions

Policy N19 – Conservation Areas and development

Policy N14 – Listed Building preservation

7.5 Supplementary Planning Guidance

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

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

7.1 Government Guidance

The National Planning Policy Framework was issued at the end of March 2012 and is a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making

remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 204 refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

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

7.5 Paragraphs 69 and 74 deal with matters relating to health and well being and existing recreation facilities. Paragraph 74 states that: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

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

8.0 MAIN ISSUE:

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

9.0 APPRAISAL:

Principle of the development

- 9.1 The context for establishing the principle of the development was set out in detail during the previous planning applications and 2011 Public Inquiry and the principle was established when the application 12/01236/FU was granted Outline planning permission for the redevelopment of the site this was re-enforced with the 2014 Masterplan approval. The current application is broadly similar to the previous approved masterplans on the site. There are no changes to the masterplan on the land designated as protected playing pitches. Accordingly this appraisal only relates to the changes that are proposed.

- 9.2 The application site lies within the Headingley Conservation Area and is identified as having a protected playing pitches designation under the saved policy N6 UDP Review (2006).
- 9.3 The proposed changes to the masterplan will result in less houses and more flats. This is due in large part to the retention of the entire Main School building and its conversion into 36 flats but also due to the developers need to increase the density of the site to help with viability considerations. It is noted that the costs involved with retaining the Main School building and also converting the listed building will be considerable. Although no formal viability assessment has been carried out it is clear that the listed building in particular is deteriorating rapidly and will require significant investment in order to undertake the conversion to apartments. Members will recall that they considered at length whether any more developable areas could be created on site in addition to the blocks identified in the previous masterplan's. Due to the need to provide sufficient landscape setting for the listed building and protecting the existing trees on the wider site there is no realistic prospect of creating more areas for new build blocks. In light of this the developer has set out a need to provide enough accommodation to make the site viable. In order to achieve this amount of development a greater number of apartments needs to be achieved as houses take up more land whilst not providing the financial returns to help support the other more costly parts of the development. Furthermore the location of blocks 9 and 10 do not lend themselves to being built as houses as they are sited in locations where creating private gardens would not be appropriate either for the setting of the listed building or in the case of block 10 due to the desire to retain significant trees in close proximity to the block. Therefore although the swing in housing mix towards more apartments and less houses is a departure from the previous masterplans and aspirations for creating a family housing led scheme for the site realism and pragmatism are needed to balance the competing interests of bring this site forward for residential development. That being said the scheme will still provide 40 new houses which is a significant contribution towards a balanced housing mix for the site. This accords with the aims of Core Strategy policies H2, H4 and H6.

Masterplan Layout Changes

- 9.4 Overall the masterplan is considered to have developed to a form that will complement the setting of the listed building. The design and appearance of the new build elements coupled with the retention and reuse of the entire Main School building and the listed building will have a positive effect on the character and appearance of this part of the Headingley Conservation Area. The 'with' and 'without' masterplan's accommodate the NGT proposals.

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

- 9.5 The development has been assessed against the criteria of the National Planning Policy Framework Paragraph 131 which refers to the requirement of Local Planning Authorities to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

- 9.6 There is a legal requirement to pay special regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area. The demolition of the entrance lodge and the coach house fronting onto Headingley Hill is harmful to the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area, but the harm is “less than substantial”. This is due to the buildings not being of the highest quality and also due to the buildings being located behind the existing boundary wall and set down from wider views. Where development will lead to less than substantial harm to the significance of a designated asset, the NPPF requires that this harm should be weighed against the public benefit of the proposal, including the securing the optimum viable use. The ‘with’ NGT masterplan will allow widening of Headingley Lane to enable a cycle lane to be incorporated into the NGT scheme which will deliver public benefit which will outweigh the harm to the conservation area. Widening on the south side is preferable to widening on the north side which will have a greater impact on the conservation area and listed buildings. The planning application to effectively renew the planning permission to convert Rose Court into 12 apartments has been recommended for approval under delegated powers as there are no changes to the previous permission for Rose Court. The applicant’s commitment to undertake the conversion works to Rose Court as part of the phase 1 build out of the site are welcomed. In considering the weight to attach to the balance of planning considerations for this site the restoration of the listed building early on in the redevelopment of the site can be given significant weight.
- 9.7 Should the NGT scheme not be constructed the retention of the existing stone stables building and the brick lodge building and their conversion into dwellings will ensure that these building are retained and given a suitable re-use which works in the context of the wider redevelopment of the site. The stables building can be converted into 4 dwellings whilst the lodge will be restored into a single dwelling unit. A planning condition is proposed to address when the Stables or the brick Lodge building and T75 can be demolished.
- 9.8 Members will recall that when they considered the previous Outline planning applications that the external appearance of the new build blocks was a matter that had consistently been reserved by previous applicants, much to the frustration of the Plans Panel and the community alike. This lack of detail was a factor in why the redevelopment of this site has been so protracted. Thankfully the current application is a Full application and the details of the external appearance of the new build blocks is provided in full by this applicant. Indeed samples of materials have been prepared on site and details normally reserved by condition have been supplied during the course of the application in order to help bring a speedy resolution to the detailed consideration of this application and allow the applicant to get on with the job of building dwellings as soon as possible. The external appearance of the new building blocks draws extensively from the character of the locality, namely traditional Victorian and Edwardian red brick terraces and stone villas to the north of Headingley Lane. The new build blocks will be constructed from red brick, with natural slate roofs, timber framed windows and vertical proportions to reflect the existing terraces in the locality. Chimneys, bay windows and detailing features are employed in the elevation treatment of the new build blocks to re-enforce both the sites identity and local distinctiveness. Overall the external appearance of the new blocks are considered well designed, proportioned and detailed such that the scheme should have a positive effect upon the character and appearance of the area.

Residential amenity considerations

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

Impact upon the highway network

- 9.10 The site is in a highly sustainable location, a low level of car parking ratio has already been established by the previous masterplans scheme. The applicant has amended the plans to ensure that the car parking spaces allocated to each of the units is fit for purpose and the manoeuvring space required to gain entry to each space has been checked and is acceptable. The retention of the entire main school building and its conversion to 36 flats has resulted in the need to ensure that the car parking spaces available for the flats are unallocated to maximise their potential use. This accords with the advice in the adopted Street Design Guide.
- 9.11 The proposed internal footpaths and cycle routes are considered positive and should create a site that is integrated within the existing community and should promote sustainable forms of travel and add to local permeability.

Greenspace /Landscaping:

- 9.12 The proposed layout is designed to create two large areas of public open space within the site that can be enjoyed by both future occupiers and existing local residents. The larger area in front of the listed building Rose Court helps contributes to its setting and retains the sylvan setting which the Planning Inspector referred to in his report. The areas are sufficient to deliver a high quality public open space provision for this residential development and it is envisaged they will make a positive contribution to the character and appearance of this part of the Headingley Conservation Area. The applicant is required to meet the requirements of Core Strategy policy G4 when it comes to calculating the amount of public open space required on site. The requirement is 80square.metres per dwelling. This requirement exceeds that previously applied in the withdrawn Unitary Development Plan policies for greenspace provision and excludes areas that are not readily usable as public open space such as SUDs areas, areas not well overlooked, densely tree'd or steeply sloping ground for example. The masterplan does not provide 0.85hectares on site. The Masterplan provides 0.7 ha of public open space. The Core Strategy policy allows site specific circumstances to be considered and also for the shortfall in on site public open space provision to be made up by way of a commuted sum to be used in the locality. The final figure is being calculated and will be presented to Panel verbally.

The proposed Section 106 package will include:

- 9.13 As set out at the head of this report Affordable Housing is provided at 5% of the total number of dwellings with a mix of property types and size; ie 6 units from a total of 106 (including the 12 flats in Rose Court). The Core Strategy would require 4 of these units to be available at the social rent level and 2 of the units to be available at the sub market, shared equity level. On the previous applications Members supported in principle that the Affordable housing contribution could be taken as a commuted sum and spent off-site to buy vacant HMOs in the locality and return them to affordable housing. The applicant has reviewed this position and due to concerns over the viability of the site they are proposing to provide the 6 units on site as opposed to a commuted sum. The proposed mix of 3x2 & 3x1 bedroom flats within block 5 is acceptable in terms of Affordable Housing provision. In usual circumstances the council would expect the units to be pepper potted throughout the development, however, given that there are only 6 units RPs for their own management purposes prefer to have this number of units clustered within a block. Although this is a departure from the previously agreed approach for this site it is considered that the delivery of affordable housing on site does not undermine the planning balance in assessing the weight to be attached to the main considerations with the application.
- 9.14 A package of travel planning measures similar in scope to those agreed during the previous approved applications have been agreed as part of this scheme. They include; bus stop improvements and a contribution towards travel planning measures for future occupiers of the site.
- 9.15 There will be a contribution towards off site greenspace provision in the locality as although a significant new area of public open space will be created on site the size of the POS does not accord with the 80sqm per dwelling required under Core strategy policy G4. . The overall Policy G4 requirement (80 sqm per unit) for the site for 106 units (including Rose Court) is 0.85 ha. Deducting the on-site provision, the off-site contribution equates to 0.15 ha for the laying out and maintenance of greenspace, plus a contribution towards equipped childrens play of £90,835.44.
- 9.16 The development is CIL liable and the applicant has confirmed their intention to pay the CIL levy in accordance with the adopted CIL regime.
- 9.17 Should the NGT proposals be constructed a clause in the Section 106 agreement will also for the contributions to be recalculated to reflect the actual numbers of dwellings being built on site.

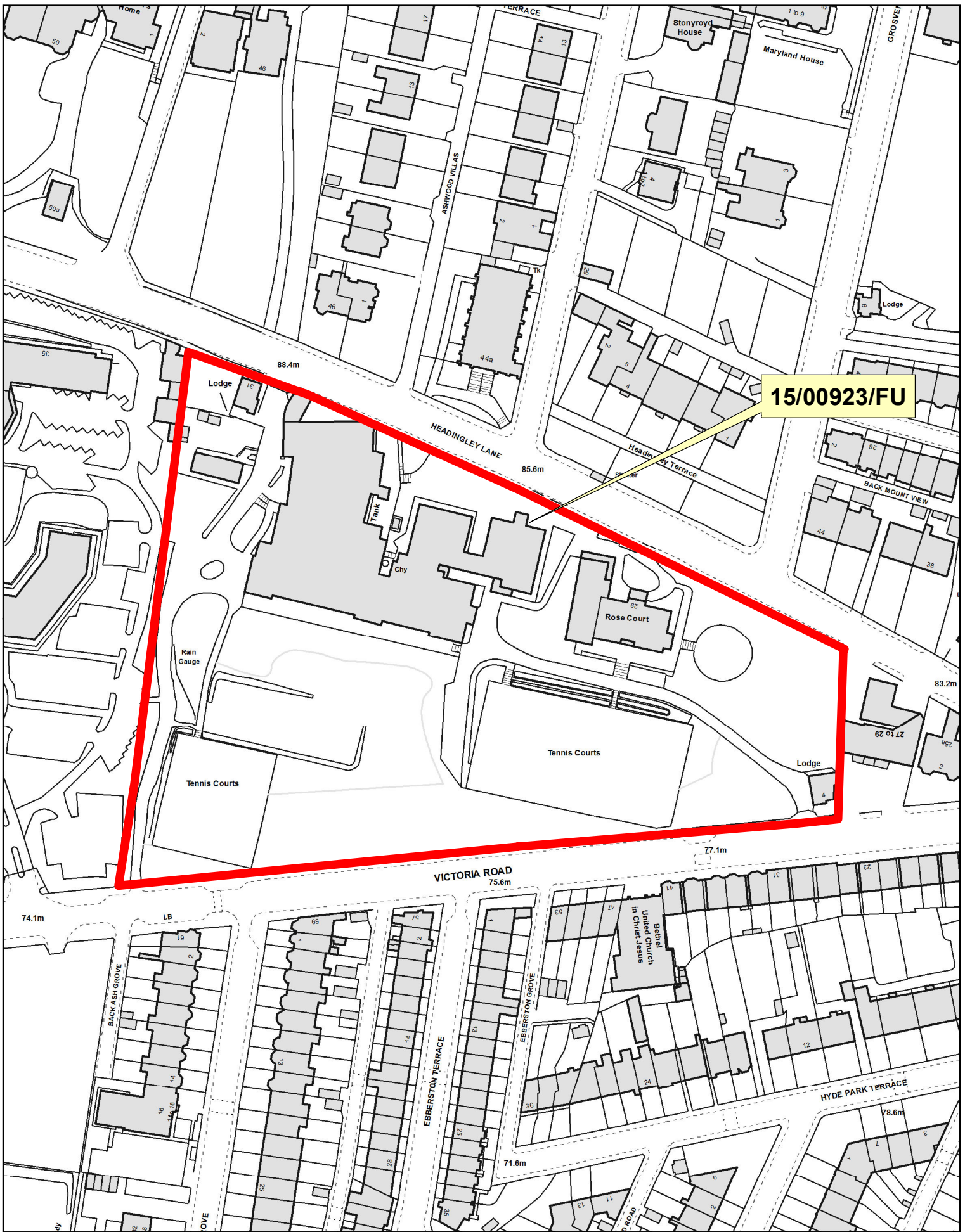
Conclusion

- 9.18 Overall the details shown within this Full application are considered to result in a well designed and considered redevelopment of the site. The increase in the number of flats and reduction in houses have been considered and do not result in any significant harm to the wider aims and objectives of the locality. The retention of the entire Main School building and its conversion to form 36 flats represents a positive benefit to the character and appearance of this part of the Headingley Conservation Area over and above the previous 2014 masterplan proposals to retain just the front façade. The potential demolition of the two existing buildings to facilitate NGT is on balance acceptable and the harm arising from their demolition is outweighed by the wider benefits of bring forward NGT and also the wider site's redevelopment. The 'without' NGT scenario demonstrates that these buildings can be converted into dwellings should NGT not be constructed. The good trees along Headingley Lane will have to be removed should NGT be approved but until that is

determined a planning condition will ensure they are retained which will ensure they continue to make a positive contribution to the character of the area and the street scene. Overall having special regard to the desirability of preserving or enhancing the heritage asset including the setting of the listed building, Rose Court, this scheme is considered to achieve that outcome. Once complete and the site appropriately landscaped the scheme should provide a positive enhancement to the character and appearance of the Headingley Conservation Area.

Background Papers:

Site history files



15/00923/FU

SOUTH AND WEST PLANS PANEL





Originator: David B Jones

Tel: 0113 247 8030

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th June 2015

Subject: 15/00200/FU – Two single storey extensions to front and first floor infill extension, Lofthouse Surgery, 2 Church Farm Close, Lofthouse

APPLICANT

Lofthouse Surgery

DATE VALID

15.01.15

TARGET DATE

05.06.2015 (Revised)

Electoral Wards Affected:
Ardsley & Robin Hood

Y

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE planning permission for the following reason:

The proposal would increase the demand for parking which currently cannot be accommodated on site, and would lead to additional parking on-street which in turn would be detrimental to highway safety. As such, the proposal would be contrary to Core Strategy Policy T2 and the Council's Car Parking Guidelines.

1.0 INTRODUCTION:

1.1 The application is for extensions to a local doctors' surgery. The application is being determined by Plans Panels at the request of Ward Member Councillor Lisa Mulherin on the grounds that the highways issues affecting the neighbouring properties need to be weighed against the GP surgery's constrained space in a practice that has seen the number of patients significantly expand in recent years. The surgery serves a large area and there are currently demands from Thorpe residents for a new surgery to be built in Thorpe/East Ardsley to serve the growing population there (where there has been significant new build).

2.0 PROPOSAL:

- 2.1 The proposal is for two single storey extensions to the front and first floor infill extension. The ground floor extensions would be to either side of the forward projection waiting room, and would provide an enlarged waiting room and enlarged office/reception room. The extensions are proposed in blockwork and timber, with mono pitch roof to match the existing front projection.
- 2.2 The first floor extension to the rear would be over the flat roofed area between the single storey front projection and the two storey main element of the building to the rear. This extension would provide an enlarged admin/office area. This extension would be in timber cladding, to match the existing.
- 2.3 The internal layout shows an increase from five surgeries to nine surgeries. The car parking layout accommodates 10-12 cars.

The applicant has made the following comments in support:

- 2.4 Our design proposals, although increasing the area of the building, will not exacerbate the parking situation. Primarily the increase in internal space is for ancillary / admin staff use with the creation of the 2No. new surgeries to allow the doctors to carry out admin duties when not seeing patients.
- 2.5 We will re-design the existing parking provisions (in conjunction with the Highways Dep't) to enable maximum usage of the site, and will also include for new cycle bays.
- 2.6 The new proposals would be an improvement over the existing Disabled Access, and will fully comply with the current requirements of the DDA. The initial layout of the surgery could be completely re-configured to increase the number of surgeries (and subsequently an increase of clinicians) without any Planning Approval. This would lead to an increase in demand for parking, but our Client does not wish to follow this route.
- 2.7 The Practice has arranged to start "electronic" prescriptions in June 2015. This means that instead of a patient coming to the surgery to put a repeat prescription into the surgery, the patient can order the prescription on-line and it will automatically go to the Chemist, so saving the patient a journey to the surgery to put the prescription in, and then coming back to the surgery to pick the prescription up. They have also increased the number of collections from Local Pharmacies – (re:- prescriptions) so this will also reduce the volume of traffic / parking at the surgery.
- 2.8 Staff will be encouraged to car-share, and clinicians will be housed at the practice's other site in Garforth, whenever possible.
- 2.9 The maximum No. of Clinical staff attending to patients, at any time at Lofthouse is 7. This will not increase, and as such the demand for parking will not increase; the proposals are essentially to ensure the practice can operate efficiently, as over the past 5 years the patient list has increased by approx. 1000 patients, which has increased the work-load on clinical staff and also the admin required to cope with the increased volume of patients.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an existing part single storey and part two storey doctors surgery building, with pharmacy. The building is constructed in blockwork, timber, and has distinct mono pitch roofs facing front and back. The building is located off the Leeds Road A61, opposite the junction of Church Farm Close and Church Croft, two residential culs-de-sac.

- 3.2 The car park to the surgery is accessed from church Croft, and accommodated 10 – 12 cars. Double yellow lines are around the junction of A61 and Church Croft.
- 3.3 Christ Church abuts the side of the surgery, otherwise the area is predominantly residential in character.

4.0 RELEVANT PLANNING HISTORY:

4.1 The planning history for the site is as follows.

22/361/02/FU– Porch, disabled toilet and access ramp to surgery. Approved 19.11.2002.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice on 30th January 2015.

6.2 Councillor Dunn objects to the proposal, as follows: It is with regret that an objection is necessary , but with the extremely confined space for parking at this location it will without doubt cause a real problem for local residents who are already having to endure disturbance and obstruction to accessing their properties due to visitors to the surgery and also the shared space for the local church hall , this extension would mean in fact something like 3 surgeries which would also create added visitors and given the amount of new build around the area the patient numbers would greatly increase, with more road traffic adding to the detrimental impact on residents of Church Farm Close. So I would respectfully ask officers to refuse the application.

6.3 To date, letters of objection have been received from five individual households on the street and a separate objection, stating it is on behalf of all the households on Church Farm Close. The issues raised are as follows and are dealt with in the appraisal below:

- i) The area will be subject to increased traffic.
- ii) 12 parking spaces is totally inadequate for the existing surgery. The expansion of the surgery will exacerbate parking difficulties in the street.
- iii) The parking difficulties are worse when there is a function in the adjoining church building, which does not have car parking.
- iv) Visitors even parking the lay-by on A61 which restricts visibility onto busy road.
- v) Double yellow lines have been put down to try and address parking problems, but these are ignored by visitors.
- vi) The height of the building will reduce daylight into the adjoining house
- vii) As well as highways problems, visitors' parking is harmful to privacy, with parking outside residents' houses.
- viii) Reduction in property value

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None

Non-Statutory

7.2 Highways – Objections – see appraisal below

7.3 Flood Risk Management – no objections

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan.

8.4 Relevant Policies from the Core Strategy are:

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

P10 – High quality design

T2 – Accessibility

8.5 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

T7A – Secure cycle parking.

T7B – Secure motorcycle parking.

BD5 – General amenity issues.

Car Parking Guidelines

8.6 Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

8.7 Supplementary Planning Documents

Street Design Guide

8.8 National Planning Policy

8.9 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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

9.0 MAIN ISSUES:

1. The principle of development.
2. Highway safety considerations

3. Design and character.
4. Residential Amenity
5. Representations

10.0 APPRAISAL:

The principle of development.

- 10.1 The application site is an existing doctors surgery, on a brownfield site in a reasonably sustainable location. It is within a settlement, with a bus stop located on the A61, abutting the site frontage. The surgery operates out of a constrained space in a practice that has seen the number of patients significantly expand in recent years. The surgery serves a large area and there are currently demands from Thorpe residents for a new surgery to be built in Thorpe/East Ardsley to serve the growing population there (where there has been significant new build). As such, the principle of development to expand the surgery is supported, and significant weight is given to this. The desire to enhance and extend the facilities needs to be weighed against the potential adverse impact, such as impacts on highways safety and amenity.

Highway safety considerations

- 10.2 The proposals will increase the size of the existing surgery from five surgeries and 2 nurse rooms up to nine surgeries and 2 nurse rooms. Given that the site only has a limited amount of parking (approximately 10 -12 spaces) this level of additional development cannot be supported. Using current parking guidelines for a doctors surgery (Appendix A9A Leeds UDP) a total of 4 spaces per doctor in surgery should be provided, based on 9 surgeries this makes a total of 36 spaces required + 1 space per additional staff attending surgery.
- 10.3 The junction of Leeds Road (A61) and Church Croft has Yellow Lines to prevent indiscriminate parking taking place, This TRO was put in place (approximately 2006/7) to prevent patients at the surgery parking on Church Croft and forcing vehicles onto the wrong side of the road on approach to Leeds Road. With this in mind an extension to the surgery without additional parking cannot be supported. The proposal would increase the demand for parking which currently cannot be accommodated on site, and would lead to additional parking on-street which in turn would be detrimental to highway safety.
- 10.4 In respect of the applicant's statement in support (para 2.4 to 2.9 above), the Highways Officer has made the following comments:
- 10.5 The proposal will increase the number of surgeries, the application plans indicate five existing surgeries with 2 nurse rooms and nine proposed surgeries also with 2 nurse rooms. The planning justification statement states that two new surgeries will be created but no new floor plans have been submitted to back this statement up. Nevertheless, it is clear that the proposal involves an increase in the size and potential usage of Lofthouse Surgery, and as such we cannot support this proposal.
- 10.6 The existing day to day use of the surgery is currently generating a greater demand for parking than can be accommodated on site within the small car park of approximately 10 – 12 spaces. This situation arose a number of years ago with the implementation of a Traffic Regulation Order in 2008 to prevent indiscriminate parking around the junction of Leeds Road (A61) and Church Croft that was being generated by the existing surgery use.
- 10.7 No plans have been submitted regarding a re-design of the existing car park, however

given the limited size of the existing car park it is unlikely that a meaningful increase in parking provision could be achieved.

- 10.8 The electronic prescription service is welcomed, however it is difficult to assess what impact this would have on parking and traffic generation and this would be difficult to control within the planning procedure.
- 10.9 Therefore it is considered that an extension to the surgery without additional parking cannot be supported. The proposal would increase the demand for parking which currently cannot be accommodated on site, and would lead to additional parking on-street which in turn would be detrimental to highway safety.
- 10.10 Highways officers have stated that should Plans Panel be minded to approve the application, the development will require an additional Traffic Regulation Order to extend and reassess existing parking restrictions on Church Croft, These measures should be fully paid for by the applicant and would have an approximate cost of £8000.

3. Design and character

- 10.11 The extensions are modest in size. The ground floor extensions do not project beyond the forward most line of the building facing towards Leeds Road A61, and the extension would be constructed in materials to match the existing building, and with the distinctive mono pitch roof form being replicated. The front extension would be set between 6m – 8m from the back edge of Leeds Road, the intervening area being an area of landscaping. The front extension would be set in 4.6m from Church Croft, with an area of landscaping proposed adjacent to Church Croft frontage. As such, it is considered that the front extensions would not have an adverse impact on the street scene.
- 10.12 The rear first floor extension would be located between the existing two elements of the building, with the roof over being a continuation of the existing roof slope. Walling materials would also match. There would be very limited views of the extension, as it would be set in 7m from the back edge of Church Croft, and a significant element of the building already abuts the pavement along Church Croft. As such, it is considered that the rear extension would not have an adverse impact on the street scene.

4. Residential Amenity.

- 10.13 The single storey extensions would be remote from any dwellings and would not cause and dominance, overlooking or overshadowing. The rear extension is at first floor level and faces across from an existing dwelling. However, due to its set back 7m into the site, and it's limited height, below the ridge height of the existing building, and it's limited width infilling a 2.8m wide gap between structures), it is considered there would be no undue overlooking, dominance or overshadowing.

5. Representations

- 10.14 The main thrust of the representations is concerned with exacerbation of existing parking and manoeuvring difficulties in the immediate vicinity of the application site. These issues are an area of concern to Highways Officers and the issues are considered in the report. A secondary issue concerning loss of daylight is also addressed in the report. The issue of impact on house prices is not a material planning consideration.

11.0 CONCLUSION:

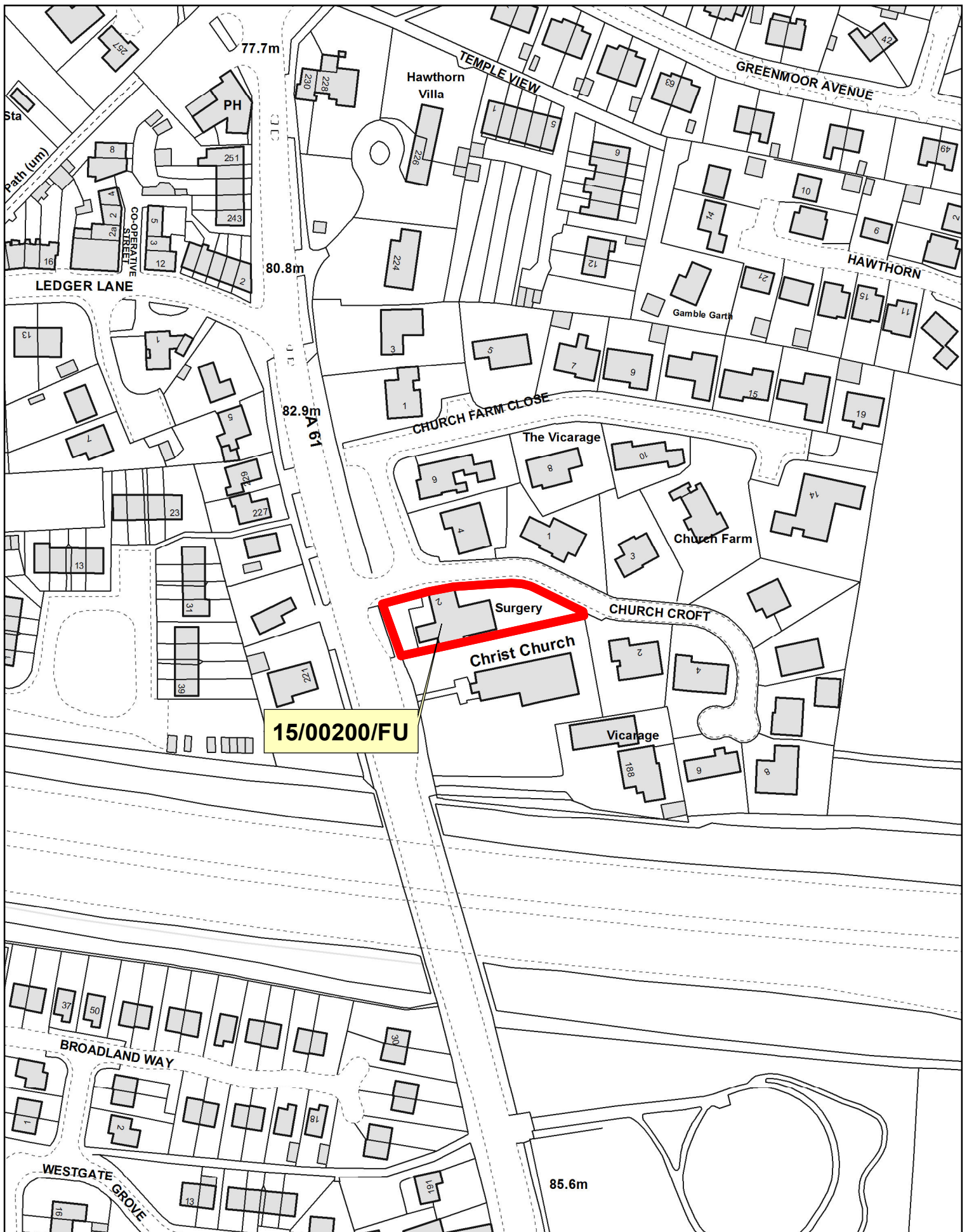
11.1 On balance, it is considered that the harm to highways safety outweighs the community benefits of the proposal, and as such it is recommended that the application be refused.

Background Papers:

Application file

Certificate of ownership:

As owner.



SOUTH AND WEST PLANS PANEL





Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 4th June 2015

Subject: Application 14/04467/FU Demolition of existing buildings and construction of Single storey supermarket with associated works, car parking and landscaping on land at Marsh Street Rothwell LS26 OAG

| APPLICANT | DATE VALID | TARGET DATE |
|---------------------|-----------------------------|--------------------|
| Aldi Stores Limited | 6 th August 2014 | 09.06.2015 |

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

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

- Metro Live bus information (bus stop number 10535) total of £10,000
- Travel Plan Fee of £2,500
- Local employment

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

Conditions

1. Development to be begun within 3 years of the date of this permission.
2. Development in accordance with the approved plans
3. Materials to be made available on site
4. Surfacing materials to be agreed
5. Opening hours of the Aldi store to be restricted to 08.00hrs till 22.00hrs Mondays to Saturdays and any six hours between 10.00hrs and 17.00hrs on Sundays and Bank Holidays in line with current Sunday trading restrictions.

6. Delivery hours to the Aldi store by HGV vehicles and refuse vehicles shall be restricted to between the hours of 07.30hrs till 21.00hrs Mondays to Saturdays and between 0900hrs till 1800hrs on Sundays and Bank Holidays.
7. Requirement for the submission of a delivery management plan.
8. Net retail floorspace shall be restricted to **1108m₂**. No further mezzanines or other internal floorspace to be created.
9. Car park to be completed prior to opening and retained thereafter.
10. The car park shall remain open and free of charge to the public for a minimum period of three hours per day.
11. Motorcycle parking.
12. Cycle parking provision in accordance with approved plan.
13. Laying out of car park areas to manage surface water.
14. Provision of electric recharging points.
15. Vehicular access gradient.
16. Shower/changing facilities within the Aldi store.
17. Details of materials.
18. Landscape scheme.
19. Lighting to be switched off at least between the hours of 2200 and 0730.
20. Litter management plan.
21. No operation of a tannoy system.
22. Details of lighting within the car park.
23. Noise level restrictions – during demolition, construction and fixed plant machinery.
24. Hours of restriction during demolition and construction
25. Statement of construction practice, including delivery hours.
26. Car Park Management Plan (To cover anti –social behaviour)
27. Restrict use of reversing horns on delivery vehicles
28. Details of acoustic barrier to be submitted
29. The building shall employ sustainable principles achieve a BREEAM rating of “very good”.
30. Phase II remediation required.
31. Remediation works to be carried out in accordance with remediation statement.
32. Strategy if variation from approved remediation strategy.
33. Surface water discharge.
34. Off-site highway improvement works in accordance with approved plan.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel following a request from Ward Members Councillor Bruce, Councillor Nagle and Councillor Golton.
- 1.2 Councillors Bruce and Nagle have raised the following concerns
 - The hours of opening and delivery
 - The highways impact on local traffic
 - All impacting on the residential amenities of neighbours.
- 1.3 Councillor Golton has raised the following concerns:-
 - The extended delivery hours till 23.00hrs
 - The potential level of vehicular traffic at a junction that already suffers severe congestion at key points in the day
 - The impact of the loading bay and disturbance caused by this to neighbouring properties.

2.0 PROPOSAL:

- 2.1 This is a full planning application submitted by Aldi Stores for the demolition of the industrial buildings which currently operate as Class B1/B2/B8 and the construction of a new food store operating within Class A1(shops). The proposed Aldi extends to a net useable sales area of 1108 sqm and 1705sqm gross internal area .Proposed is a total number of 110 customer and staff car parking spaces including 7 disabled spaces, 8 parent and child spaces, 2 motorcycle and 10 cycle spaces. The submitted Design, Access, Site Waste Management and Sustainability Report states that Aldi is a food store with predominantly their own labelled brands. It states that they do not have an in-store bakery, butcher, fishmonger or café nor do they sell national newspapers, magazines, cigarettes or lottery tickets
- 2.2 The proposed Aldi is to be sited on the edge of Rothwell Town Centre boundary within the designated Rothwell Conservation Area. Number 2 Marsh Street is located directly opposite the site and is a Grade II listed building. The proposed entrance to the supermarket being approximately 30m from the defined Rothwell Town Centre boundary and 240m from the defined Primary shopping frontage. The total development site area is approximately 1.78 acres (0.72ha) in size. Located along Carlton Lane/ Marsh Lane facing the junction of Butcher Lane, which provides vehicular access to the Rothwell Town Centre. The proposed store presents a 30 metre frontage to Carlton Lane set back 17m from the highway.This frontage is a glazed façade with gabled features and a flat roofed attachment in red brick accommodating staffing requirements. The front elevation of the store of 55m overlooks the internal car park area, having a brick elevation with high level windows. The store entrance is a glazed feature with canopy on the northwestern corner of the building.A flat roof is proposed above the glazed gabled features with a mansard roof along the front elevation. A landscaping scheme is proposed to the frontage with a low level brick wall along the site frontage.
- 2.3 The delivery yard for the proposed food store will be located on the southern boundary of the site, immediately adjoining the stores footprint. The service yard incorporates a loading bay with a self levelling dock, roller shutter access doors and a sheltered canopy system. The Planning and Retail Statement advises that the HGV vehicles conducting the deliveries will share the same access from Carlton Lane/Marsh Street as the customers visiting the store. Given the levels on site retaining walls are required around the store and servicing yard resulting in the development being set below the adjoining residential properties on Maple Rise.The level changes result in the delivery yard area being located at a lower level by 3m and has a 2m high acoustic fence. A vegetation boundary which forms an embankment has a width of 9m 10m and 12m.The statement further advises that the store will receive approximately 2 articulated lorry deliveries per day plus a single delivery from a local milk supplier. Aldis stock are delivered on Palletts which are rolled into the warehouse using an automated dock levelling system such that the majority of the stock movement takes place within the store.
- 2.4 The site is located within the designated Rothwell Conservation Area. The application site is identified as an “opportunity for enhancement” site and neighbours a number of buildings identified within the Conservation Area Appraisal as “positive buildings”. These include The Grade II Listed buildings, 2 Marsh Street (List entry number 1184702) which is located directly opposite the site. The former Rothwell Infants School (List entry number 1389126) located towards the west of the site along Carlton Lane and the former Poorhouse on Prospect Place (List entry number 1135683). The nearest Grade II Listed building is directly opposite namely 2 Marsh Street. The

design, materials and layout of the building have been revised to reflect the character of the designated Conservation Area. The unit is brought forward to enhance the frontage with a brick wall with landscaping to be implemented along this frontage to provide a soft landscaping feature.

2.5 The hours of operation requested by applicant are:-

Opening Hours

- **Monday to Saturday (including Bank Holidays) 08.00hrs till 22.00hrs.**
- **Sundays any 6 hours in line with current trading restrictions between 10.00hrs and 18.00hrs.**

Delivery hours

- **Monday to Saturday 07.00hrs till 23.00hrs**
- **Sundays 09.00hrs till 17.00hrs.**

2.6 Taking into consideration the proximity of residential dwellings on balance the following hours of operation are considered reasonable by Officers

Opening hours

- **Monday to Saturday 08.00hrs till 22.00hrs**
- **Sundays and Bank Holidays 10.00hrs till 17.00hrs**

Delivery hours

- **Monday to Saturday 07.30hrs till 21.00hrs**
- **Sundays and Bank Holidays 09.00hrs till 18.00hrs**

2.7 Local Ward members Councillors Bruce and Nagle have raised strong objections to both the opening and delivery hours above. Stating that they initially supported the proposal on the basis that the hours of both opening and delivery is 8am till 8pm. (Lidl has planning approval to extend the opening hours till 9pm)

2.8 Local Ward member Councillor Golton is objecting to the proposed hours of opening, stating that it should be limited to 8pm.

2.9 The Lidl Store on Aberford Road in Woodlesford has the benefit of planning permission (Application 10/01246/FU) for the following opening and delivery hours:-

Opening hours

- **Monday to Saturday 08.00hrs till 21.00hrs**
- **Sundays 11.00hrs till 17.00hrs**

Delivery hours

- **Monday to Saturday 07.00hrs till 21.00hrs**
- **Sundays and Bank Holidays 10.00hrs till 16.00hrs**

3.0 SITE AND SURROUNDINGS:

3.1 The application site of approximately 1.78 acres (0.72ha) in size is located in Rothwell, approximately 6 miles south east of Leeds City Centre. The application site is currently occupied by "Ashleigh Signs" which constitutes commercial and industrial units and hardsurfacing for both parking and storage. The site fronts Carlton Lane and occupies an edge of centre retail location, directly adjoining the town centre boundary of Rothwell. Rothwell Town Centre and much of the surrounding area lies within the Rothwell Conservation Area. The site is identified as an "opportunity for enhancement" in the Conservation Area Appraisal (2010) for Rothwell and is within the setting of a Grade II Listed Building (Number 2 Marsh

Street) .The application site is bounded by the existing road network namely Carlton Lane and Marsh Street to the North with existing residential , commercial ,retail properties, Rothwell library ,British Oak Public House and Rothwell Council Services building along Carlton Lane. Beyond Carlton Lane and Marsh Street lies Rothwell Town Centre. Immediately towards the south, east and west are residential developments. The site rises 4.8m from Carlton Lane and Marsh to the rear boundary with a rise from the north east to south west boundary of 3.3m.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/05/20/ADV 1 non illuminated post sign to works
Refused 10.08.2007
- 22/141/95/FU External flue pipe
Approved 12.07.1995
- 22/53/93/FU Erection of boundary fences to height of 1.95m
Approved 12.03.1993

Hours of operation – no planning history restricting the hours of operation of Industrial use on site or restriction of existing business (Ashleigh Signs)

The existing business operates

- 5.45am to 07.30pm Monday to Friday
- 6am till 12pm on Saturdays
- Occasional working on a Sunday
- Deliveries are continual during this period

5.0 HISTORY OF NEGOTIATIONS:

5.1 Preapplication Advice given April 2014.

Advice given in relation

- principle of development and policy
- Technical advice given in relation to highways ,

5.2 Officers have had a number of meetings and discussions to negotiate the following:-

- Hours of operation
- Layout
- Design of the building to reflect the character of The Rothwell Conservation Area
- Highways- Access, offsite highway works in regards to trip generation

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Community Consultation

Public exhibition was carried out locally by Aldi on 10th June 2014

6.2 The application has been advertised by site notice posted on site 15.08.2014 and advertised within the Yorkshire Evening Post on 13.08.2014. The following representations in the form of petitions and individual households have been received:-

- 30 representations of objections

- 49 representations of support
- 2 general comments that neither support or object
- Ward Member Comments
- Rothwell Neighbourhood Forum representation

The comments are summarised as follows:-

Objections

- Detrimental development of Town Centre, draining trade away from existing shops. Already empty shop units in Morrisons and units located in Commercial Street
- Impact on traffic using Carlton Lane, Butcher Lane junction is already narrow and dangerous and increase in cars using this junction will cause delays and pollution affecting the environment
- Needs to be safer for children to walk to school
- Site ideal for housing would improve traffic problems
- Lower footfall in Rothwell will mean that more traders will suffer with increased number of empty units
- Noise generated to nearby houses in particular to the residents along Maple Rise to the rear
- Hours of opening, at public meeting 8 till 8pm Mondays to Fridays and shorter hours on Saturday and Sunday
- Constant noise to residents all day and to an unacceptable hour in the evening
- No noise outside of normal working hours from current Ashleigh Signs.

Support

- Creation of jobs and low cost store helps people on low fixed incomes
- Bringing choice and healthy competition to Morrisons
- To get to cheaper supermarkets have to go either in a car or by bus. Will be able to walk to a cheaper store
- Fresh fruit and vegetables daily is very appealing

Representation from Peacock and Smith Solicitors (Morrisons)

- Morrisons is within a defined Centre and is the retail anchor, sustains vitality and viability of the centre
- Proposed store is edge of centre in retail policy terms
- Site is unallocated, Policy EC3 of Adopted Core Strategy provides guidance in relation to safeguarding existing employment land and industrial areas. Rothwell lies in an area with no identified shortfall in employment land. So only Part A applies
- The Planning Statement does not assess the scheme against the provisions of Policy EC3. No information as to where Ashleigh Signs will relocate. Consider application is deficit and request further information be submitted by applicant to demonstrate that requirement of Policy EC3 have been met
- Retail planning considerations not met. Applicants retail assessment considered inappropriate and have serious implications for the retail impact assessment
- Planning application should be subject of a full retail impact assessment as would be expected from any of the main foodstore operations
- Concern that trade draw analysis shown does not correspond with the primary catchment area
- Underestimated impact on Rothwell Town Centre
- Application proposal will have significant and harmful effect on Rothwell Town Centre

- Revised tables submitted by applicant to demonstrate the above. Conclude that Application has not submitted any information demonstrating that the provisions of Adopted Core Strategy Policy EC3 have not been met to justify the loss of employment land and the impact on Rothwell Town Centre.
- The application should be refused.

Rothwell Neighbourhood Forum

In principle the Forum would support the proposed change of use of the site to retail, however have a number of concerns:-

- Surrounded by residential areas, the proposed extended opening hours are inappropriate, alongwith all the activities involved with the operation of the store including deliveries which in the present position of the service area will intrude on the privacy of adjoining residents.
- Proximity to adjoining residential dwellings and the noise and disturbance this will generate
- Potential for car park to be used for antisocial behaviour when closed
- Boundary treatment should be improved to protect privacy
- Forum requests Carlton Lane be widened at the junction with Butcher lane. Allowing improved turning circle for larger vehicles turning left into the site and also improved space for the middle lane for vehicles turning right into Butcher Lane
- Present traffic light controlled junction does not work partly due to volume of traffic. Difficult to imagine how the junction will be improved by adding a further 100 cars from the new store into the equation.
- Car park will increase demand on the junction further
- Need to take a long term view of this junction and the distribution of traffic around the town centre area.

Local Ward Members representations

Councillor Bruce

- In principle in favour of an Aldi on site , extending Town Centre ,provides competition to Morrisons, providing choice to residents
- Have received lots of comments, most are positive but concerns need to be addressed
- Proposed extended opening hours are inappropriate
- Noise and disturbance to residents on Maple Rise
- Disturbance to elderly occupants of bungalows on Windmill Green
- Opening times should be 8am to 8pm similar to Lidl and the delivery times should be the same
- Properties to the rear on Maple Rise should be protected from noise and visually.Proposed boundary is not sufficient.Residents should be protected
- Residents concerned that these proposals will effect Carlton Lane
- Points raised by Rothwell Neighbourhood Forum regarding widening the road and review of current traffic light system are questions I would like to see answers to.

(These points were raised by Chair of Neighbourhood Forum in case officer briefing with Ward Members Councillor Bruce , Nagle and Mr Garside Chair of Forum)

Councillor Nagle

- Endorses comments made above by Councillor Bruce, with prime concern being road safety for pedestrian and drivers.

Councillor Golton

- Concerns from residents about potential levels of vehicular traffic at a junction that already suffers severe congestion at key points in the day and also has concerns about the properties adjacent to the loading bay and disturbance caused to them from vehicle movements.

7.0 CONSULTATION RESPONSES:

7.1 Contaminated Land

No objection subject to conditions and Directions.

Public Transport Team

The proposal has been assessed and additional trips will have to be accommodated on the public transport network. Result in a contribution of £47,272.

(This Public Transport contribution will now controlled with the CIL contribution)

Sustainability Nature Team

No significant nature conservation issues

Environmental Protection Team

The submitted noise report has been assessed with the following conclusion

- Mitigation measures are recommended to protect the amenity of nearby residents as suggested in report. The installation of a 2m high solid acoustic barrier at specified locations. Details of construction method, how the height has been determined and what mitigation it offers needs to be submitted.
- Delivery management plan in regard to noise control needs to be submitted

The following conditions recommended:-

During construction

- Specified activity and delivery hours during construction 08.00hrs to 1800hrs Monday to Friday, 08.00hrs Saturdays with no demolition construction on Sundays
- Statement of Construction Practice to be submitted
- Noise and dust control

During operation of supermarket

- Opening hours restricted to 08.00hrs to 22.00hrs Monday to Saturday and 10.00hrs to 1800hrs on Sundays and Bank Holidays
- Deliveries and collections restricted to 07.00hrs to 2300hrs Monday to Saturday and 0900hrs to 1800hrs on Sundays and Bank Holidays
- Cumulative noise levels from fixed plant at premises in accordance with BS4142:2014
- Delivery and collections not to operate until a scheme to control noise emitted from plant and machinery has been agreed
- A delivery Management Scheme to be submitted within 1 month of decision

Metro

Residents would benefit from "live" bus information display at bus stop number 10535 at a cost of £10,000 (including maintenance)

Travelwise

Conditions recommended with a Travel Plan evaluation fee of £2,500 to be part of the S106 Agreement.

Highways

(first consultation dated 15.09.2014)

The proposal cannot be supported as submitted. Additional information and revised Transport Assessment/ Travel Plans, and a revised layout and off site highway works plan are required for a full assessment of the proposals.

Negotiations with highways have taken place over a period of time to address the above, resulting in revisions showing

- The plans being revised to widen both Marsh Street and Carlton Lane by approximately 1.5m on the southern side
- The layout and capacity modelling of the signalized Marsh Street/Butcher Lane junction has been revised
- Amendments to the access layout with the car park exit widened to provide two lanes at the stop line.

(Final highway consultation response dated 15.05.2015)

The revisions on the latest set of submitted plans is now considered acceptable and address the highway concerns raised.

Forward Planning and Implementation- Retail

(First consultation dated 23.09.2014)

Following an assessment of Rothwell, the most appropriate site to allow for the expansion of Rothwells retail offer is the application site. This is a reflection of the lack of suitable in centre alternatives. Therefore no objection to the principle of retail on this site. However not at the expense of the vitality and viability of the existing town centre. The level of impact projected upon the Morrison store is a serious concern and the applicant needs to provide further more detailed evidence that the Morrison store is indeed overtrading and is capable of withstanding the high level of impact projected upon it. Further work needs to be undertaken to justify the applicants claims that linked trips will result in no adverse impact upon Rothwells vitality and viability.

(Second consultation dated 10.12.2014)

As stated above the applicant has provided further information that shows Morrisons is trading well above its benchmark level. This level of overtrading would therefore suggest that the store would be able to withstand trade lost to the Aldi store without suffering any significant adverse impact.

Applicant has adequately demonstrated that the scheme will not have a significant adverse impact upon Morrisons store or the wider centre. Therefore all sequential and Impact issues have now been addressed.

(Further consultation in response to Morrisons representation dated 03.02.2015)

Morrisons challenge some of the assumptions made by Aldi, but likewise the applicants response is a robust one. It isn't in doubt that the scheme will have an impact upon Rothwell, what is in doubt is whether that impact would be significantly adverse. Rothwell is a vibrant centre that is performing strongly. Whether the impact is circa 8% as Applicant suggests or circa 15% as Morrisons project, the impact upon Rothwell would not be significantly adverse.

Forward Planning and Implementation –Policy

Loss of employment land

The site is located within Outer South which is not an area of shortfall. Accordingly, Part A of Policy EC3 applies which states:-

Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non employment uses will only be permitted where:

(i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period (employment needs are identified in Spatial Policy 9)

Or

(ii) Existing buildings and land are considered to be non –viable in terms of market attractiveness, business operations, age, condition and /or compatibility with adjacent uses

Or

- (iii) *The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site*

.Criterion (i) is relevant which relates to sites needed to meet the Core Strategy requirements up to 2028 as identified in the Site Allocations Plan. As no part of the site is proposed as an employment allocation the proposal satisfies the criteria of the policy .No objection to the proposal under Core Strategy Policy EC3.

Sustainability –Conservation (First consultation dated 03.09.2014)

Concerns raised as the proposal fails to preserve or enhance the Rothwell Conservation Area or the setting of the listed buildings.

(Second consultation dated 7th May 2015)

The visual appearance in terms of the design has been substantially improved and is satisfactory. However the amount of highway infrastructure required to serve this store remains a concern. To move the store forward creating a street frontage here could lessen the impact of the highway on the Conservation Area and the direct setting of the listed building.

8.0 PLANNING POLICIES:

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

Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:
- GP5 – General planning considerations
 - N25 – Development and Site Boundaries
 - BD5 – General amenity issues
 - LD1 – Landscaping Schemes.

- 8.4 The following DPD policies are also relevant:

GENERAL POLICY 1 – Presumption in favour of sustainable development.

Core Strategy

- 8.5 The Executive Board considered the Inspector's Reports into the Core Strategy and the CIL examinations reports on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption on the basis that the Inspector had considered the plan and subject to the inclusion of the agreed Modifications, found it to be legally compliant and sound. Full Council considered these reports on 12th November 2014 and confirmed the adoption of the Leeds Core Strategy. Accordingly, the policies in the Core Strategy can now be afforded full weight

Relevant Policies from the Core Strategy are as follows:

- SP1 – Location of development in main urban areas on previously developed land.
- SP2 - Hierarchy of Centre and Spatial Approach to Retailing, Offices Intensive Leisure and Culture ` states
- P1 – Town Centres
- P2 – Acceptable Uses in and on the edge of Town Centres
- P5 – Approach to Accommodating New Food stores across Leeds
- P10 – High quality design.
- P8 – Sets out the catchments for undertaking Sequential and Impact Assessment
- P12 – Good landscaping.
- T2 – Accessibility.
- G8 – Biodiversity improvements.
- EN5 – Managing flood risk.
- ID2 – Planning obligations and developer contributions.

Supplementary Planning Guidance and Documents

8.6 The following SPD documents are relevant to the consideration of this application:

Travel Plans – Supplementary Planning Document (2012)
Public Transport Improvements and Developer Contributions (2008)
Building for Tomorrow: Sustainable Design and Construction (2010) (SPD)
Sustainable Urban Drainage (2004) (SPD)

National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.9 With regard to retail development, the NPPF advises at Paragraph 23 that planning policies should be positive and promote competitive town centre environments. In drawing up Local Plans, the NPPF advises that local planning authorities should provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The Local Authority should also allocate a range of sites to meet the scale and type of retail and leisure that are needed in town centres and allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. Only where development outside of town centres is proposed, which are not in accordance with an up-to-date Local Plan, should local planning authorities require

an impact assessment if the development is over a proportionate, locally set floorspace threshold.

- 8.10 Section 7 of the NPPF relates to the requirement for good design and confirms that good design is a key aspect of sustainable development, is indivisible from good planning. It advises at Paragraph 58 that development should function well and add to the overall quality of the area, respond to local character, be visually attractive and create safe and accessible environments.
- 8.11 With regard to meeting the challenge of climate change, the NPPF confirms that planning plays a key role in securing radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 94 of the NPPF advises that local planning authorities must adopt proactive strategies to mitigate and adapt to climate change whilst Paragraph 96 advises that in determining applications, local planning authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 8.12 Finally, with regard to transport, Section 4 of the NPPF relates to promoting sustainable transport and confirms at Paragraph 32 that all developments that generate significant amounts of traffic should be supported by a Transport Assessment. Paragraph 34 confirms that Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

9.0 MAIN ISSUES

1. Principle of the demolition of the industrial buildings
2. Principle of retail development on this site
3. Highways
4. Design
5. Impact on residential amenities
6. S106 matters and CIL
7. Response to representations

10.0 APPRAISAL

Principle of demolition of the industrial buildings

- 10.1 This application proposes the demolition of the existing industrial buildings. Since April 2011, the demolition of a building such as the application buildings constitutes development such that it forms part of the consideration of this application. The application site consists of numerous commercial units occupied by “Ashleigh Signs” (Use class B1/B2/B8 with associated areas of hardstanding, currently utilised for car parking and storage. Ashleigh signs are relocating, as the business operations have outgrown the site. The site no longer meets the needs of the business and understand that that they are relocating to Wakefield in 2015. The site lies within the Rothwell Conservation Area and is within the immediate setting of one Grade II Listed building (Number 2 Marsh Street).

The site is in close proximity to existing residential properties and the demolition of the units will have to be carefully managed to protect the amenity of adjoining residents, particularly in regard to noise and dust. The demolition also requires compliance with the Building Act 1984 and in issuing a Demolition Notice, it is the case that a number of conditions normally have to be complied with during the demolition works necessary to maintain public safety and public amenity such that this issue of amenity in relation to demolition is a matter further dealt with under other legislation.

Principle of retail development

- 10.2 The proposal is for an edge of centre Aldi with a gross Internal area of 1,705 sqm on an existing employment site just outside of Rothwell Town Centre boundary. The NPPF states that proposals such as this should be subject to a Sequential Test (and subject to a local size threshold) an Impact Assessment, if the proposals are for town centre uses but outside of the designated centre and not in accordance with the Local Plan. As this proposal is outside of the Primary Shopping Area of Rothwell and is a floorspace over the 1,500sqm threshold established within Policy P8 of the Core Strategy, this application requires a Sequential Test and Impact Assessment.

The Applicant has submitted a Sequential Test which demonstrates that there are no alternative sites that are sequentially preferable to the application site, and are suitable to accommodate the development as proposed. This reflects the lack of suitable in centre alternatives. In addition to the Sequential test the applicant must also demonstrate that the development would not result in a significant adverse impact upon designated centres, or planning investment within those centre alternatives. The Impact Assessment details evidence that the Morrisons Store is overtrading. This level of overtrading suggests that the store is able to withstand trade lost to the Aldi store without suffering any significant adverse impact. This adequately demonstrates that the proposal will not have a significant adverse impact upon Morrisons store or the wider centre. Consequently it is considered that the Sequential Test and Impact Assessments have been satisfied and therefore there is no retail policy objection to this proposal.

Loss of employment Land

- 10.3 The site is located within Outer South which is not an area of shortfall. Accordingly, Part A of Policy EC3 applies which states:-

Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non employment uses will only be permitted where:

- (iv) *The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period (employment needs are identified in Spatial Policy 9)*

Or

- (v) *Existing buildings and land are considered to be non –viable in terms of market attractiveness, business operations, age, condition and /or compatibility with adjacent uses*

Or

- (vi) *The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site*

.Criterion (i) is relevant which relates to sites needed to meet the Core Strategy requirements up to 2028 as identified in the Site Allocations Plan. As no part of the site is proposed as an employment allocation the proposal satisfies the criteria of the policy. Therefore there are no objections to the proposal under Core Strategy Policy EC3.

The site is located within Outer South which is not an area of shortfall. Accordingly, Part A of Policy EC3 applies. Criterion (i) is relevant which relates to sites needed to meet the Core Strategy requirements up to 2028 as identified in the Site Allocations Plan. As no part of the site is proposed as an employment allocation the proposal satisfies the criteria of the policy. Therefore there is no objection to the proposal under Core Strategy Policy EC3. The principle of the development is therefore considered acceptable.

Highways

- 10.4 Highways raised concerns initially regarding the layout and capacity modelling originally submitted as part of the proposal to incorporate the Aldi access into the signalized Marsh Street/Butcher Lane junction. The applicant amended the drawings to show the requested widening of both Marsh Street and Carlton Lane by approximately 1.5m on the southern side. Concerns were also raised about the size of the store. Surveys at similar Aldi Stores, including sites in Leeds, indicated that there would be insufficient capacity with the proposed access and that there would be a significant likelihood of excessive queuing. They indicated that a smaller store would be acceptable. However the applicant submitted an amended access layout with the car park exit widened to provide two lanes at the stop line. The layout and revised modelling were reviewed by both Urban Traffic Control and Road Safety officers and are considered acceptable. The provision of 110 car parking spaces is adequate. The location of the service delivery area to the rear of the unit and the operation of the service delivery is considered acceptable in highway terms.

Design and Impact on Conservation Area

- 10.5 The proposal is within the Rothwell Conservation Area and is within the immediate setting of a Grade II listed building (number 2 Marsh Street directly opposite). The initial design of the building was the standard template for Aldi Stores being flat roofed and using brick and rendered materials. Negotiations have taken place to improve the design, location and materials of the store to better reflect and enhance the Conservation Area. The materials proposed are red brick with a glazed gabled frontage and a mansard roof on the elevation facing the car park. The unit has been brought forward which removes some of the car parking to the front, with only disabled bays remaining. A low red brick wall is proposed to the front with landscaping along the frontage. This setback and landscaping softens the impact of the unit to the streetscene. The red brick material and improved design reflects the character of the Conservation Area. This has been agreed by Officers in consultation with Ward members and The Neighbourhood Forum.

The highway improvements to address the highway concerns raised (above section) have increased the amount of hard surfacing within this junction and to the front, along with the surfacing to the access. To mitigate the hard surfacing

Conservation have requested that the unit be brought further forward close to the frontage in line with neighbouring residential units numbers 3 and 5 Bennetts Yard. To achieve this would cause further highway and residential impact issues. Having a landscaping scheme to the front with a low wall and setting the building back achieves on balance the highway requirements without impacting on the residential amenities of the prementioned dwellings. Surface materials that reflect the conservation area are recommended within the access and crossing areas within the site. This will contribute towards enhancing and preserving the character of the Conservation Area soften the impact on the Conservation Area.

Impact on residential Amenities

- 10.6 The application site is surrounded with residential dwellings. To the rear towards the south are dwellings on Maple Rise, the western side is adjacent to Swithens Street dwellings and Carlton Lane. To the eastern side are dwellings along Windmill Gardens and Carlton Lane.

Existing Use

The site is currently occupied by "Ashleigh Signs" a long established B1/B2/B8 (General Industrial/Storage and Distribution/Business and related office use) use. The use currently operates from a number of commercial units across the site. Car parking provision is towards the front of the site facing Carlton Lane/Marsh Street. Vehicular access is from Carlton Lane /Marsh Street. The business has been established on the site for a number of years with no restriction on operating hours. The business operations have outgrown the site with the need to relocate.

The site rises from the frontage (Marsh Street) to the rear (dwellings on Maple Rise) resulting with the proposed unit being 3m lower than the dwellings to the rear. This creates an embankment which is proposed to be landscaped with a vegetation buffer ranging from 9m to 14m in width is proposed along this boundary., with the existing wall being retained. A further 2m high boarded fence is proposed along this boundary. The service point is located along this elevation with a 2m high acoustic fence to be constructed alongside this service delivery area.

The Aldi store operates a delivery system of one articulated lorry delivery per day of mixed goods and two local fresh bread and milk deliveries made by small vans. The service delivery point is designed to unload internally with deliveries being unloaded without any external activity in the form of forklift trucks etc..

Hours of operation

- 10.7 The applicant originally submitted the application requesting the following hours:-

Opening Hours

- **Monday to Saturday (including Bank Holidays) 08.00hrs till 22.00hrs.**
- **Sundays any 6 hours in line with current trading restrictions between 10.00hrs and 18.00hrs.**

Delivery hours

- **Monday to Saturday 07.00hrs till 23.00hrs**
- **Sundays 09.00hrs till 17.00hrs.**

Ward members have raised concerns regarding these opening and delivery hours (as laid out in report above representations received in paragraph 2.7 above). Environmental Health have advised that the original operating and delivery hours above are acceptable. The applicant has further reduced the delivery hours till 2100hrs Monday to Saturday in response to the representations

The opening and delivery hours of Lidl on Aberford Road Woodlesford are as follows:-

Opening hours

- **Monday to Saturday 08.00hrs till 21.00hrs**
- **Sundays 11.00hrs till 17.00hrs**

Delivery hours

- **Monday to Saturday 07.00hrs till 21.00hrs**
- **Sundays and Bank Holidays 10.00hrs till 16.00hrs**

On balance the following hours of operation are considered reasonable:-

Opening hours

- **Monday to Saturday 08.00hrs till 22.00hrs**
- **Sundays and Bank Holidays 10.00hrs till 17.00hrs**

Delivery hours

- **Monday to Saturday 07.30hrs till 21.00hrs**
- **Sundays and Bank Holidays 09.00hrs till 18.00hrs**

10.8 The existing general industrial use operates with no hours of restriction and currently operates the following hours:-

- **5.45am to 07.30pm Monday to Friday**
- **6am till 12pm on Saturdays**
- **Occasional working on a Sunday**
- **Deliveries are continual during this period**

10.9 Environmental Health have not raised any concerns to the proposal and recommend conditions are attached. The service delivery point is located 3m below the dwellings at Maple Rise and a landscaping buffer of 9m to 14m is proposed. It is considered that the change in levels and the buffer provides adequate screening and protects these residents from the delivery and general activities of the store. A landscaping buffer along the western boundary consists of a width of 8m, 6m and 3m at its nearest point. Similarly a buffer of 6m is proposed along the eastern boundary. On balance taking into consideration the current situation where the existing industrial use is operating with unrestricted hours and the proposed landscaping buffers, the proposed hours of operation and delivery are considered acceptable. Overall the change of use from a general industrial use to a foodstore with the recommended conditions is on balance considered acceptable.

S106 Contributions and Community Infrastructure Levy (CIL)

10.10 The development is CIL liable and in accordance with the CIL Regulations (2010) no CIL amount is due. As the proposed gross internal floor area of the store is less than the existing internal floor area of the industrial/ commercial units.

10.11 The following contributions remain the subject of the S106 Legal Agreement

- Metro Live Bus information (bus stop number 10535) total of £10,000
- Travel Plan monitoring fee of £2,500

The following are non pooled contributions

- The offsite highway works subject of S278 Agreement
- Local Employment
- Any related access works

- 10.12 The offsite highway works and any related access works are conditioned as the subject of S278 Agreement.

Representations received

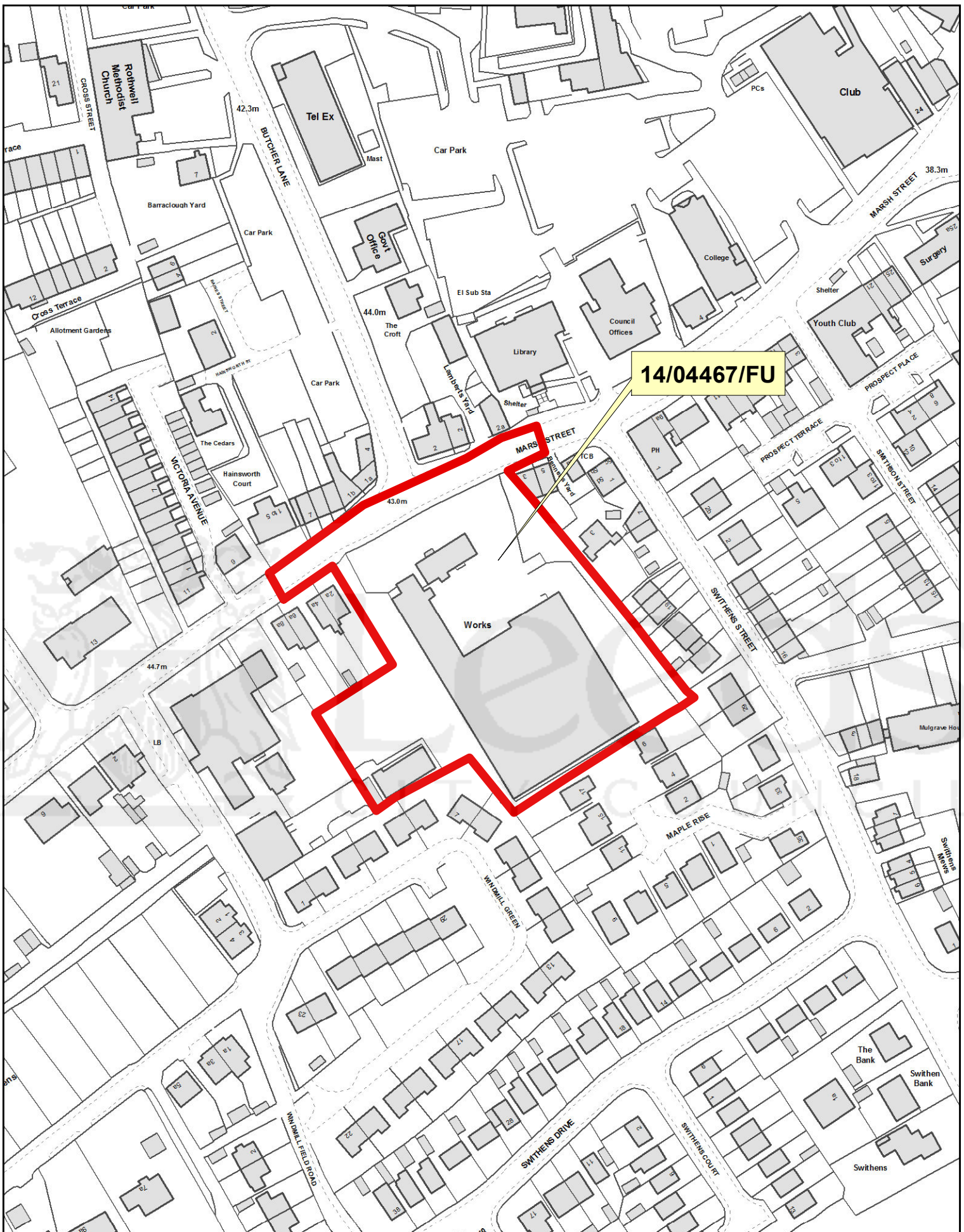
- 10.11 49 Representations of support have been received and 30 representations of objections. The concerns raised through local representations and by Local Ward members are around the principle of development (addressed in section 10.2 of the report), highways concerns (addressed in section 10.4), opening hours (Section 10.7) and the impact of this on residential amenities (Section 10.6).

11.0 CONCLUSION

- 11.1 The proposal replaces the existing industrial units on the site and is considered an improvement to the character of the Rothwell Conservation Area. The proposal passes the Sequential Test and Impact Assessment in accordance with Policy P8 of the Core Strategy. The hours of operation are considered reasonable and the scheme is not considered to have a negative impact on the highway network.
- 11.2 Overall the scheme is considered compliant with current local and national planning policy and provides wider regeneration benefits. Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 and Paragraph 12 of the NPPF, the application is therefore on balance recommended for approval subject to conditions and a section 106 Agreement.

Background Papers:

Application and history files
Certificate of ownership



SOUTH AND WEST PLANS PANEL





Originator: Sarah Hellewell

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th June 2015

Subject: 14/00774/FU- Mixed use development comprising of 9 units of A1/A2/A3 uses, laying out of access road, car parking, landscaping and boundary treatments at Former Belgrave Works site, Town Street, Stanningley.

APPLICANT

West Register Realisations LTD

DATE VALID

19th February 2014

TARGET DATE

6th June 2015

Electoral Wards Affected:

Bramley and Stanningley

Y

Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any other which he might consider appropriate) and the completion of a Legal Agreement to include the following obligations:-

1. Travel Plans, Travel Plan Coordinators and monitoring fees of £2,500
2. Grangefield Road Improvement contributions of £15, 000
3. Off-site highways works which include a pedestrian crossing – £70,000
4. Metro live information on two local bus stops - £20,000
5. Local Employment Initiatives

Conditions:-

Time limit

Plans to be approved

Submission of a construction phasing

Sample of all walling and roofing and external materials

Sample of surfacing materials
Hours of opening
Hours of delivery-
Landscaping conditions
Tree protection
Replacement tree conditions
Remediation conditions
Delivery and Car Park management plan
Highways conditions
Drainage conditions
Cycle and bins storage location and details
Boundary treatments – proposed and existing (including retaining walls to be retained)
Details of garden centre enclosure
Existing and proposed level and finished floor levels
Drainage conditions
Nature Conservation conditions
Environmental health conditions
Permitted development right removed (all)

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as the proposal is for a retail development outside of a designated centre.

2.0 PROPOSAL:

- 2.1 The proposal seeks full planning permission for a mixed use development of 9 units comprising of a breakdown of units as follows:-

Foodstore 1 Lidl - A1 2, 036 sq m (GIA)
Foodstore 2 – A1 650 sq m (GIA)
Unit 1 - non-food A1/A2/A3 – 278 sq m (GIA)
Unit 2 - non food A1 - 278 sq m (GIA)
Unit 3 - non food A1/A3 – 464 sq m (GIA)
Unit 4 - non food A1 – 240 sq m (GIA)
Unit 5 - non food A1 – 139 sq m (GIA)
Unit 6 - non food A1/A2 – 92 sq m (GIA)
Unit 7 - non food/food A1 – 92 sq m (GIA)

The total gross external area would be 4, 494 sq m (gross internal area 4, 269 sq m).

The proposal comprises of:-

- A new access point to be created off Town Street replacing the two existing access points Albion Road and Keighley Place which would be closed up.
- New pedestrian access at the vehicle access points to be provided off Vernon Place (North West of site), the North North West corner of the site off Stanningley Road (this includes ramped access) and onto Grangefield Road on the eastern boundary.
- A new pedestrian crossing to be provided across Town Street to the east of the new access.

- A new spine road straight through to the southern boundary of the site with small roads off it accessing parking and units with the units located around the sides of the site.
- Unit 1 – located to the front of the site, to the east of the entrance and is a stand alone unit which is 278 sq m and it is proposed to be either a non food A1/A2/A3 use. The building would be 16.5m in length x width 18.5m x 7m high which includes a parapet with a slightly sloping roof behind it.
- Units 2, 3 and Foodstore 2 located in the south west corner of the site and are joined together in a Z shape with unit 3 at the top, unit 2 in the middle and Foodstore 2 at the bottom. The dimensions of the 3 units to make this Z shape, Unit 2 (non food A1) is 17.5m in length x 17 m wide and 6.5m in height; unit 3 (non food A1/A3) is 28.5m in length x 17.5 m wide and an overall height of 9 m as there is a setback roof above the parapet. Foodstore 2 (A1 food) is 48 m in width x 14.5 m wide and 6.5 m in height.
- Unit 4 located to the front of the site, to the west of the entrance and is a stand alone unit which is 240 sq m and it is proposed to be a non-food A1 unit. The building would be 6.5 m high which includes a parapet with a slightly sloping roof behind it.
- Units 5, 6, 7 located to the north west boundary, set in from the boundary in relation to the adjoining residential dwellings. They form a terrace of 3 units all 5.5m in height and the units in total are 26 m wide and 14m in depth; unit 5 at the top is the largest in size. Unit 5 would be non-food A1, unit 6 would be non food A1/A2 and unit 7 would be food/non food A1.
- Foodstore 1 – Lidl (proposed occupier– this is the anchor store to the site located to the south/south east boundary of the site. It measure 64 m in width x 20 m in depth and has a sloping roof from east to west (into the site) from 5m to 8 m in height.
- A car park providing 232 spaces (this includes disabled spaces)
- Servicing areas to units 2, 3 and foodstore 2 is located to their rear elevations backing on to the telephone exchange and railway line. Servicing to Foodstore 1 located to its western elevation which backs onto the railway line.
- Servicing to all other units will be carried out within the locality of the building through the front doors as there are no specific loading areas. This is conditioned through a service management plan so there would be no conflict with customers.
- In addition to the provision of the Section 106, the proposal delivers a CIL contribution of £446, 615

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is approximately 1.94 hectares in size and located to the south of Town Street, Stanningley to the North West of Leeds.
- 3.2 The site was previously used for industrial use originally occupied by the Belgrave Electrical Works. The site was once covered by a number of different industrial buildings that varied in size, materials and design; the buildings have now been demolished and the site cleared. There are two accesses to the site at present, one off Albion Road and the other off Keighley Place.

- 3.3 To the North of the site, across Town Street are a variety of commercial properties and residential properties; to the West is a telephone exchange office; to the South is the railway line and to the East is Grangefield Road where there are industrial buildings in use and to the north-west corner there is a pair of semi-detached properties on Vernon Place; to the east of the site is Grangefield Road which from the middle towards the back of the site is at a much higher level than the site itself.
- 3.3 The site is generally flat across its front with a steady gradient a third of the way into the site and then it is relatively flat to the back of the site (southern boundary).
- 3.4 There is an existing large drainage easement that crosses the site from east to west located towards the front of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/02943/OT – outline permission for principle and access to layout access and erect residential and health centre with ancillary pharmacy with associated car parking and public open space – approved 24th January 2014.
- 4.2 10/00334/OT - outline permission for principle and access to layout access and erect residential and health centre with ancillary pharmacy with associated car parking and public open space – approved 12 October 2013.
- 4.3 09/00596/RM – Residential development comprising 24 houses and 54 flats in 3 storey blocks and 3 detached B1 office/light industrial units - refused 25 June 2009.
- 4.4 25/304/05/OT – Outline application for residential and B1/light industrial development - approved 17 May 2006

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application was submitted in 2013 and involved discussions regarding issues of principle, layout design, and prominent site in streetscene, landscaping and highways issues. Further discussions have occurred since the application was submitted resulting in the scheme submitted to Plans Panel regarding layout, design, entrance feature to site, reduced number of units, improving pedestrian access to and through the site and exploring the possibility of residential on all or part of the site.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Pre-submission consultation by applicant:-

Leaflets - were posted to 9,000 local residents on 27th November 2013; Part one provided a descriptive overview of the proposal with a proposed layout plan. Part two provided a brief introduction to the Applicant, the aims of the development and next steps. Part two also included a feedback form with space to provide contact details, a 'yes/no' tick box as to whether the proposal is supported, and space for any additional comments.

Press Release - details of the proposal and the date, time and place of the consultation event were released to the press on 27th November and published on
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28th November 2013. The article was published by The Business Desk, Insider Media and Yorkshire Evening Post.

Public Consultation Event - consultation event took place on Wednesday, 4th December at St. John's Methodist Church, Bright Street, and Stanningley. This event provided the public with the opportunity to view the proposals, to ask the team any questions and to make any comments.

Consultation Event Feedback - @ 70 people visited the consultation event and 43 feedback forms were completed of which:

- 39 support the proposal (90%)
- 2 do not support the proposal (5%)
- 2 remain undecided at this stage (5%)

Vernon Place, neighbouring residential properties - following the consultation event it didn't appear that the owners of the properties on Vernon Place had attended so a further letter was sent to them specifically offering to meet and discuss the proposals. No response to date has been received.

6.2 The application was advertised by site notice posted dated 7th March 2014, and a press notice published 27 February 2014.

6.3 5 letters of representation have been received;

Two are local objections raising the following points:-

- There are plenty of shops in the area.
- We need more housing particularly affordable housing in the area.
- Vacant offices and warehouses suitable for conversion in area.
- Think you can get 110 2-storey 3 bed houses with play area and retail on this site, and site has permission for medical centre and housing on it.
- This application will clean up site but they could lose money on it.

Two are from representatives of a local landowner and one from the former owner of Bramley Shopping Centre raising the following points:-

- Not considered to comply with sequential assessment
- Is of an inappropriate scale for a lower order centre
- Not fully assessed Impact on Stanningley Bottom Local Centre and Bramley Shopping Centre
- Loss of residential development

One letter of comment from the Ramblers Association seeking improvements to Grangefield Road as this may become a PRoW in the future.

Ward Members

6.4 Ward Members have been briefed through the pre-application process and consideration of the planning application and are generally supportive of the development of the site as it brings the site back into use and would provide local jobs.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Highways – following significant negotiation, no objection is raised regarding highway safety subject to a S106, off site highways works and conditions.
- 7.2 Environment Agency – no objection subject to conditions
- Non –statutory**
- 7.3 Yorkshire Water – no objection subject to conditions
- 7.4 Flood Risk Assessment – no objection subject to conditions
- 7.5 Contaminated Land – no objection subject to conditions
- 7.7 Travel Wise - Travel plans, monitoring fee to be secured through a S106.
- 7.8 Design – following significant negotiation, no objection is raised to layout and design of the scheme subject to conditions.
- 7.10 Forward Planning – no objection to the retail proposal.
- 7.11 Public Rights of Way – no objection
- 7.12 West Yorkshire Combined Authority – request real time information at two nearby bus stops and good pedestrian access should be provided.
- 7.13 Network Rail – comments

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 identified for housing under the Draft Site Allocation DPD due to the planning history of the site.

- SP1 Location of Development
- SP2 Hierarchy of Centre and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture' states:
- P1 Town and Local Centre Designations', designates Leeds' Town and Local Centres.
- P2 Acceptable Uses in and on the Edge of Town Centres'
- P5 Approach to Accommodating New Food Stores across Leeds
- P6 Approach to Accommodating New Comparison Shopping in Town and Local Centres
- P8 Sets out the catchments for undertaking Sequential and Impact Assessments
- 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
Designing for Community Safety – A residential Design Guide
Street Design Guide – Supplementary Planning Document
Travel Plans – Supplementary Planning Document
Public Transport – Developer Contributions

8.5 National Planning Policy:

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

9.0 MAIN ISSUES

- Principle of development
- Layout, design and landscaping
- Highways
- Impact upon amenity
- CIL and Section 106

10.0 APPRAISAL

Principle of development

- 10.1 When the application was submitted in February 2014, the site had no allocation under the UDP Policies Map. The Core Strategy has now been adopted and the site is identified for housing under the DRAFT Site Allocation DPD due to the planning history of the site. The site has previously been used for industrial development and it was last in this use in 2008. The site has been cleared of all buildings on the site. The site is considered to be a brownfield site in an urban area.
- 10.2 This proposal consists of development of 9 retail units of a mix of A1/A2 and A3 uses with a gross internal floor area of 4, 269 sq m. This site is out of centre, and as demonstrated below, is contrary to the retail policies contained within the Core Strategy.

10.3 The relevant Core Strategy retail policies in this case are SP1, SP2, P1, P2, P5, P6 and P8.

10.4 Spatial Policy 1: 'Location of Development' states (inter alia):

(iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the District, maximizing the opportunities that the existing services and high levels of accessibility and sustainability to new development.

10.5 Spatial Policy 2: Hierarchy of Centre and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture' states:

The Council supports a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the City Centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services.

Proposals which would undermine that approach will not be supported.

The following hierarchy of centres is to be maintained to ensure that development is directed to the appropriate level of centre based on its scale and catchment;

1. *The City Centre,*
2. *Town Centres,*
3. *Local centres.*

The Leeds District currently contains a great variety of centres with different characteristics and history, and the need to maintain this local distinctiveness remains an overarching consideration.

10.6 *Policy P1: 'Town and Local Centre Designations', designates Leeds' Town and Local Centres. Included within that list is Armley, characterized as a Town Centre.*

10.7 *Policy P2 'Acceptable Uses in and on the Edge of Town Centres' states:*

Town centres offer shopping and services intended to meet weekly and day-to-day requirements. The uses set out below are acceptable in principle in and, subject to a sequential assessment edge of centre, and will be directed towards the centres listed in Policy P1.

- *Shops, supermarkets and superstores*
- *Non-retail services*
- *Restaurants and cafes, drinking establishments and hot food takeaways*
- *Intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels*
- *Health care services*
- *Civic functions and community facilities*
- *Offices*
- *Housing is encouraged in centres above ground floor in the primary and secondary shopping frontages or outside the shopping frontages, providing it did not compromise the function of the town centre.*

10.8 *Policy P5 'Approach to Accommodating New Food Stores Across Leeds' states:*

- (I) *Food stores will be directed towards the town and local centres identified in policy P1.*
- (II) *Sites on the edge of town and local centres will be considered where there are no available, viable or suitable sites within centres.*
- (III) *A number of town centres could perform more successfully as major locations for weekly shopping needs if they included investment in new food store provision and/or redevelopment of existing facilities to expand their retail offer or expand their function. Appropriate provision within centre or on edge of centre will be encouraged, and will be supported where sites can be identified in the following locations:*
 - *Armley*
 - *Chapel Allerton*
 - *Cross gates*
 - *Dewsbury Road*
 - *Farsley*
 - *Headingley*
 - *Holt Park*
 - *Horsforth Town Street*
 - *A new centre at Richmond Hill*
 - *Holbeck*

10.9 *Policy P6 'Approach to Accommodating New Comparison Shopping in Town and Local Centres', states:*

- (i) *In addition to the Primary Shopping Quarter of the City Centre, the town and local centres identified in Policy P1 are acceptable locations for comparison goods providing that they are of a scale compatible with the size of the centre,*
- (ii) *Sites on the edge of town and local centres will be acceptable in principle where there are no suitable sites within centres.*

10.10 It is clear, when considering this proposal against the policies set out above, that the development is contrary to the 'Centres-First' approach endorsed within the Core Strategy. In accordance with Paragraphs 24 and 26 of the National Planning Policy Framework both Sequential and Impact Assessments are required as the proposal is not located within a designated centre, and is not in accordance with the Development Plan. The Sequential Test and Impact Assessments must be passed in order for the application to be approved.

10.11 Policy P8 of the Core Strategy sets out the catchments for undertaking Sequential and Impact Assessments.

10.12 Following the consideration of the further information that was requested regarding the sequential test and impact assessment it is concluded that:-

10.13 **Sequential Test**

The applicant is judged to have satisfied the Sequential Test, having considered all other in-centre and edge-of-centre sites within the catchment, and found no single site that would be capable of accommodating the development as proposed.

10.14 **Impact Assessment**

The applicants impact assessment is judged to have demonstrated that the impact of their scheme would be not be significantly adverse on town centre vitality and viability; and existing, committed or planned public or private investment within those centres.

- 10.15 The impacts projected for the surrounding centres are all within considered acceptable limits, as dictated by national policy, guidance and case law. Specifically, the evidence suggests that the scheme will have a 2% impact upon trade in Bramley, 3% in Farsley, 2% in Pudsey, 3% in Chapeltown (Pudsey) and 1% in Stanningley Bottom, and therefore not considered to have a significantly adverse impact upon the vitality and viability of those centres, nor on existing, committed or planned investment within them.
- 10.16 Therefore the application is judged to have passed the Impact Assessment and Sequential Test as required by the NPPF, and there is no objection to this proposal on retail policy grounds subject to conditions restricting floorspace, sub-division and mezzanines.
- 10.17 Before bringing this application before Panel Members for consideration significant exploration has occurred regarding other types and mixes of development on this site including wholly residential of varying densities and part residential part retail in consultation with the District Valuer. It is concluded that these would lead to a density of development that would be excessive or provide limited or no provision of affordable housing which would not be considered acceptable in planning terms.
- Layout, design and landscaping
- 10.18 This site is located on a key road where the site is highly prominent in the streetscene viewed up and down Town Street.
- 10.19 The current proposals reflect the attempt to improve on a conventional approach to contemporary retail development, and to achieve a layout which makes effective use of a large derelict site which is evident in the streetscene.
- 10.20 The desire for positive place making has taken into account operational, highways, parking requirements and site constraints (including levels and easements) and it is considered to have achieved positive elements in the design and improvements to the overall scheme to the benefit of the area.
- 10.21 Movement – Providing access to the site dictates a wide entrance served by a small roundabout, the impact of which has been mitigated by providing a substantial visually strong gateway flanked by stone piers, and augmented by supporting planting.
- 10.22 Pedestrian/cycle routes - Safe, accessible routes have been created across the site following anticipated desire lines as closely as possible and providing access to Grangefield Road, encouraging pedestrian use of the site; the applicant is providing a contribution to the improvement of Grangefield Road to be secured via S106.
- 10.23 Space - The intention of the layout has been to minimise the overall impact of parking by breaking this into different areas defined by surrounding buildings, landscape, changes in levels and surface materials, served by a legible circulation route.
- 10.24 Landscape - Tree planting onsite and supporting landscape are important elements to reduce the impact of parking and to enhance the sense of enclosure in some places where the buildings are pushed apart by parking requirements. Appropriate measures for ensuring the successful growth of trees to maturity, including engineered tree pit structures where necessary will be conditioned. Positive opportunities have also been taken to introduce considered planting to Town Street which integrates with buildings and boundary features, although care will need to be taken with regards future

signage application and underground services in order to ensure the plantings long term success.

- 10.25 Service yards - The primary service yard has effectively been screened by development and sited so as to minimise impact on the site (including a direct line of access from Town Street and its own turning areas), although monitoring of this area will be important in order to ensure security and covered by a condition securing a delivery and car park management plan.
- 10.26 Form - Architectural treatments are for the most part simple flat roofed forms set behind parapets reflecting the presence of similar buildings within the immediate area, but quality materials will be critical to help respond to older heritage buildings which form the most positive aspects of the local context, materials are covered by condition.
- 10.27 Active frontages have been created to Town Street and to main spaces within the site with a consistent and simple architectural language providing buildings which comprise of a good mix a materials in the form of a recessed aluminium glazed frontage framed by red brick with an artstone lintel with integrated signage panels.
- 10.28 The need for larger modern floorplates has prevented the fine grain and diversity found opposite on the other side of Town Street, but frontages have been broken up (rather than solid runs of plate glass windows), and designed to turn the corner into Grangefield Road.
- 10.29 The main Lidl unit (foodstore 1) adopts a more particular commercial form as a means to signal the importance of this anchor unit within the development, but set back within the site rather than imposing on Town Street where simpler forms with a smaller scale and massing are more appropriate. The building roof form slopes up from east to west creating a feature corner which is visible in the distance from the street.
- 10.30 Boundaries - Substantial walls and piers have been proposed at the entrance from Town Street, creating a gateway intended to recall former industrial uses on the site. Existing stone walls along Grangefield Road (and elsewhere) have been retained as positive features. Elsewhere a variety of approaches have been adopted and it is considered appropriate to condition this.
- 10.32 It is considered that the layout, design and landscaping of the scheme is considered acceptable subject to conditions.

Highways

- 10.33 The City Connect (cycle super highway) goes through this section of Town Street. This has been taken into account and the scheme has designed accordingly to provide a traffic calmed area to encourage low vehicle speeds and the access to the proposed development will be constructed in a similar form, specifically incorporating a 'roundel' (a smaller type of roundabout) to the site and a pedestrian crossing to the east of the entrance; the access and pedestrian crossing to be conditioned.
- 10.34 Additional pedestrian accesses are provided to the site along Vernon Place, Town Street and Grangefield Road with the site well laid out for pedestrians crossing it, encouraging pedestrian use of the site.
- 10.35 A total of 232 car parking spaces (including disabled spaces) will be provided across the site for the 9 units proposed which is considered acceptable for the development.

- 10.36 Cycle storage is indicated on the layout plans and therefore further details are required by conditions.
- 10.37 The application is providing a Travel Plan (TP) for the Lidl and a Travel Plan framework for the site; this will be delivered via the S106.
- 10.38 The proposal is acceptable with regard to parking provision and pedestrian highway safety subject to an agreed off site highway contribution, S106 and relevant conditions.

Impact upon amenity

- 10.39 To the north western boundary there is a pair of 2-storey semi – detached properties which are set less than a metre below the application site. It is considered following negotiations that the location of the proposed units 5 – 7, which are also set in from the boundary and taking into account proposed boundary treatments and landscaping, their orientation and their height that there would be no significant adverse impact upon their amenity.

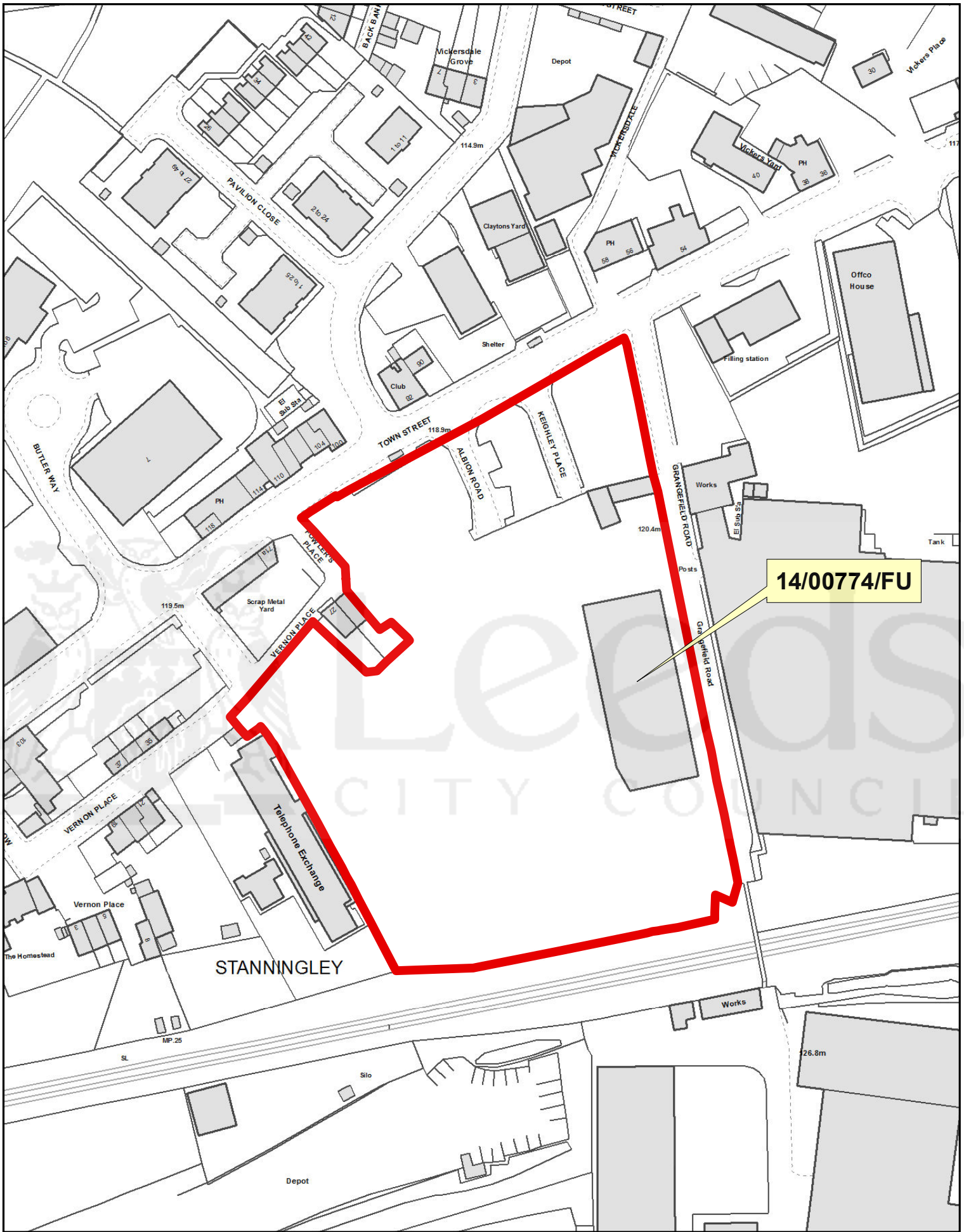
Community Infrastructure Levy (CIL) and Section 106

- 10.40 Since the application was submitted CIL was introduced on 6th April. The CIL contribution from this development is £446, 615.
- 10.41 In this case, the following measures will be secured by means of a Section 106 Planning Obligation:
- Travel Plans, Travel Plan Coordinators and monitoring fees of £2,500
 - Provision of pedestrian crossing of £70, 000
 - Metro – Live information displays in two local bus stops - £20,000
 - Off-site highways work contribution towards Grangefield Road improvements - £15, 000.
 - Local Employment Initiatives
- 10.42 It is considered that these contributions are necessary in order to make the development acceptable, directly related to the development and are reasonable in scale and kind in accordance with Core Strategy Policy ID2.

11.0 CONCLUSION

- 11.1 Significant weight is attributed to the proposed development that brings back into use a site that has been vacant for many years and has become an un-sightly feature in the streetscene, it is considered that the proposed layout and design will create a positive feature in the streetscene contributing to the regeneration of the area and providing new employment opportunities in the area. The application is considered acceptable with regard to principle and highway safety and is recommended for approval subject to a S106 and conditions.

Background Papers:
14/06211/FU



14/00774/FU

STANNINGLEY

SOUTH AND WEST PLANS PANEL



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Originator: Michael Howitt

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th June 2015

Subject: 14/05882/FU – Development of 10 houses and conversion of public house to four flats with associated access road, parking and landscaping on Land at the Former Railway Public House, Moor Knoll Lane, East Ardsley, WF3 2ED.

APPLICANT

Burkhard Homes

DATE VALID

8th October 2014

TARGET DATE

15th January 2015 (Revised)

Electoral Wards Affected:

Ardsley and Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE subject to conditions set out below.

The proposal will be CIL liable and the amount payable would be approximately £61,828.20

1. Full three year time limit.
2. Development in accordance with approved plans
3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. Motorcycle/cycle parking to be provided
7. All surfaces to be hard surfaced drained and sealed
8. Landscaping plan and Implementation
9. Replacement planting

- 10.Landscape management plan
- 11.Submission of drainage scheme
- 12.Construction management plan (including Hours of construction and control of noise nuisance during construction)
- 13.Phase 2 site investigation to be submitted
- 14.Amended remediation statement.
- 15.Submission of verification reports.

1.0 Introduction

- 1.1 This application was considered at the South and West Plans Panel meeting of 19th March 2015 where Members resolved that the application be deferred for further discussions with the applicant to explore more fully the possibility of retaining the Public House, that Panel members considered to be of historic interest and converting it into flats. A Members site visit also took place at the last meeting. This report should be read in conjunction with the detail provided in the 19th March Panel (see appendix 1). Members of Panel should also be aware that since the last Panel meeting, the Community Infrastructure Levy (CIL) is now fully implemented. This application is therefore no longer the subject of a section 106 agreement. However, the proposal as revised, is subject to a CIL payment of approximately £61,282, payable on commencement of the development.

2.0 Summary of issues

- 2.1 The key issue raised by Members of Panel at the 19th March 2015 meeting related to the loss of the existing Public House building from the streetscene. In response to the wishes of Plans Panel, the applicant has had numerous discussions with officers and thoroughly investigated the possibility of retaining the existing building that is identified as a Non-Designated Heritage Asset. The result of this is that amended plans have now been submitted, removing two of the new build properties that were proposed to replace the public House and retaining the existing building and converting it to four 2 bedroom units with a communal amenity space to the rear and parking spaces accessed from Moor Knoll Lane.
- 2.2 The elevations have been amended to take account of the needs for new door openings and window openings. These changes consist of the relocation of the two doors on the Common Lane front elevation and the insertion of two ground floor windows, the insertion of a door and a first floor window to the Moor Knoll Lane side elevation, the blocking up of a door and the insertion of a window on the first floor of the rear elevation and two ground floor and two first floor windows in the side elevation facing the existing car park. On the whole, the building has been changed with the minimal amount of alterations in an attempt to retain as much of the feel of the existing building as much as has been possible.
- 2.3 Principle of Development.
The principle of development remains as detailed in Paragraph 10.1 of the amended report.
- 2.4 Design and Character.

The design and character of the proposal remains acceptable as detailed in paragraphs 10.2 to 10.5.

2.5 Non Designated Heritage Asset

The proposal is now to retain the Non-Designated Heritage Asset and as such, the comments of Paragraphs 10.8 to 10.10 are amended. The result of the changes mean that the building will be retained essentially as is, with only minor alterations to window openings and doors to enable the change of use to occur with the required level of residential amenity to the users of the building. Obviously, the benefits to the visibility at the junction of Moor Knoll Lane and Common Lane will not be achieved as the building will remain in situ.

2.6 Residential amenity.

Whilst not ideal in terms of conversion, in that windows on the ground level are adjacent to the footpaths on both Common Lane and Moor Knoll Lane, the rooms have been arranged in such a way as to keep the most sensitive rooms (bedrooms) off of the ground floor elevations. Additionally, the amount of private amenity space is close to the 25% of floor space required and so it is considered that, in light of the benefits of retaining the building, the levels of residential amenity, whilst not ideal, are of a level that are satisfactory standard to allow recommendation of approval of the amended proposal.

2.7 Access

As previously described, the retention of the public house will not now allow for the improvement of the junction of Moor Knoll Lane and Common Lane but will instead retain the current levels of visibility. All other access points remain the same and as such remain acceptable and the car parking levels are of an acceptable standard.

2.8 Contributions.

The contributions that were the subject of a section 106 agreement have now been amalgamated into a CIL contribution that will now be payable upon commencement of the development and whilst numbers have increased to 14 units, this still remains under the threshold of 15 units and as such, no affordable house obligations are required.

2.9 Assimilation into the wider area

There are no changes to that part of the site that abuts the green belt and as such, the comments remain as paragraph 10.17

2.10 Representations.

There have been no further public representations

3 **Conclusion**

3.1 The applicant has complied with the wishes of the South and West Plans Panel in that they have now amended plans to retain the existing building on the site and as such, on balance, it is now considered that, subject to appropriate conditions as listed above, the proposal is acceptable, given that the principle of residential development is considered to be acceptable on a site situated in a sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, it raises no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it is recommended that the application be approved.

Background Papers:

Application files 14/05882/FU

Certificate of ownership:

Certificate B signed by agent and notice served on owner



APPENDIX 1

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th March 2015

Subject: 14/05882/FU – Development of 12 houses with associated access road, parking and landscaping on Land at the Former Railway Public House, Moor Knoll Lane, East Ardsley, WF3 2ED.

APPLICANT

Burkhard Homes

DATE VALID

08.10.2014

TARGET DATE

15.01.2015 (Revised)

**Electoral Wards Affected:
Ardsley & Robin Hood**

Y

Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include the following obligations;

- (a) Provision of Metro Cards - £5,709.00**
- (b) Greenspace contribution - £36,558.83**

In circumstances where the legal agreement has not been completed before 2nd April 2015, the final determination of the application shall be delegated to the Chief Planning Officer. The following pooled contributions will be Cill liable (Contributions for greenspace £36,558.83) and the following non pooled contributions will remain subject to a Section 106 agreement (Provision of Metrocards £5,709.00).

1. Full three year time limit.
2. Development in accordance with approved plans

3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. Motorcycle/cycle parking to be provided
7. All surfaces to be hard surfaced drained and sealed
8. Landscaping plan and Implementation
9. Replacement planting
10. Landscape management plan
11. Submission of drainage scheme
12. Construction management plan (including Hours of construction and control of noise nuisance during construction)
13. Phase 2 site investigation to be submitted
14. Amended remediation statement.
15. Submission of verification reports.

1.0 INTRODUCTION:

- 1.1 The application is for new residential development of twelve houses on a part greenfield, part brownfield site. The application is being determined by Plans Panels at the request of Ward Member Councillor Lisa Mulherin citing the loss of a valuable community resource as the reason.

2.0 PROPOSAL:

- 2.1 The proposal is for a residential development of 12 dwellinghouses comprising 4 semi-detached properties and 8 detached properties.
- 2.2 7 of the properties face directly onto Common Lane and the other 5 are set within a Close behind the frontage properties.
- 2.3 The properties are proposed to be built from red brick with concrete roof tiles and each property provides at least two off street parking spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies to the south of Common Lane. The Railway Hotel public house occupies the north eastern corner of the site, with its car park to the south and west. The car park can be currently accessed from both Common Lane and Moor Knoll Lane
- 3.2 The existing car park has 36 parking spaces and 3 large recycling bins are also located within as well as a pre-fabricated garage. The public house has an enclosed beer garden and smoking area to the west of the building. The car park is bounded by a 1m brick wall, and landscaping.
- 3.3 Land to the south of the site, but included within the red line of the application, is greenfield. Land to the South of the site and West of the site is designated Green Belt. To the west of the site is a long stretch of terraced dwellings on Common Lane. Allotments are to the north of the site, opposite on Common Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The planning history for the site is as follows.
 - 09/04436/FU – Two four bedroom semi-detached houses each with integral garage and reconfiguration of public house car park. Approved 27.11.2009. This is the car park area only and not including land to the rear.
 - 09/00983/FU - Block of 4 three bedroom terrace houses and reconfiguration of public house car park. Refused 27/11/2009
 - H23/157/80 – Use of vacant site as public house car park. Approved 31.03.80.

10/02026/OT – Outline application to erect residential development and reconfiguring of car parking to public house. Refused 05.07.2010 on grounds of principle, character and overdevelopment. Appeal allowed

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The site was discussed at a pre-application enquiry meeting in late September 2014 where the proposal was discussed with the agent, including matters of design, highways and the layout of the site. This was a general discussion which referred heavily to the previous decision by the Planning Inspectorate on behalf of the Secretary of State that allowed for the redevelopment of the car park and the paddock to the rear for eight residential units.
- 5.2 This proposal differed in that it included the loss of the public house and its replacement with four more dwellings and whilst issues of conversion were discussed, the preference was for replacement due to the cost and low amenity levels that would be provided by such a scheme of conversion.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice on 17th October 2014 and newspaper advertisement on 22nd October 2014. To date 3 letters of objection have been received from this consultation. The issues raised are as follows and are dealt with in the appraisal below:
- i) The area will be subject to increased traffic.
 - ii) The area has been subject to excessive building
 - iii) There has already been a loss of several pubs and community facilities in the area.
 - iv) Pollution levels will increase being near two motorways and a major A road
 - v) There are a shortage of school places, doctors, supermarkets and public transport
 - vi) The proposal will lead to loss of an historic part of East Ardsley with its links to the former railway in East Ardsley
 - vii) Drainage issues could increase flooding issues in the area
- 6.2 Local Ward Councillors Mulherin, Renshaw and Dunn have made comment raising the following issues and these are discussed in the report below.
- i) The Public House is one of the few community assets left in the area
 - ii) The site is protected by a covenant placed on the car park by Leeds City Council

7 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Yorkshire Water – Objection to the drainage scheme proposed. However they are happy to condition the application in order to ensure that a suitable system can be implemented.
- 7.2 Coal Authority – The applicant has satisfactorily addressed the requirements of the Policy Minerals 3 of the NRW DPD and therefore no objection is raised.

Non-Statutory

- 7.3 Environmental services (waste) - No objections
- 7.4 Sustainability (Design) – No objections following revisions.
- 7.5 Contaminated Land team – No objection subject to conditions
- 7.6 Metro - Metro – No objection subject to S106 contributions to enter into Metros Residential Metrocard.
- 7.7 Highways – No objection subject to conditions

7.8 Local Plans (Policy) – No objection subject to a contribution to greenspace being provided (£36,558.83)

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan.

8.4 Relevant Policies from the Core Strategy are:

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

P10 – High quality design

P12 – Good landscaping

T2 – Accessibility

H2 – Housing proposals on unallocated sites

H3 – Minimum housing densities

H4 – Housing mix

H5 – Affordable housing mix

G4 – New greenspace provision

G8 – Biodiversity improvements

EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace

EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

EN5 – Managing flood risk

EN7 – Protection of mineral resources (coal, sand, gravel)

ID2 – Planning obligations and developer contributions

8.5 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

N23 – Incidental open space around development.

N25 – Landscaping

T7A – Secure cycle parking.

T7B – Secure motorcycle parking.

BD5 – General amenity issues.

LD1 – Landscaping

Car Parking Guidelines

8.6 Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

8.7 Supplementary Planning Documents

Street Design Guide

Public Transport Infrastructure Contributions

Neighbourhoods for Living

Greening The Built Edge

8.8 National Planning Policy

8.9 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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

9.0 **MAIN ISSUES:**

1. The principle of development.
2. Design and character.
3. Access and highway safety considerations
4. Residential Amenity
5. Greenspace
6. Education
7. Affordable Housing.
8. Public Transport.
9. Assimilation into the wider open area
10. Representations

10.0 **APPRAISAL:**

1. The principle of development.

10.1 The application site comprises two parts; the first being the car park and a small paddock to the South, and the second the remaining part of the public house car park and the public house itself. Previously, the site was considered for residential

development and this was considered unacceptable by Leeds City Council but this refusal was appealed and a Planning Inspector considered the site to be acceptable in terms of residential development and therefore the principle was established on this part of the site. The rest of the site comprises the Public House and its beer garden and the rest of the car park and would be considered as brownfield and as such would accord with Policy H2 of the Core Strategy which is the policy that deals with unallocated sites for new housing development. The site is considered to be in demonstrably sustainable location and within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the Core Strategy. Additionally, the proposal contributes to the overall supply in housing stock, contributing family homes in a sustainable location and as such, it is considered that the principal of residential development is acceptable in this location.

2. Design and character

- 10.2 The application proposes 12 detached properties. The main part of the site is based upon a layout that was approved at appeal in 2011 with the main differences applying to the Eastern corner where the Public House currently stands. This is proposed to be replaced by a further four properties in this location facing onto Common Lane. The properties are well spaced with drives to the sides allowing for car parking to be set to the rear of the properties to provide a relatively car free frontage.
- 10.3 The loss of the public house is unfortunate and consideration has been given on how to replace its presence within the streetscene and its prominent position on the corner of Common Lane and Moor Knoll Lane. It was considered as to whether a replacement stone property should sit on the corner but was rejected in that it would appear rather unusual within a development of red brick properties and as a result, the property has been simply amended so that it addresses both road elevations to give it some presence on the corner. There is a good amount of defensible space to the fronts of the properties, a good mix of house types and there are opportunities for landscaping within and around the site.
- 10.4 The scale of the properties and the style of properties sits comfortably within what is a very mixed streetscene of both older terraced properties and more modern recent developments to the East of the site.
- 10.5 All properties are designed with an amount of private useable garden space that is in accordance with the guidance given in Neighbourhoods For Living. The design and layout ensure that properties address the street where possible and in particular in the case of plot 7 which now has a dual frontage. It is therefore considered that the site proposes a scheme that is be acceptable in terms of design and character.

3. Non designated Heritage Asset

- 10.6 The Public House itself could be considered as a non-designated heritage asset as defined within the National Planning Policy Framework (NPPF), it being a building that has a degree of significance meriting consideration in planning decisions because of its heritage interest.
- 10.7 The building dates to the second half of the 19th century (not shown on the 1849/54 1:10560 Ordnance Survey but appears on the 1888/94 Survey) and is considered a locally important building forming a strong group with the surviving historic terraces also shown on the historic map sequence. It forms a historic link to the now lost railway station and the development of this area relating to the community that grew up around the 19th century iron works.

The building makes a positive contribution to the street scene playing an important role in place-making and making a strong contribution to the local distinctiveness of the area. It addresses both street frontages of its corner plot and is a locally recognised landmark making an important contribution to views along Common Lane particularly along the approach from the east. The building retains an authentic and unspoilt appearance with the use of quality natural materials; including its natural stone walling, hipped slate roof and surviving historic timber windows. Paragraph 135 of the National Planning Policy Framework (NPPF) states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 10.8 The proposed demolition of the building would result in the total loss of the significance of the heritage asset. This total loss must be weighed against the planning gain of the proposed redevelopment to enable a balanced judgement to be made.
- 10.9 The public house has struggled as a viable concern for a number of years and there appears no viable way it can continue to operate in its current capacity as a public house. It has been for sale for several years and there has been little in the way of public objection to the proposal with only representations being made, following consultation. The proposal offers the opportunity for 12 residential units in a relatively sustainable location and additionally, the loss of the building actually improves highway safety as it improves the visibility splay and the Moor Knoll Lane/Common Lane junction that is currently substandard. A further argument against the retention of the existing building is that as contested by the applicant the building does not readily convert to residential units and that if this were attempted it would raise issues of low residential amenity for the occupants of the converted building. Finally as commented in terms of design above, the loss of the stone building is not considered to be detrimental in terms of its replacement with a red brick building that turns the corner and now addresses both frontages.
- 10.10 As a consequence of the above, it is considered that whilst it is regrettable that an attractive building of this nature is to be lost to the area, the benefits in the form of the delivery of 12 new residential units in a relatively sustainable area and the other reasons given, outweighs the loss of this non-designated heritage asset

4. Residential Amenity.

- 10.11 The site is located near to surrounding residential developments and as such it is necessary to consider that impact of the proposal in terms of residential amenity on that existing development.
- 10.12 To the North, there is an existing terrace of properties on the opposite side of the road that sit side on to the site presenting a gable elevation to the site with tertiary windows and will therefore not be significantly affected by the development. The properties to the West of the site will sit side on to a side gable and their rear gardens will run parallel with the new properties and therefore again, the proposal will not significantly harm the residential amenity of those neighbours.

10.13 Finally, those properties on Moor Knoll Lane that form the terrace that sits to the East of the site have rear gardens of between 10 and 11 metres and with the gable of plot 8 set in 2 metres from the boundary, there is more than the 12 metres distance to the side gable as required by guidance given in Neighbourhoods For Living and the North of the terrace presents a side gable (only tertiary windows only) towards plot No's 7 and 8. As such, there will be no harm to neighbouring properties with regard to residential amenity

5. Access and highway safety considerations

10.14 The scheme was initially acceptable in principle but had small detail issues which were addressed within subsequently revised drawings. This included re-alignment of one access point to avoid conflict with existing speed cushions and widening the footway on Common Lane to create increased visibility at the Common Lane / Moor Knoll Lane junction. As a result, it is now considered that there is no significant harm to the free and safe use of the highway and the proposal is acceptable in terms of highway considerations. All properties provide 2 off street parking spaces and all access points accord with the necessary visibility requirements as set out in guidance given in the Leeds Street Design Guide and as such the proposal is acceptable in this regard.

6. Greenspace

10.15 The proposal is for 12 properties and therefore a greenspace contribution is required for the provision of both on and off-site greenspace within the local area in the event of an approval. A section 106 agreement has been drafted and agreed between parties and the green space figure has been calculated on the basis of 12 units for which a contribution of £36,558.83 is required for the site.

10.16 If a decision is not issued by 2nd April 2015 the proposal would become CIL liable and the amount payable would become approx. £61,828.20

7. Education

10.14 The amount of development proposed by the application is below 50 properties and therefore in line with policy and guidance, the application is not liable for Education contributions. Whilst it is appreciated that there can be a cumulative issue of several developments bringing stress to the local education situation, there is currently no policy mechanism for dealing with such occurrence's and therefore the application is acceptable in this regard.

8. Affordable Housing

10.15 The amount of development does not trigger the requirement for affordable housing required by policy and guidance in that it is a proposal for 12 units (contributions to trigger at 15 units) and therefore the application is under the threshold for such payments.

9. Public Transport

10.16 Metro have requested that the developer should enter Metros Residential Metro Card scheme for each property. The price to the developer is 12 units x £475.75 which gives a contribution of £5,709.00 which again can be secured via the section 106 agreement that has been drafted and agreed between parties.

10. Assimilation into wider open area

- 10.17 Policy N24 requires that where development proposals abut the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. However, this matter was considered by the Planning Inspector in the consideration of the appeal in 2011 where she stated that

“Existing development on Common Lane itself presents a hard edge onto the Green Belt with little in the way of landscaping between the rear of the terraced houses and the open land. The sharp transition between the open countryside and the urban area forms part of the character of the area. I acknowledge that careful treatment of the western and southern boundaries of the site will be required in order to ensure that the development does not present an unduly harsh edge to the Green Belt. Nevertheless, I consider that the provision of large amounts of landscaping surrounding the appeal site would set it apart from its surroundings and would be unnecessary.”

As a consequence of this appeal decision, it is considered that a landscape scheme / boundary treatments could simply be conditioned and agreed at a later date given their lesser importance in this case.

11. Representations

- 10.18 There have been three representations to this scheme from members of the public and Ward Members raising a number of issues. Most are dealt with in the points above but others are addressed as follows. The car park was sold by Leeds City Council in 1981 with a restrictive covenant attached, restricting the use of the land to car parking for the public House only. The current owners approached the Council to have the covenant lifted and the matter was dealt with through Asset Management and the matter received Council approval on 23 April 2014. The restrictive covenant currently remains in place and will be triggered should this permission be approved. The matter was consulted with Local Ward members who raised objections but these were considered to be matters of Planning and Highways safety and as such not thought to be relevant to the administrative lifting of the covenant. Finally, as with education, there is currently no policy requirement or mechanism for assisting with GP places and therefore this issue could not be dealt with through this application.

11.0 CONCLUSION:

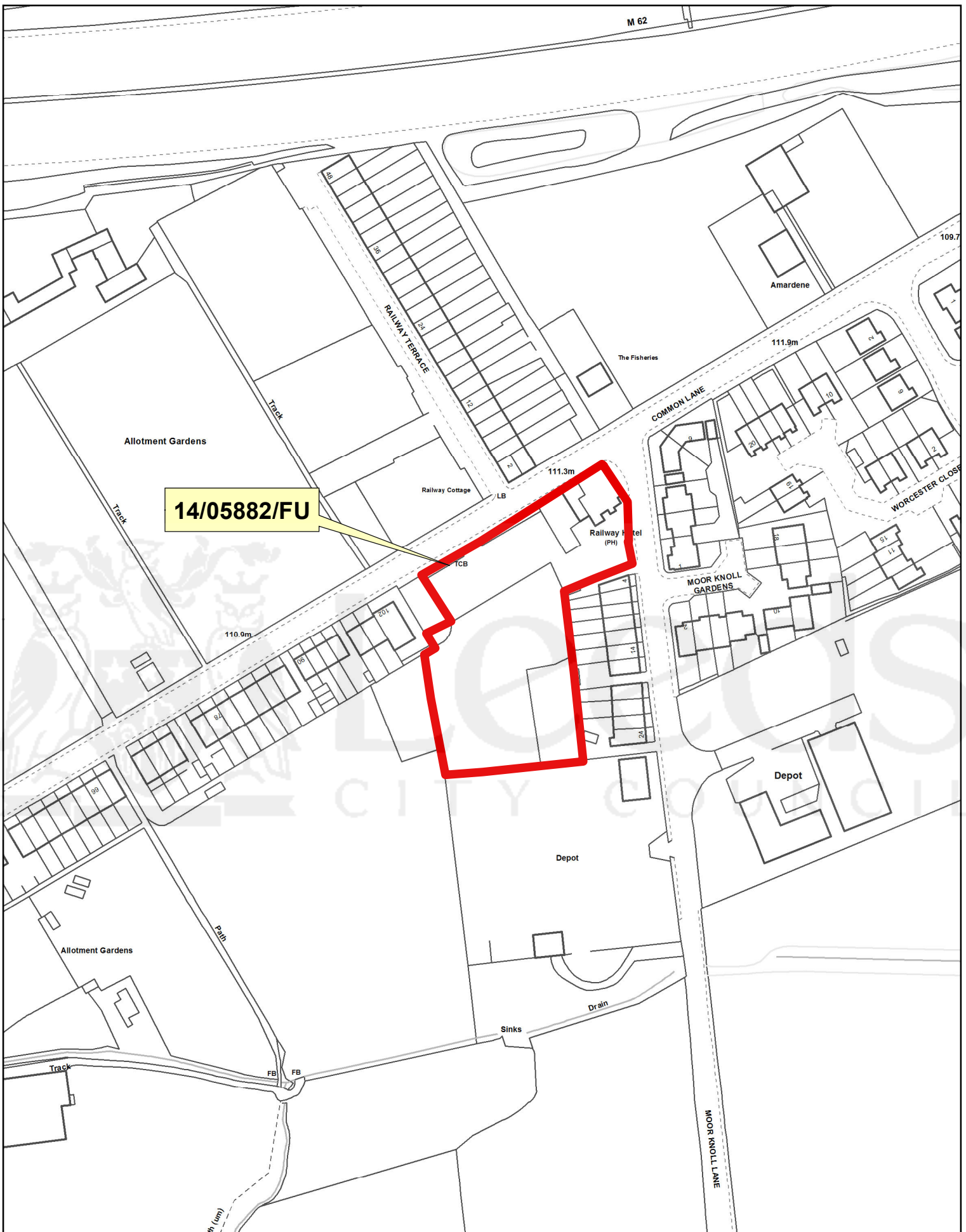
- 11.1 On balance, it is considered that, subject to appropriate conditions as discussed above, the proposal is acceptable given that the principle of residential development is considered to be acceptable on a site situated in a sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, it raises no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it is recommended that the application be approved.

Background Papers:

Application files 14/05882/FU

Certificate of ownership:

Certificate B signed by agent and notice served on owner



SOUTH AND WEST PLANS PANEL

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