



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 22nd October, 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

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

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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 - 17 SEPTEMBER 2015</p> <p>To confirm as a correct record, the minutes of the meeting held on 17 September 2015</p>	3 - 10
7	Rothwell		<p>APPLICATION 15/03928/OT - 36 TOWN STREET, CARLTON</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for a link detached house with two garages.</p>	11 - 18
8	Ardsley and Robin Hood		<p>APPLICATION 15/03297/FU - COSTCUTTER SUPERMARKET, LOWRY ROAD, WEST ARDSLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use from supermarket (A1) to church and community centre (D1)</p>	19 - 28

Item No	Ward	Item Not Open		Page No
9	Morley North		<p>APPLICATION 14/01904/FU - MOORSIDE BUILDING SUPPLIES, 37-39 KING STREET, DRIGHLINGTON</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demopltion of Moorside Building Supplies and construction of residential development comprising 42 dwellings (revised plans received 2nd March 2015)</p>	29 - 56
10	Kirkstall		<p>APPLICATION 14/07087/FU - ST ANN'S MILLS, COMMERCIAL ROAD, KIRKSTALL</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of land and buildings from B2 (General Industrial) to B8 (Storage and Distribution) with 48 storage containers (retrospective application)</p>	57 - 68
11	Headingley		<p>APPLICATIONS 15/02489/FU & 15/02490/LI - ELINOR LUPTON CENTRE, HEADINGLEY LANE, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use & listed building consent of educational facility (D1 Use) top A4 Public Houser, external alterations and creation of outdoor areas to the front of the building and car parking to the rear</p>	69 - 90
12	Otley and Yeadon		<p>APPLICATION 15/01313/FU - UNIT 4, WESTFIELD MILS, KIRK LANE, YEADON</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing retail unit and construction of foodstore with parking, landscaping and associated works</p>	91 - 104

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13	Guiseley and Rawdon		<p>APPLICATION 15/04285/FU - BILLING DAM, BILLING VIEW, RAWDON</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding the erection of a dwelling with angling facility, car parking and landscaping</p>	105 - 114
14	Ardsley and Robin Hood		<p>APPLICATION 15/04256/FU - ACANTHUS GOLF CENTRE, THORPE LANE, TINGLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a garden centre with outdoor sales area, service area, car parking and landscaping</p>	115 - 126
15			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 19 November 2015 at 1.30 p.m.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ol 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. 	

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

To:

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

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 22 OCTOBER 2015

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

- 1 09:45 **15/02489/FU & 15/02490/LI** - Change of use & listed building consent of educational facility (D1 Use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear- Elinor Lupton Centre, Headingley Lane - **arrive 09:45 leave 10:10** (if travelling independently meet on Richmond Road)

- 2 10:30 **15/01313/FU**- Demolition of existing retail unit and construction of foodstore with parking, landscaping and associated works- Unit 4, Westfield Mills, Kirk Lane, Yeadon- **arrive 10:30, leave 10:50** (if travelling independently meet at entrance on Kirk Lane)

- 3 11:00 **14/01904/FU**- Demolition of Moorside Building Supplies and construction of residential development comprising 42 dwellings – Moorside Building Supplies Ltd, 37-39 King St, Drighlington - **arrive 11:00, leave 11:20** (if travelling independently meet at entrance to site on King St)

- 4 11:35 **15/04256/FU**- Garden centre with outdoor sales area, service area, car parking and landscaping- Acanthus Golf Centre, Thorpe Lane, Tingley - **arrive 11:35, leave 11:50** (if travelling independently meet at entrance to site on Thorpe Lane)

- 5 12:00 **15/03297/FU**- Change of use from supermarket (A1) to church and community centre (D1)- Cost Cutter Supermarket, Lowry Rd, West Ardsley- **arrive 12:00, leave 12:15** (if travelling independently meet at entrance to site off Heatherdale Drive)



Return to Civic Hall at 12:30p.m. approximately

A minibus will leave the Civic Hall at 9.40 a.m. 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 9.35 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 17TH SEPTEMBER, 2015

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, J Bentley, A Castle,
M Coulson, B Flynn, S McKenna, E Nash,
A Smart and C Towler

38 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

39 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors R Finnigan, J Heselwood and R Wood.

Councillors B Flynn and S McKenna were in attendance as substitutes.

40 Minutes - 6 August 2015

RESOLVED – That the minutes of the meeting held on 6 August 2015 be confirmed as a correct record.

41 Application 15/03417/FU - land adjacent to 141 King Street Drighlington

The report of the Chief Planning Officer presented an application for the development of one detached house and one pair of semi-detached house on land adjacent to 141 King Street, Drighlington.

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

Issues highlighted in relation to the application included the following:

- The application had been referred to Panel at the request of a local Ward Member due to concerns regarding the impact on the highway.
- There was a PAS site to the rear which had been the subject of an application for 42 dwellings.
- Some low category protected trees would have to be removed. There would be a condition with regards to landscaping to replace these.
- The number of vehicular movements generated by this proposal were not considered to be of significant concern. The site had existing access arrangements and the visibility splays were considered to be adequate.
- The application was recommended for approval.

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

- The proposed development on the PAS site would not be accessed through this one.
- Replacement tree species had not been outlined in the condition relating to landscaping. Further consultation would be undertaken before discharge of the condition.

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

42 Application 15/01919/FU - Mary Morris House, 24 Shire Oak Road, Headingley

The report of the Chief Planning Officer presented an application for alterations and extensions to form additional 41 bedrooms to existing student accommodation including partial cladding, car parking and associated cycle and bin stores at Mary Morris House, 24 Shire Oak Road, Headingley.

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

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

- The application had been referred to the Panel due to a high level of local interest.
- Proposed improvements to the existing buildings including replacement windows.
- Current access arrangements to the site would remain.
- Layout of the flats was shown.
- There would be a 5 storey extension to the rear with a steel cladding finish.
- It was proposed for there to be a 24 hour contact arrangement for local residents in case of any concerns.
- There would be a Section 106 agreement for mitigating highways measures if required. There would also be a greenspace contribution.

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

- The character of the student accommodation had changed since it was operated by a charitable trust and aimed at overseas students. There was now more disruption in the area from students.
- It was felt that the saturation of student accommodation in the area was contrary to planning policy.

- It was felt that the proposals for management of the premises were insufficient and that there should be live in student wardens.
- It was requested that the application be deferred to develop the management plan which should include a live in manager and consultation with local residents.
- Noise disturbance late at night and in the early hours of the morning.

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

- The application had been amended from an original proposal which would have created an additional 177 bedspaces.
- The applicant could extend by up to 20 bedspaces without seeking planning permission. With the proposed extensions there would be a further 41 bedspaces in total.
- All proposed bedrooms exceeded minimum guidelines for size.
- There would be a management plan to cover control of the use of the building and the applicant would be willing to consider the inclusion of a 24 hour on site warden to respond to complaints.

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

- Parking arrangements – there would be one parking space per every four students which was an improvement on the current situation.
- Concern regarding the cladding finish to the building – it was suggested that Ward Members be consulted.
- Concern regarding parking directly outside ground floor bedrooms.
- Concern regarding existing issues in the area such as problems with parking, litter, disturbance and the need for more family housing.

RESOLVED – That the application be approved as per the officer recommendation and conditions outlined in the report, Also the following conditions:

- Inclusion of onsite management plan and this to include a 24 hour on site Warden/Supervisor to respond to resident's complaints. This should clearly include contact details and methodology of proposed response to issues that might arise. Also communications strategy with residents regarding planned events.
- Discussion with Ward Members regarding external materials of refurbishment, in particular the cladding system.

(Councillor J Akhtar requested that his vote against the decision to recommend this application be recorded)

43 Application 15/03255/FU - 12 Outwood Lane, Horsforth

The report of the Chief Planning Officer presented an application for the change of use and alterations of dwelling house (C3) to residential institution (C2)

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

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

- The application had been referred to panel at the request of a local Ward Councillor due to concerns regarding parking, disturbance from staff changeovers and lack of local amenities. There had also been a number of local objections.
- The proposals would create residential accommodation for adults with learning difficulties.
- The garage block would be converted to create 2 flats. This would be the only major external change.
- The property had previously been used as a residential nursing home.
- There would be increased parking within the property's grounds to allow staff parking.
- There would be a condition for a £10,000 off-site highways contribution should this be necessary.
- It was recommended that the application be approved subject to conditions outlined in the report.

Local residents addressed the panel with concerns and objections to the application. These included the following:

- The property had been a family home since 2002. Since that time the area had gained conservation status and a residential institution would not fit within the conservation area status.
- A commercial institution would not preserve or enhance the area.
- There would be potential disturbance to residents for 24 hours a day over 365 days a year.
- There would be a loss of some greenspace for the extra parking.
- There would be overlooking to other properties and a loss of privacy.
- Nearby properties had traditional single glazed sash windows which could not be double glazed to prevent noise pollution.
- Many nearby properties were family homes and there would be disturbance to children late in the evening.
- There had been some disruption to neighbours when the property had previously been a residential care home.
- Previous applications to turn the property into flats or a nurse's home had been refused.

The applicant addressed the Panel. The following issues were highlighted:

- The ethos of the organisation was to enable residents to have access to community facilities.
- Residents were supported to attend work and college and to use leisure and retail facilities.
- Local residents had been invited to visit one of the organisations other centres to see how they operated.
- Proposals had been amended to address local residents concerns.
- Residents of the home would not include those detained under the Mental Health Act.
- The proposals would create 28 jobs.
- In response to questions from Members, the following was discussed:
 - The property was close to some of the organisations other facilities.
 - Local people would be encouraged to apply for employment.
 - Traffic surveys indicated that there would only be a two percent increase in traffic on Outwood Lane.
 - When fully occupied there would be ten residents at the property.
 - Residents would usually require one to one care when leaving the premises.
 - Should planning permission be granted further certification would be required from the Care Quality Commission.

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

- There would be a condition to keep the number of maximum bed spaces to ten,
- There would be an average maximum of twelve staff present at any one time with fewer staff present during the night.

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

44 Application 15/04091/FU - 73a Low Road, Hunslet

The report of the Chief Planning Officer presented an application for the change of use from Motor Vehicle and Accessories Sales and Service to a Private Adult Members Club at 73a Low Road, Hunslet.

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

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

- The application had been brought to the Panel at the request of a Ward Councillor due to local interest.
- To the eastern side of the building was mainly industrial while the western side was mainly residential.

- The building was to the rear of another and screened by trees from the main road.
- The proposed use of the premises would not require Sexual Entertainment or Alcohol Licensing.
- The applicant wanted to relocate from current premises to allow disabled access.
- It was recommended to approve the application subject to conditions outlined in the report.

The Panel heard concerns and objections from the Headteacher of a nearby school. These included the following:

- The school had a responsibility to look after children's moral needs as well as educational needs and this application did not meet the aspirations of a Child Friendly Leeds.
- There was a nearby hostel for ex-offenders and potential for increased sexual activity in the area.
- The application had caused concerns to sponsors of projects carried out at the school.
- There had been further objections from the School Governors and local residents.

The applicant addressed the Panel. The following issues were highlighted:

- The existing premises in Leeds had been in operation for 14 years. The applicant now needed to relocate for disabled access.
- The club had always operated discretely and had been a good neighbour. There had never been any complaints to the Local Authority of Police.
- The premises were at the end of a private road and there would be no through traffic.
- Only those who were making a deliberate effort to find the club would know of its whereabouts.

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

45 Application 15/03561/RM - Plot J1, Kirkstall Forge, Kirkstall

The report of the Chief Planning Officer presented a reserved matters application for a seven storey office block with basement parking (Phase1) at Kirkstall Forge, Kirkstall.

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

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

- This would be part of the first phase of development at the Kirkstall Forge site.
- The location of the office block would be next to the new railway station.
- The building would have a mainly glass exterior and the design had resonance with the industrial past of the site.
- There had been concerns regarding car parking.
- It was recommended to grant the application.

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

- Rail routes – the station was on the Leeds to Bradford line and it had not been possible to extend this to other routes.
- Importance of keeping the industrial heritage at the site.
- Members were supportive of the design of the building.

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

46 Application 15/02901/OT - Horsforth Campus, Calverley Lane, Horsforth

The report of the Chief Planning Officer presented a position statement regarding an application for residential development of up to 66 dwellings at the Horsforth Campus, Calverley Lane, Horsforth.

Members attended a site visit prior to the hearing and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted included the following:

- The application related to the already built up area of the site.
- An indicative layout of 66 dwellings was shown.
- School provision in the area.
- Sports pitches – it was likely that these would need to be retained.
- Affordable housing and independent living contribution.

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

- The local highways network – it was reported that the access road would be sufficient to serve 200 dwellings once improvements had been made.
- School provision – there could be options for a new through school or expansion of existing schools in the area.
- Height of the dwellings – it was requested that these should not be higher than 2.5 storeys.

- Members supported the principle of residential development of the site although there were some concerns regarding the isolation of the area to be developed and maintenance of the open space and sports fields.

RESOLVED – That the report and presentation be noted.

47 Date and Time of Next Meeting

Thursday, 22 October 2015 at 1.30 p.m.



Originator: Jenna Riley

Tel: 0113 247 8027

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 22nd October 2015

Subject: 15/03928/OT – Outline application for link detached house with two garages, to consider matters of access and layout only. Land at 36 Town Street, Carlton, WF3 3QU

APPLICANT

Mrs Karen Bruce

DATE VALID

30th July 2015

TARGET DATE

23/10/15 – Extension of Time.

Electoral Wards Affected:

Rothwell

N

Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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

- 1 **Submission of Reserved Matters within 3 years**
- 2 **Matters to be reserved – scale, appearance, landscaping.**
- 3 **Plans to be approved**
- 4 **Existing and proposed level and finished floor levels**
- 5 **Tree protection to be submitted and installed prior to commencement of development**
- 6 **Sample of all walling and roofing and external materials**
- 7 **Sample of surfacing materials**
- 8 **Submission of cycle and motorcycle parking**
- 9 **Submission of bin storage**
- 10 **Submission of hard and soft landscaping**
- 11 **Vehicle spaces to be laid out prior to occupation**
- 12 **Maximum gradients for access and driveways**
- 13 **Widening of footpaths**
- 14 **Remediation Statement if unexpected Contamination encountered**
- 15 **Importing soil to be tested**

16	Submission of Verification Certificate
17	Boundary details to be submitted, approved and installed, prior to occupation
18	Submission surface water drainage works
19	Construction Method Statement including Hours of Construction

1.0 INTRODUCTION:

1.1 This application is brought to Plans Panel as Mrs. Karen Bruce (applicant) is also an elected ward member for Rothwell, in the interests of transparency and democracy.

2.0 PROPOSAL:

2.1 The proposal seeks outline planning consent for a link detached house with two garages. The proposal involves the demolition of disused outbuildings which are located within the applicant's domestic curtilage.

2.2 The only matters to be considered at this outline stage are the means of access and layout of the scheme.

2.3 The new dwelling would front onto Town Street and would be linked to the existing dwelling at No.36 Town Street by a double garage.

3.0 SITE AND SURROUNDINGS:

3.1 The application site consists of a regular shaped area of residential land which currently forms part of the domestic curtilage of No.36 Town Street. The land has previously been used as outbuildings and private garden space; the two storey lean-to outbuildings are presently unused. The site area measures 0.028ha and is surrounded by dwellings to the north, south and west. Brick built semi-detached properties lie to the north, whereas a short row of modern terraced dwellings are located to the south; both house types front onto Town Street. The rear gardens of these properties lie to the west of Town Street and adjoin the rear garden areas serving the adjoining neighbouring dwellings on Queens Drive which is located to the west of Town Street.

3.2 The site contains a number of mature trees and dense vegetation, which are not protected. The site is relatively flat and boundary treatment consists of a brick wall measuring approximately 1m in height with timber fencing over to the front and a mixture of domestic garden enclosures includes timber panel / board fencing and hedging across the western boundary.

3.3 The site lies in an established suburban residential area, which is characterised by regular spaced semi-detached properties. The site lies in Carlton in very close proximity to the border with the Wakefield district.

4.0 RELEVANT PLANNING HISTORY:

4.1 There are no previous applications upon this site for any form of development, the applicant did seek some informal pre application advice in 2011 however there is no record of the advice given.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant was asked to supply further information in relation to contaminated land. A revised site layout has also been submitted following comments from the Highways Officer.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice posted on 14th August 2015 and neighbour notification letters were sent out on 30.07.2015; to date 2 letters have been received from neighbouring properties who have submitted general comments neither supporting nor objecting to the proposal.

6.2 The points raised in the comments are highlighted below.

- Concerns regarding the location of the existing bus stop in relation to the new double garage and if the bus stop needs relocating can it be relocated away from their properties
- A desire not to introduce a dual bus stop which would lead to people waiting for buses outside their house
- Retention of boundary planting and tree cover to help retain privacy
- Concern regarding removal of tall boundary wall and questions what boundary treatment will be erected in the future.
- Concerns regarding the future position of the new 4 bedroom property in relation to their existing property and bathroom window
- There is a change in land levels and the neighbours land is approximately 3ft (0.9m) lower than the application site. They do not want the new dwelling to be any higher than the existing dwelling at No.40 Town Street
- Encouraged a style of dwelling that relates well to the style of existing properties

Ward Members

6.4 Due to the minor nature of this application local Ward Members have not been consulted on the application, they will have been notified via the highways consultation. No response has been received.

7.0 CONSULTATIONS RESPONSES:

7.1 Contaminated Land – No objection subject to conditions.

7.2 Highways - no objection subject to amendments and conditions.

7.3 Flood Risk Management – No objections in principal

7.4 Coal Authority – No objections, based on the additional information submitted by the applicant dated August 2015.

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 existing site is unallocated.

H2 New housing development on non-allocated sites

EN5 Managing flood risk

T2 Accessibility requirements and new development

P10 Design

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

GP5 General planning considerations

N25 Landscape design and boundary treatment

T7A Cycle parking guidelines

BD5 Seeks to ensure new development protects amenity

The following Natural Resources and Waste DPD policies are also considered to be relevant:

WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.

LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination

8.4 Relevant Supplementary Planning Guidance:

Building for Tomorrow Today – Sustainable Design and Construction (2011)

Natural Resources and Waste Development Plan Document

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide – Supplementary Planning Document

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.

Relevant paragraphs/sections from NPPF are listed below:

7. Requiring good design

9.0 MAIN ISSUES

- Principle of development

- Principle of Demolition/ Impact on Character of Locality
- Layout
- Highways/ Access
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The main issue affecting whether the principle of residential development of this site is acceptable are (i) whether the site is considered sustainable. The only other issues under the assessment of this application are the layout and highways arrangement of the scheme, as these are the only matters which fall to be considered by this outline application. Therefore, the proposal will be subject to further detailed planning assessment at the reserved matters stage.
- 10.2 The NPPF published in March 2012 continues to indicate that planning decisions should encourage the effective use of land by re-using land that has been previously developed, and that Local Planning Authorities may consider the case for a locally appropriate target for the use of brownfield land. However, it does not include reference to a sequential approach. Instead the advice is that housing applications should be considered in the context of the presumption in favour of sustainable development. As the site is currently in use as a domestic garden it is technically classed as being greenfield.
- 10.3 Policy H2 of the adopted Core Strategy states that new housing on non-allocated sites should be accepted, provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, accord with accessibility standards and Green Belt policy is satisfied.
- 10.4 The site lies within an established residential area close to the local services, although it is accepted that these are limited. There are public transport connections close by, and access is available to larger service areas such as Rothwell town centre, Middleton, Morley and Leeds itself. The site is in private ownership with an established residential use, it is not considered that this proposal (which is for a net gain of 1 property) would create a demand on local services which could not be met. The proposal could therefore be considered to represent sustainable development.

Principle of Demolition/ Impact on Character of Locality

- 10.5 The proposal includes the demolition of a collection of outbuildings which front Town Street. The buildings are in poor condition and their historic and run down appearance is at odds with the attractive examples of neighbouring suburban house building trends in the wider area. The outbuildings are to be demolished to create space for the proposed link detached dwelling house with two garages and to allow access into the site.
- 10.6 The outbuildings are not considered to be remarkable architecturally, they are not listed and are not located within a Conservation Area. Therefore in planning legislation they are not afforded any protection and could be demolished regardless of this application. The exact design of the new dwelling which would face onto Town Street would be assessed in full at the Reserve Matters stage. The design of this dwelling would need to be carefully considered, to preserve the character and patterning which exists along Town Street.

Layout

- 10.7 The layout provides a credible response to on-site constraints (site boundaries) and to existing properties which surround the site. The proposal comprises of a reasonable plot size which is not dissimilar to the plot size of No.36 Town Street. A gradient does exist on the site and whilst no level drawings have been submitted as part of this application, the comments received from neighbouring dwelling at No.40 Town Street land suggest that the application site is approximately 3ft (0.9m) higher than the neighbouring property to the south. Details of the levels would be required at reserved matter stage when scale will be assessed. A new joint access point is proposed from Town Street serving No.36 Town Street and the new dwelling. The properties will be linked by their garages. The proposed dwelling lies 10m from the rear boundary shared with neighbouring dwellings on Queens Drive. This boundary is currently defined by mature vegetation which offers further screening.
- 10.8 The proposed dwelling is located within close proximity of the adjacent dwelling at No.40 Town Street however, so is the existing part two and part single storey outbuilding. Therefore, due to the existing layout and distances, it is not considered that the siting of the proposal would have any additional adverse impact on the living conditions of this property. The heights of the proposed property and exact relationship with existing properties in terms of window openings etc would be assessed in full at the Reserved Matters stage. It is however, considered that this proposed layout could achieve an acceptable scheme, would not appear over-dominant or result in significant levels of over-shadowing or over-looking onto existing properties, subject to a suitable design.

Highways

- 10.9 The scheme includes a new access into the site which has been designed up to adoptable standards. Following revisions to improve visibility, the Highways Team raise no objections to the application. It is considered that the intensification of the site from 1 dwelling to 2, would not create an unacceptable demand on the local highway network, which would warrant grounds to refuse the application. It is noted that a bus stop is located outside the application site and this would need to be relocated to accommodate the new drive. The applicant is advised to contact West Yorkshire Combined Authority (formerly Metro) with regards to this matter.

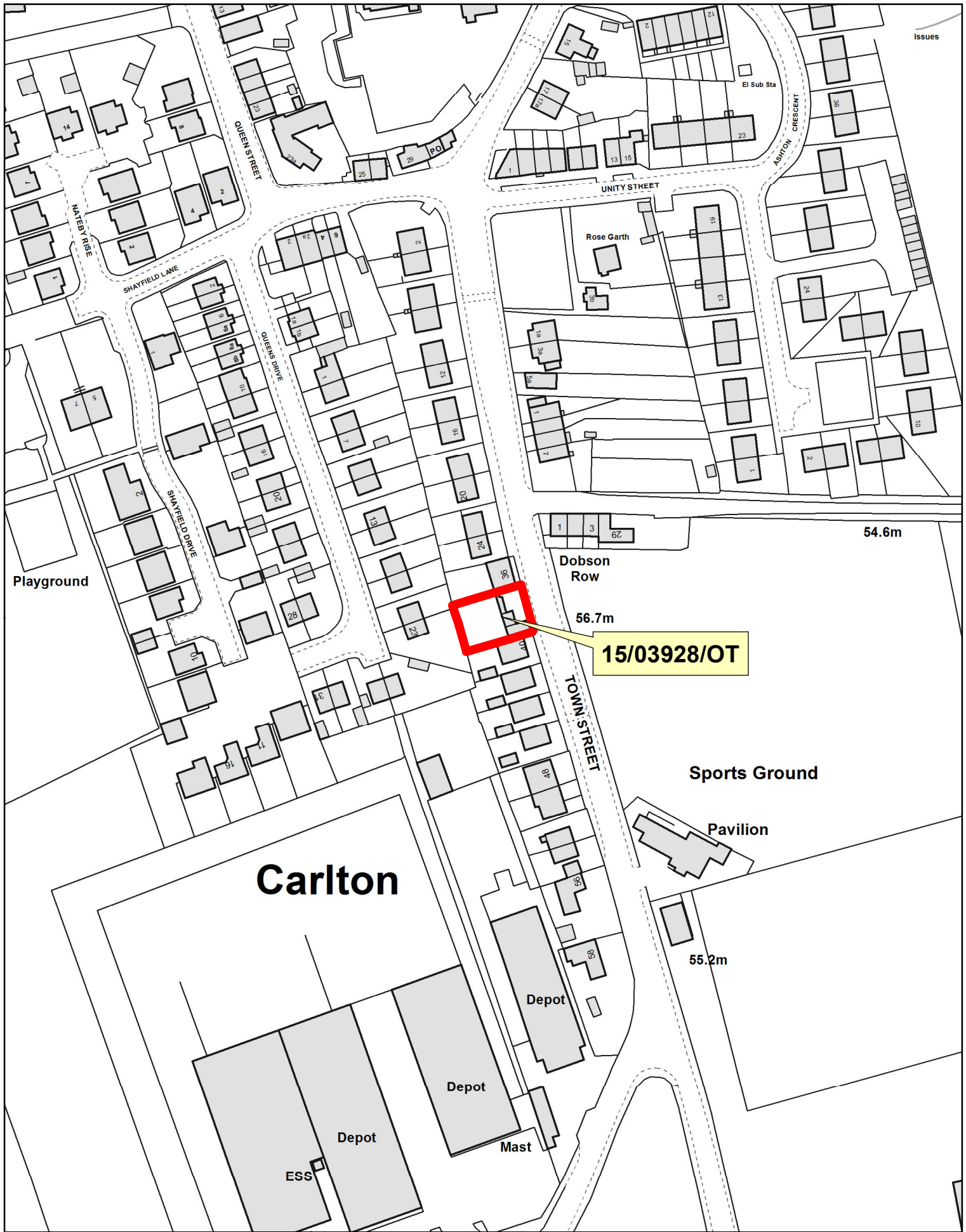
Representations

- 10.10 Two letters of the representation have been received from neighbours who have submitted general comments neither supporting nor objecting to the proposal. Concerns regarding the relocation of the bus stop will be addressed by West Yorkshire Combined Authority (Metro). Other concerns regarding boundary treatment, retention of landscaping, loss of privacy, relationship of the new dwelling in relation to existing windows and the design will be considered in full at Reserved Matters stage. Subsequent Reserved Matters applications will be subject to public consultation and neighbours will be invited to view the detailed plans and submit any comments.

11.0 CONCLUSION

- 11.1 The scheme is considered to comply with both National and Local planning policy regarding new residential development. There are not considered to be any planning reasons to resist the principle of developing this residential area of land, and the means of access are considered to be acceptable. The layout is also considered to protect the general amenity of adjacent occupiers in terms of privacy, over-shadowing and dominance. This outline application is recommended for approval subject to conditions.

Background Papers:
15/03928/OT



SOUTH AND WEST PLANS PANEL





Originator: Jenna Riley

Tel: 0113 247 8027

Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 22nd October 2015

Subject:

APPLICATION 15/03297/FU: APPLICATION FOR CHANGE OF USE FROM SUPERMARKET (A1) TO CHURCH AND COMMUNITY CENTRE (D1) AT LOWRY ROAD, WEST ARDSLEY, WF3 1TW

APPLICANT

Hope Church Leeds

DATE VALID

19th June 2015

TARGET DATE

14th August 2015

Electoral Wards Affected:

Ardsley and Robin Hood

Yes

Ward Members consulted
(via Highways Consultation)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE, subject to the specified conditions.

1. Time Limit on Permission.
2. Plans to be approved.
3. Restriction on hours of use (as stated in para 2.4).
4. D1 Use restricted to Church and Community Centre use only
5. Details of secure cycle storage facilities

1.0 INTRODUCTION:

- 1.1 This application is brought to South and West Plans Panel at the request of Councillor Renshaw, due to the local interest in the application.

2.0 PROPOSAL:

- 2.1 The proposal is for a change of use of the building from an existing mini supermarket to a church and community centre.
- 2.2 The proposal will include a welcome area, open plan worship space, two internal storage areas, kitchen, disabled toilet and baby change, w/c and an attached store which is accessed externally.
- 2.3 The applicant, Hope Church is a non-denominational Christian church. Hope Church is linked to Moorside Independent Methodist Church which is based in Drighlington. Hope Church is seeking to relocate their existing church congregation to the unit currently occupied by the Costcutter Supermarket on Lowry Road from their current premises which are located at Tingley Community Centre on Smithy Lane. The church has operated from the Tingley Community Centre since 2014 and has a congregation size of 25-30 people who meet on a Sunday between 3.30pm – 7pm and on a Monday between 6pm – 7.30pm. The applicant states that they wish to relocate to new premises as the proposed arrangements will be preferable to using two different venues as occurs at present and they would like to provide services more than twice a week. The church also wish to provide community facilities for the wider community.
- 2.4 The proposed opening hours are from 10.00 hours to 22.00 hours from Monday to Sunday. The applicant has stated that they would not expect the church use to operate at all times during these hours but that that these opening hours will allow an appropriate level of flexibility.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is part of an 'L' shaped commercial complex with associated parking area to the front. The complex is presently made up of three units; a children's day nursery, the vacant unit which was formerly the Costcutter supermarket and the 'Balti House' restaurant and takeaway. The units face out onto the shared car park (of 39 spaces) which is owned by the Day Nursery.
- 3.2 The site does not form a designated Town or Local Centre as defined by the Leeds Core Strategy.
- 3.3 The existing Costcutter store is a single storey brick building with a tiled pitched roof. The unit is the largest unit on the complex comprising of 3/5ths of the main building with 2/5ths is dedicated to the Indian restaurant and takeaway (which was granted consent in 1992 and extended in 2011). To the rear of the premises is a delivery area including bin storage which serves the units. The delivery area to the rear is bounded by a 1.8m high timber fence whereas the car park to the front is open bounded with pedestrian access to Lowry Road. The unit is accessed by vehicles from Heatherdale Road, a residential estate road.
- 3.4 The wider area is predominantly residential in character with residential areas being situated to the north, east and south with an area of public open space to the west and Dewsbury Road (A653) beyond this.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/05521/FU – Application Refused
Change of use of part of existing supermarket, including new frontage and external alterations, to wine bar/coffee bar

Reasons for refusal are below:

1. The proposal is considered to give rise to the potential for crime/disorder and anti-social behaviour by virtue of its location, siting, layout and lack of natural surveillance in a location already experiencing recorded incidences of such problems. As such, the application is considered contrary to Planning Policy Statement 1 - Delivering Sustainable Development (2005) and policy GP5 of the Unitary Development Plan (Review 2006).

2. Located within a residential area, the proposal would give rise to significant disturbance to residential amenity caused by comings and goings and associated noise at unsocial late hours of use. As such, the application is therefore contrary to Planning Policy Statement 1 - Delivering Sustainable Development (2005) and policy GP5 of the Unitary Development Plan (Review 2006).

08/01743/FU – Application Approved

Change of use of part of existing supermarket to restaurant including new frontage and external alterations

11/00886/FU – Application Approved

Change of use of part of supermarket to form hot food takeaway and enlarged restaurant, new fire door and extraction flue to rear; alterations to supermarket including new entrance and rear fire doors

5.0 CONSULTATION RESPONSES:

5.1 Highways – No objections subject to conditions.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice on 10th July 2015 and again on 11th August 2015 following reports that the original site notices dated the 10th July 2015 had been removed deliberately. Neighbour notification letters were also sent out on 7th August to ensure all neighboring properties were notified of the proposed development. The site notices were posted on the Lowry Road and Heatherdale Road. Overall 20 letters of objection and 3 letters of support have been received to the development.

6.2 The points raised in the objections received are highlighted below:

- Increased traffic build up and speeding
- Increased parking on neighbouring streets and queuing traffic
- Concerns about future plans to extend the congregation and impacts on the highway
- Need to create a new access point from Lowry Road to solve highways issues
- Concerns regarding use of the existing car park spaces in ownership of Asquith Court Nursery
- Parking issues during evening services
- Insufficient parking spaces
- Extra noise levels – including singing and music, church bells, night noise
- Poor condition of Heatherdale Road
- Is there a demand for this type of proposal?
- Inaccurate information on the application form which states 49 spaces when only 39 spaces exist

- Reference to an earlier Delegation Report which indicates there were between 15-26 free spaces between 5pm – 7pm – notwithstanding the Indian Restaurant customer parking
- Lack of formal engagement with the community
- Increased congregation of youths in the area and antisocial behaviour
- Loss of the local shop forcing residents to drive to other shops
- The lack of an Environmental Impact Assessment
- Suggestion of using the White Bear site instead
- Concerns that the building in question is not sufficiently big enough for what is proposed
- The need for open consultation process with the community
- Overlapping uses and drop off and collection from the site including the nursery, Indian restaurant and proposed church
- Concerns regarding site notices being removed and poor publicity of the application
- The applicant has not served notice on the land owner Goosebrook Limited or Asquith Nurseries Limited – Certificates of ownership are incorrect on the application form
- Unclear where the cycle storage would be sufficient to satisfy Highways Team condition
- D1 use would mean that the building could be used in the future to provide nursery care without planning permission in direct competition with the existing nursery on the site
- Successful and well attended events advertised on social media
- Lack of information provided regarding the use of the community centre
- Need for sound proofing
- Earlier plans for a new access from Lowry Road which have not materialised
- Insufficient assessment of the proposal by the Highways Team
- Lack of noise impact assessment
- Detrimental to children playing in the area
- Health and safety requirements for the church

6.3 Three letters of support have been received

- Proposed use would tackle existing issues of antisocial behaviour
- Excellent use of the building
- Offers community facilities
- Local asset and provide positive benefits
- Having the building in use is a positive

7.0 **PLANNING POLICIES:**

7.1 Core Strategy Policies

- GP - Sustainable Development and the NPPF.
- SP1 – Location of development in main urban areas on previously developed land.
- SP2 - Hierarchy of Centres.
- P4 - Shopping parades serving local neighbourhoods and communities.
- P9 - Community Facilities and Other Services
- T2 – Accessibility.

Relevant Saved UDP Policies

- GP5 – General planning considerations

- T7A – Secure cycle parking.
- T7B – Secure motorcycle parking.
- T24 – Parking provision (until adoption of parking SPD).
- BD5 – General amenity issues.
- A9A - Car Parking Guidelines (saved until adoption of Parking SPD)
- A9C/A9D – Motorcycle/Cycle parking guidelines (saved until adoption of Parking SPD).

7.2 National Planning Policy Framework (2012)

The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

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

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Chapter 2: Ensuring the vitality of town centers is of particular relevance.

8.0 **MAIN ISSUES:**

- Principle of development.
- Impact on Residential Amenity.
- Highways
- Other Issues
- Conclusion

9.0 **APPRAISAL:**

Principle of development

- 9.1 In assessing the principle of the development a number of local and national planning policies are relevant. Leeds Core Strategy policy P9 relates to the creation of community facilities and other services (including places of worship). As is noted in the Sites and Surroundings section of this report the application site does not fall

within a designated Town or Local Centre. Core Strategy policy P4 relates to shopping parades and small stand-alone food stores serving local neighbourhoods and communities and includes criteria for the change of use of existing retail units to non-retail units.

- 9.2 Paragraph 70 of the NPPF states that [local planning] decisions should plan positively for provision of shared space and community facilities (including places of worship. Paragraph 37 of the NPPF states that "planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities".
- 9.3 The application seeks to change a vacant A1 retail Unit into a Church and Community Centre falling within the D1 Non Residential use class. Whilst the applicant has not submitted supporting evidence to demonstrate that the retail use is now unviable at the site, it is recognised that this is the likely factor in the closure of the supermarket. It is also noted that there are a number of alternative small scale retail units within the wider local area and larger supermarket stores at the nearby Town and Local Centres of Morley and Middleton and also the nearby White Rose Shopping Centre for example.
- 9.4 Providing a new Church and Community Centre of modest scale and nature in a generally accessible location with good links to public transport is unlikely to have significant impacts on residential amenity therefore the proposal is considered to be in-keeping with the wider aims of Core Strategy policy P9 and paragraph 70 of the NPPF. It is noted that policy P9 also encourages such uses where possible, to be located in centres with other similar uses. Although the application site is not located in a designated town or local centre, it is generally recognised that larger venues of this nature are in short supply in those centres in the wider locality. As such, it is not considered unreasonable or uncommon for such uses to seek alternative facilities.
- 9.5 Policy P9 also requires, where a proposal would result in the loss of an existing facility or service (in this instance a retail function), that satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified. Core Strategy policy P4 includes similar aims whilst looking to protect the vitality and viability of existing retail units where the day to day needs of a local community will be undermined, lead to an increase in travel or a concentration of non-retail uses which will detrimentally impact on a local community. In these respects the factors highlighted above in relation to the viability of the existing supermarket unit and the availability of other shopping options within the local area are relevant. Whilst the loss of the unit will inevitably have some impact on local residents in terms of the loss of the shopping facility, it is clear that similar facilities do exist elsewhere in the wider locality which are not an unreasonable distance away. It is not considered that the concentration of non-retail uses will have a detrimental impact on the local community in these respects.
- 9.6 Overall it is recognised that the loss of the retail unit will have some impact on the local community. However, for the reasons noted above it is not considered that these impacts will be significantly harmful. Furthermore it is considered that the benefits of the proposal in providing a church and community facility in a generally accessible location with good links to public transport represent considerable benefits of the scheme. As such the proposal is considered to be in-keeping with the wider aims of Core Strategy policies P9 and P4 and paragraphs 70 and 37 of the NPPF and therefore the principle of the development is considered acceptable.

- 9.7 The proposal is for a church and community centre use with opening hours of 10am to 10pm, 7 days a week. The site is located in the centre of a largely residential area however the unit does adjoin the Balti House Indian takeaway and restaurant and neighbours Asquith Nursery. The wider area is residential in nature with Lowry road forming the main access road which runs through the nearby housing estate.
- 9.8 The change of use of the building is likely to create some impact due to different patterns of operation to that of a supermarket; however this impact is unlikely to be significantly more harmful than the existing use. Issues which affect residential amenity include increased comings and goings to and from the site and also noise and disturbance associated with the use. It is unlikely that the proposed use as a church and community centre would have a significantly greater impact than a retail unit with the same hours of operation. Information submitted as part of the application states that the current congregation size is 25-30 people however the church has expressed a desire to expand their congregation size in the future and also operate a community centre offering community facilities such as coffee mornings, clubs for children and teenagers, parent and toddler events etc.
- 9.9 It is acknowledged that the number of comings and goings to the site associated with the use of the unit as a church and community centre is likely to be more intensive at peak times during church services and events than the previous use of the unit as a supermarket. Supermarkets generally have a more continuous and steady flow of customers coming and going from the site, therefore some additional impact on residential amenity is anticipated. However it is worth highlighting that any associated HGVs which deliver goods to the retail unit will no longer need to visit the site should the retail unit be lost. Local residents have raised concerns regarding noise associated with the proposed use such as singing and the ringing of church bells. However churches have operated in local communities for centuries and the additional noise associated with any sound equipment can be controlled by planning condition. It is noted that existing issues of anti-social behaviour have been highlighted through consultation with residents. It is considered that the local benefits of finding a suitable future use of the building as a church and community centre are considered to outweigh the harm caused by leaving the unit vacant and attracting further issues of anti-social behaviour.

Highway Issues

- 9.10 The proposal is considered acceptable in terms of its impact on highway safety. The application site is located in a very sustainable location with good access and transport links. The existing vehicular access to the car park is suitable for the proposed change of use and there is sufficient space for refuse storage and the manoeuvring of refuse vehicles.
- 9.11 The majority of the objections received raise concerns regarding issues of highway safety. There are currently 39 marked parking spaces on the site and it is acknowledged that these are shared spaces with the neighbouring children's nursery and Indian restaurant and takeaway. There is also an overspill car park to the north west of the unit. It is the view of the Highways Officer that given the nature of the other uses sharing the car park (a nursery and restaurant) the peak parking demand between the uses will occur at different times of the day.
- 9.12 It is acknowledged that the saved UDP parking guidelines do not contain guidance for places of worship therefore the Highways Engineer has considered size of the building and compared that to similar sized churches around the country. It is the view of the Highways Officer that the available parking would be sufficient for the size of the congregation based on the information submitted and officer research.

The existing communal spaces are therefore considered acceptable to serve the development. The Highways Team raise no objections to the proposals provided a condition is attached relating to cycle storage. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

Other Issues

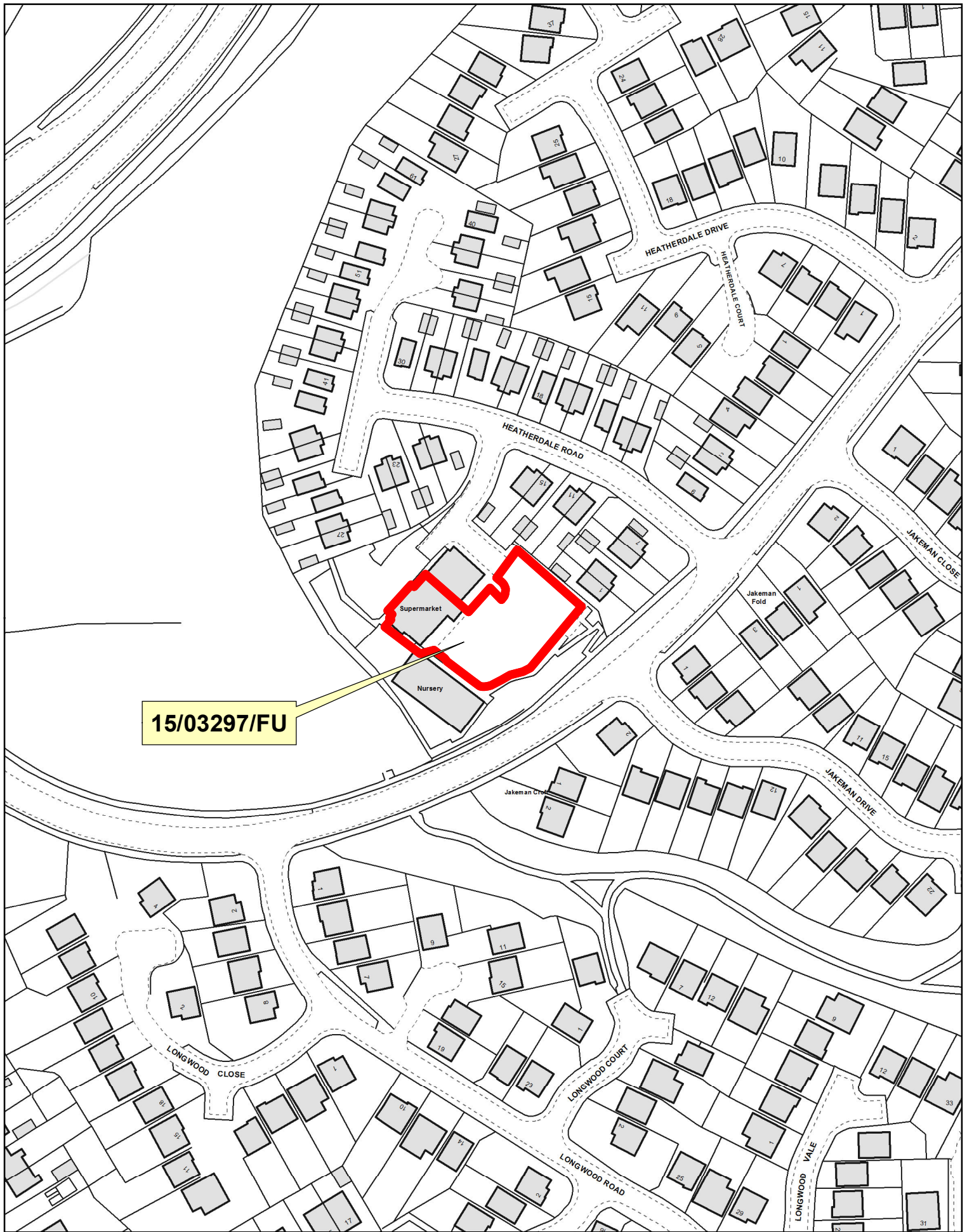
- 9.13 One point raised by an objector is that the certificates of ownership have not been served correctly; the applicant has now served notice on Asquith Nursery and the Balti House, Indian takeaway and restaurant on 07th October 2015.
- 9.14 Consideration has been given to Section 149 of the Equality Act, which places a duty on the Public Sector to advance equality and minimise disadvantage. It is considered the proposal complies with this legislation.

Conclusion

- 9.15 On balance, whilst it is acknowledged that the proposed church and community centre will have some impact on residential amenity in terms of increased car journeys to and from the site at peak times; this additional impact is not considered to outweigh the broader benefits of the scheme which propose to bring a vacant building back into use and offer community facilities.
- 9.16 As such, the proposed change of use is considered acceptable in principle and will lead to the creation of a church and community facility in a generally sustainable location with good public transport links. It is not considered that the proposed use would have an adverse impact on the character of the locality due to the location of the application. The proposed use is not considered to lead to any significant highway congestion or parking concerns. Accordingly, the proposal is considered also to comply with relevant local policies GP5, P4, P9 and T2 of the Leeds Core Strategy and the guidance contained within the NPPF.

Background Papers:

Application files 15/03297/FU



SOUTH AND WEST PLANS PANEL



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Originator:	Kate Mansell
Tel:	0113 247 8360

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 22nd October 2015

Subject: Application 14/01904/FU - The demolition of Moorside Building Supplies and the erection of residential development for 42 dwellings on land at Moorside Building Supplies Limited, 37-39 King Street, Drighlington.

APPLICANT	DATE VALID	TARGET DATE
Miller Homes Limited.	4 th July 2015	30 th October 2015 (PPA)

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

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);**
- ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;**
- iii. The undertaking of off-site drainage works to be agreed in order to mitigate the impact of flows downstream, which may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond to a maximum of £20,000;**
- iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;**
- v. Travel Plan including a monitoring fee of £2,925;**
- vi. Employment and training initiatives (applies to the construction phase).**
- vii. A mechanism for the long-term management of open space within the site.**

In the circumstances where the S106 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. Commencement of development within three years – standard time limit.
2. Plans to be approved.
3. Samples of walling, roofing and surfacing materials to be approved.
4. Details of window reveal to achieve a minimum 75mm reveal.
5. Lintel detail to comprise one piece
6. Details of boundary treatment
7. Removal of Permitted Development
8. Existing and proposed levels
9. Retention of hedgerows.
10. Details of means of enclosure.
11. Details of bin stores.
12. Landscape scheme.
13. Implementation of landscape scheme
14. Landscape management plan.
15. Tree protection measures.
16. Biodiversity enhancement conditions – bird and bat boxes.
17. No removal of hedgerows between 1st March and 31st August.
18. Control of Himalayan Balsam.
19. Lighting details.
20. Compliance with the ARP Geotechnical Report to address the Coal Mining legacy.
21. Feasibility study into the use of infiltration drainage methods.
22. Details of surface water drainage.
23. Method statement for interim drainage measures.
24. No development within 3 metres of the centre line of the sewers that cross the site.
25. Details of a satisfactory outfall for surface water.
26. Highway Condition Survey
27. Approved Visibility Splays
28. Maximum gradient to access.
29. Maximum gradient to driveways.
30. Retention of garages.
31. Vehicle space to be laid out.
32. Provision for contractors during construction.
33. Travel Plan
34. Cycle provision.
35. Statement of construction practice.
36. Contamination reports and remedial works.
37. Unexpected contamination.
38. Verification reports.
39. Soil importation condition
40. Details to achieve 10% of energy needs from low carbon energy.
41. External power point to accommodate electric vehicles.

1.0 INTRODUCTION:

- 1.1 This application is brought to the South and West Panel due to the level of local objection to the proposal.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for the demolition of the existing buildings within the site and the construction of 42 residential units on a 1.3-hectare site to the rear of 37-39 King Street. The development proposes a range of apartments, terraces, semi-detached and detached dwellings comprising 4 x 1 bedroom flats, 5 x 2 bedroom semi-detached and terraced houses, 15 x 3 bedroom semi-detached/terraced houses, 4 x 3 bedroom detached houses, 2 x 4 bedroom semi-detached houses and 12 detached four bedroom houses. The majority of houses extend to two storeys in scale with two house types out of the eleven house types proposed within the site extending to 2.5 storeys. The application form indicates that the housing will be constructed in reconstituted regular coursed stone with a grey concrete tile roof. They are traditionally detailed with artstone lintels and cills, a window hierarchy with typically larger windows to the ground floor, a window reveal and chimneys.
- 2.2 The housing layout is principally determined by the internal access road. Vehicular access to the residential properties will utilise the existing access from King Street, which will be widened to accommodate the adopted highway. It then extends to a T-shaped road with two cul-de-sac spurs to the east and west of the main access road. It is noted that the main central access road does extend to the edge of the eastern boundary of the site and it is identified on the submitted layout plan as a 'possible future access'. This is a reference to land outside of the red line boundary and to the east of the application site, which is a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP). The housing layout seeks to address the access road and King Street by providing a detached dwelling fronting King Street to correspond to the existing building line with the houses within the site fronting the access road as far as practicable.
- 2.3 A 0.2-hectare public open space is indicated on the part of the site beneath which there are some existing Yorkshire Water storage tanks, which precludes development above.
- 2.4 This full planning application is supported by detailed plans of each house type as well as fenestration details, a Design and Access Statement, a Flood Risk Assessment, Transport Statement, Sustainability Statement, Ecological Report, Foul and Surface Water Drainage Strategy and a Contamination Report. An affordable housing viability appraisal has been undertaken in the course of the application but in order to move the application forward, this submission includes the provision of 15% affordable housing in accordance with the Council's Adopted Policies.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site presently incorporates the former Moorside Building Supplies at 37-39 King Street at the entrance to the site and then extends to a large area to the rear comprising open unused land. Moorside Building Supplies is a large hard-surfaced area with some existing buildings of an industrial appearance within the site and a pair of stone semi-detached former houses fronting King Street, which also appear to have been used as part of the building supply operation. These existing buildings will be demolished as part of this application. The unused land to the rear is primarily open and constitutes Greenfield land albeit that Yorkshire Water have previously constructed drainage storage tanks in the north-eastern quadrant of the site, albeit not physically evident, which precludes any development above.
- 3.2 To King Street, the site presents a narrow 28-metre frontage situated between the Public House at 35 King Street and two modern red brick houses at 41-43 King

Street. The majority of the site lies to the rear of 14-141 King Street with 145 King Street bounding the site to the south-east. Spring Gardens forms the eastern boundary to which the site presents a 35-metre frontage whilst to the north and north-east, the site is bounded by arable land that forms a Protected Area of Search (PAS) site. This northern boundary extends to circa 210 metres.

- 3.3 The character of the surrounding area is mixed albeit predominantly residential. To King Street, the properties are largely residential with the exception of the Post Office at 17 King Street, the Public House at No.35, a small grocery retail unit at No.93 and a food outlet at No.95. To Spring Gardens to the east, the site lies opposite a recently completed residential development that is accessed from Summerbank Close. Opposite the entrance to the application site at Perkin House, 29 King Street, is a current application for the construction of a new Aldi supermarket in accordance with planning reference 15/01760/FU, which is pending consideration.
- 3.4 A public footpath runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road.
- 3.5 The PAS land adjacent is proposed for release in Phase 3 of the Site Allocations Plan as part of proposed allocation HG2-143. The application site also forms part of this proposed allocation, though the current PAS element and the application site have distinctly different characteristics. The application site currently is not subject to any specific allocation or designation in an existing development plan, whilst the PAS land which forms the remainder of the proposed allocation is specifically safeguarded from development by Policy N34 of the UDP.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The most relevant planning history is summarised below:
- 4.2 23/408/05/FU: Laying out of access and erection of 42 dwelling houses and detached 2 storey community centre. Refused: 30.12.2005
- 4.3 This application, the red line boundary of which extended further than the red line boundary of this site to include an access onto King Street adjacent to 141 King Street, was refused with five reasons for refusal including on the grounds that the development of this greenfield site was unacceptable in that it would prejudice the need to achieve sustainable housing development and maximise the re-use of previously developed land contrary to UDP policy H1a (now superseded by the Core Strategy Spatial Policy 6) and the advice given in the now cancelled Planning Policy Guidance Note 3 Housing, which had established a 'Brownfield' first approach to development, now superseded by the NPPF. It was also refused on the grounds that the proposed community centre would adversely impact the residential amenity of the occupiers of neighbouring residences, unacceptable design and layout, failure to provide sufficient usable car parking for residents and visitors and insufficient visibility for emerging drivers at the proposed junction with King Street.
- 4.4 The applicant, Miller Homes, previously submitted a separate application (14/01954/FU) for the development of 5 houses on land adjacent to 141 King Street. This was refused in October 2014 on the grounds that it would result in the loss of 4 mature protected trees, the planting of new trees in very close proximity to new houses and on the grounds that the layout of the scheme constituted over-development giving poor amenity. A revised scheme for one detached house and

one pair of semi-detached dwellings in accordance with 15/03417/FU was approved at Plans Panel on 17th September 2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal has been the subject of extensive revision in the course of the application process following a number of meetings between Council Officers and the applicant. The principal changes are as follows:
- (a) The position and form of the access road that runs eastward within the site has been significantly amended; the original scheme included a group of houses, including two blocks of flats over garages that failed to meet the Council's recommended distance between dwellings and result in a poor streetscene. There was also concern about the layout of this part of the site. The access road has subsequently been realigned to allow the site layout to be re-designed. This has resulted in a reduction in the number of proposed dwellings from the 47 originally sought to the 42 now proposed.
 - (b) The application originally included a footpath into the site from Spring Gardens; however, this resulted in a poor relationship to the proposed dwellings within that part of the site and it was not considered to form a particular desire line of movement in the area such that it was omitted;
 - (c) The original scheme included a pair of semi-detached dwellings at the entrance to the site that extended to three storeys. These were considered inappropriate given that the predominant scale of development around the site is two-storeys.
 - (d) The design and appearance of the houses have been fundamentally reviewed to ensure that the proposal respects and enhances local distinctiveness and character. This has included the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was initially advertised by means of a press notice in the Morley Advertiser posted 7th May 2014 and a site notice as a major development and a development affecting a Public Right of Way posted on 2nd May 2014.

A total of 345 objections have been received from local residents, the majority of which (333) are in the form of a template letter. The objections raise the following concerns :

- i. The village cannot facilitate the number of family homes without first building additional schools, doctors, surgeries and dentists.
- ii. Once the infrastructure is in place, development of existing brownfield sites should be explored before developing the green fields around Drighlington, which makes it a special place to live.
- iii. The residents advise that in a letter to Drighlington Parish Council in April 2014 the Chief Executive of Leeds City Council expresses a general view that a brownfield first approach to development across the City is the right

one and that new housing should be prioritised in regeneration areas and areas where there is a clear unmet housing need;

- iv. The development would place an undue pressure on village infrastructure;
- v. Concerns regarding sewage issues as there is an on-going Yorkshire Water project at Lumb Bottom;
- vi. This development will give the potential for an additional 210 vehicle movements per day on an already busy road;
- vii. No proposal for surface water included within the application;
- viii. Concern about access onto King Street given that a previous application for a single house adjacent to 1 Spring Gardens was refused due to the effect on King Street.

6.2 The Drighlington Conservation Group has written to object most strongly to the application on the following grounds:

- a. This is a Greenfield site and should not be developed until all Brownfield sites, such as Drakes Mill Moortop, Drighlington (also unallocated) have been developed;
- b. There is insufficient infrastructure in place to support a development of this size and it will also generate significant traffic movements on an already busy road;
- c. There are currently major problems with water/sewerage, which are the subject of investigation by Yorkshire Water at the present time;
- d. A comment has been received from a local resident requesting a swept path plan to show the tracking of large vehicles accessing the site from King Street, arising from a concern that such vehicles will need to cross over the carriageway to access the site and this is directly adjacent to the access to the Public Open Space.

6.3 A revised consultation exercise comprising site notices to advertise the revised scheme were posted on 28th August 2015. A further 5 letters of objection have been received, which repeat the concerns raised as part of the original consultation exercise outlined above with the following additions:

- a. In the view of the objectors, King Street is already busy with speeding motorists and the road will only get busier following the completion of the proposed Aldi store;
- b. The bend in the road towards Morley can become a skating rink in winter;
- c. The local school is full and cannot even take all Drighlington children;
- d. The increased surface water discharge will invariably end up at Lumb Wood Pond, which has had flooding problems for years.
- e. The foul water pipe adjacent to the north-west has been overwhelmed during storms in the past resulting in sewage backing up into properties on Spring Gardens.

6.4 Ward Members were formally consulted on the planning application and have received subsequent e-mail updates in September 2014, December 2014 and August 2015 with a recent update to confirm that the application would be reported to this Plans Panel. No specific comments from Ward Members have been received.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory Consultation Responses:

Environment Agency: The EA advises that they have agreed with the Leeds City Council Flood Risk Management (FRM) team, as the Lead Local Flood Authority (LLFA), that they will provide comments in relation to the sustainable management of surface water. With regard to foul drainage, the EA advises that a mains connection has been proposed for foul drainage disposal and the Council should ensure that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed by consulting Yorkshire Water.

Coal Authority: The Coal Authority concurs with the recommendations of the letter from ARP Geotechnical Ltd to Neil Manock Residential Development Consultancy (28 November 2012); that coal mining legacy potentially poses a risk to the proposed development and that works should be undertaken prior to development in order to ensure that the site can be made safe and stable, in accordance with the requirements of the NPPF. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site remediation works to be undertaken prior to the commencement of development. On this basis, the Coal Authority would have no objection to the proposed development.

7.2 Non-Statutory Consultation Responses:

Highways: No objection to the revised layout subject to conditions.

West Yorkshire Combined Authority: There is a regular bus service running next to the development serving Wakefield, East Ardsley, Morley, Gildersome etc. There are also more services nearby. Metro advise that bus stop number 13025 should have a shelter installed at a cost to the developer of around £10,000; This payment also includes maintenance of the shelter. A new shelter would benefit the residents of the new development. The shelter should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing. Metro also advise that future residents would benefit if one of Metro's new 'live' bus information displays (see picture attached) were to be erected at bus stop number 13025 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed. In order to encourage the use of the public transport services available, the developer should also be conditioned to enter into Metro's Residential MetroCard (RMC).

Flood Risk Management: FRM advise that the recommendations of the submitted Flood Risk Assessment prepared by ARP Associates (Ref:425/53r5) and the Foul & Surface Water Drainage Strategy ref: 425/53r4 both dated March 2014, based on pre planning consultations with FRM and others have addressed the drainage and flood risk related matters associated with the site and the recommendations and conclusions are acceptable subject to conditions.

Public Rights of Way: No objection subject to conditions. However, they do note that the Public Footpath number 10 - Morley abuts the site as recorded on the Definitive Map and which has a minimum definitive width of 1.2 metres. The Definitive map provides conclusive proof of the existence and status of Public Rights of Way. Currently the surface is roughly metaled, but as the development is likely to see an increase in use by the public, the developer should provide an improved surface to a specification approved by the Public Rights of Way Section (preferably up to adoptable standard).

Yorkshire Water: Yorkshire Water initially submitted an objection to the application on the basis that one unit was sited over the public sewerage system. However, the layout was subsequently significantly revised and Yorkshire Water has been re-consulted. The outcome of that consultation remains outstanding and will be reported directly to Plans Panel should the objection be unresolved. Yorkshire Water has provided a list of conditions should planning permission be recommended.

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. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The application site is unallocated on the LDF Policies Map (January 2014). It is considered to comprise a part-Brownfield site (in relation to Moorside Building Supplies) and part-Greenfield with the majority of the site being Greenfield.

Adopted Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Spatial policy 1: Location of development
Spatial policy 6: Housing requirement and allocation of housing land
Spatial policy 7: Distribution of housing land and allocations
Spatial policy 11: Transport infrastructure investment priorities
Policy H1: Managed release of sites
Policy H3: Density of residential development
Policy H4: Housing mix
Policy H5: Affordable housing
Policy P10: Design
Policy P12: Landscape
Policy T2: Accessibility requirements and new development
Policy G4: New Greenspace provision
Policy G8: Protection of species and habitats
Policy G9: Biodiversity improvements
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk
Policy ID2: Planning obligations and developer contributions

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.

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

LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

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

Street Design Guide SPD

Neighbourhoods for Living SPG

Affordable Housing SPG (Interim Policy)

National Planning Policy Framework (NPPF)

- 8.6 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.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs,

ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

- 9.1 The main issues to consider in the determination of this application include the following:
- i. Principle of development – Policy and Land Use
 - ii. Housing density and mix;
 - iii. Affordable Housing
 - iv. Highways
 - v. Design
 - vi. Landscaping
 - vii. Residential Amenity
 - viii. Ecology
 - ix. Sustainability
 - x. Flood Risk
 - xi. Demolition of the existing buildings
- 9.2 The Council must also consider representations received as part of the public consultation exercise.

10.0 APPRAISAL

Principle of development – Policy and Land Use

- 10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is unallocated. It is, however, determined to be a part-Greenfield and part-Brownfield site with the latter correlating to the small portion of the site originally occupied by Moorside Building Supplies.
- 10.2 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:
- (i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.
 - (ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.
 - (iii) For development to respect and enhance the local character and identity of places and neighbourhoods.
- 10.3 The application site is located within the Smaller Settlement of Drighlington. Spatial Policy 1 does not preclude development within such smaller settlements as long as the scale of growth has regard to the settlement's size, function and sustainability with a priority for identifying land being previously developed land and buildings first, followed by other suitable infill sites. In this case, the application site is relatively small in scale with a proposal for 42 dwellings, which, in the context of the wider settlement of Drighlington, is not considered to exceed the settlement's size, function and sustainability. It is also the case that whilst the site is primarily Greenfield, the site of the former Moorside Building Supplies, which largely forms the site entrance and access, is Brownfield. **Moreover, the application is considered to represent an infill site within the existing pattern of development in this part of Drighlington; the site's north/north-eastern boundary is very clearly defined by the public footpath that runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road, beyond which is the open PAS land.** This application is considered to represent a 'rounding-off' of the settlement and clearly delineated from projecting into more open countryside by the public footpath and is therefore distinctly different from the PAS land to the north, which forms the remainder of the proposed allocation currently subject to consultation as part of the plan making process and does not benefit from such delineation.
- 10.4 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least

3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:

- (i) Sustainable locations (which meet standards of public transport accessibility), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure);
- (ii) Preference for brownfield and regeneration sites;
- (iii) The least impact on Green Belt purposes;
- (iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes;
- (v) The need for realistic lead-in-times and build-out-rates for housing construction;
- (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation;
- (vii) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

- 10.5 (i) - In terms of a sustainable location, the 'Accessibility Standards' at Table 2 of Appendix 3 of the Core Strategy require 5 or more dwellings outside the Main Urban Area to be within a 15 minute walk (up to 1200 metres) of local services, within a 5 minute walk to a bus stop offering a 15 minute service to a major public transport interchange for employment, within a 20 minute walk or a 5 minute walk to a bus stop offering a direct service at a 15 minute frequency to Primary Health/Education, within a 30 min direct walk or 5 min walk to a bus stop offering a 15 minute service frequency to a major public transport interchange for secondary education and within a 5 minute walk to a bus stop offering a direct 15 minute frequency services to town centres/City Centre. The development is determined to be within 400 metres (5 minute walk) of bus stops located on King Street and Station Road. The daytime service frequency is 30 minutes for services 425/427 and 60 minutes for service 209. The routes provide access to all three major public transport interchanges of Leeds, Bradford and Wakefield as specified in the Core Strategy such that the combined daytime frequency meets the 4 buses per hour to major Public Transport interchanges as specified in the Core Strategy. The bus stops closest to the site (circa 70 metres) also provide an hourly service to Wakefield and Bradford. The site is within a 15 minute walk (1200m) of limited local services comprising of a convenience store, hot food takeaway and a sandwich shop. The site is also within the recommended 20-minute walking distance (1600m) to primary health services (Drighlington Medical Centre) and local primary school provision (Drighlington Primary school). It is outside a direct 30min walk (2400m) to the nearest secondary education facility (Tong High School or Bruntcliffe High School) however, as stated above, the bus stop frequency complies with the required 15 min daytime frequency. **The site is therefore considered to sufficiently comply with the Council's Accessibility Standards and it is deemed to be within a sustainable location within the boundary of the settlement of Drighlington with suitable access to local services and facilities and public transport access to larger settlement.** With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds.

Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours but it is for individual practices to determine how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited. With regard to education provision, Children's Services have advised that the nearest primary school to this development would be Drighlington Primary School where there is little or no spare capacity in the coming years whilst the nearest secondary school is Bruntcliffe High School, which similarly has little or no spare capacity in the coming years. However, it is relevant to acknowledge that this application is below the threshold of 50 dwellings for which an education contribution could have been sought in accordance with the Supplementary Planning Guidance 11: Section 106 Contributions for School Provision. **It is also the case that this application will be subject to the Community Infrastructure Levy to a sum of £149,040.00, which can contribute towards the provision of infrastructure within the locality including primary and secondary education. It is therefore considered that the application could not be refused on the grounds of education capacity.**

- 10.6 (ii) to (vii) - Spatial Policy 6 (ii) does express a preference for brownfield and regeneration sites and it is accepted that this site is primarily Greenfield and it is not a regeneration site. However, it is accepted that through application of Policy SP1 above, the development in Smaller Settlements can occur and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, with regard to (iii) the site is not within and nor does it adjoin Green Belt land such that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the existing neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in Spring 2016 with build out rates of circa 30 per year. **The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.**
- 10.7 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies. **SP7 also sets out that 2300 are expected to be infill developments within Smaller Settlements city wide.** This application, if granted, would result in a small housing development on an infill site in Drighlington in the short to medium term, which would contribute to overall housing delivery across the City, with further development of the adjacent site expected to occur at the back end of the plan period as part of Phase 3.
- 10.8 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations. This is to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and the achievement of a previously development land target of 65% for the first five years and 55% thereafter and the following five criteria:
- i. Location in regeneration areas,
 - ii. Locations which have the best public transport accessibility,
 - iii. Locations with the best accessibility to local services,
 - iv. Locations with least impact on Green Belt objectives,
 - v. Sites with least negative and most positive impacts on existing and proposed

green infrastructure, green corridors, green space and nature conservation.

- 10.9 Members will be aware that a report was presented to Development Plans Panel on 19th May 2015 setting out an overall approach to housing phasing having regard to the fact that the Leeds Core Strategy (Policies SP1, SP6 and SP7 above) and Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period. Members were invited to comment on and to endorse the overall approach to Housing Phasing, which effectively seeks to translate the Core Strategy policy requirements into a realistic and deliverable approach. The report advocates 3 phases for the managed release of sites for the Site Allocations Plan. Phase 1 is identified as starting at 2012 (year 0 of the plan) with Phases 2 and 3 following on sequentially to meet supply requirements in line with Paragraph 47 of the NPPF.
- 10.10 As noted in the site and surroundings section of this report, Members are also advised that within the Publication Draft Site Allocations Plan and Aire Valley Leeds Area Action Plan, which is currently the subject of public consultation (22nd September – 16th November 2015) the application site and the PAS land to the rear is identified together as proposed allocation Ref HG2-143 (SHLAA reference 2124_3003). In total, this proposed allocation extends to 10.8 hectares with a capacity for 250 house, and it is all proposed within Phase 3. For Members information, this is in contrast to the Issues and Options stage of the Site Allocations Plan (June 2013), which was the available document at the time that this application was submitted (April 2014) when the application site was identified as a potential allocation in its own right, distinct from the PAS site to the north. At Issues and Options stage, the application site was identified as being a 'green' site, which was considered to have the greatest potential to be allocated for housing, whilst the PAS element of the proposed allocation was an 'amber' site, which was considered to have potential and was not as favored as 'green' sites.
- 10.11 With regard to the application site, whilst acknowledging the later phasing of the site within the Publication Draft Site Allocations Plan (SAP) as part of a wider allocation with the adjoining PAS land, it is considered that there are specific circumstances in relation to the application site to warrant the recommendation for approval at this point in time. With regard to (i) to (iv) of H1 above, it is noted that there are no sites within the smaller settlement of Drighlington within a regeneration area and it is also the case, as confirmed in the report above, that the site is centrally located within Drighlington such that it is considered to be accessible by public transport, accessible to local services, have no impact upon the Green Belt nor any impact on green infrastructure or nature conservation. Significantly, the application site can also be clearly distinguished from the larger part of the allocation that extends beyond the application site comprising PAS land. Physically, there is a public footpath delineating the application site from the PAS land to the north and as noted above, the application site is considered to comprise an infill within the village that effectively 'rounds-off' this part of the settlement. Furthermore, within the LDF Policies Map (January 2014) the application site is unallocated in contrast to the adjoining PAS land. It is also the case that Paragraph 216 of the NPPF sets out the weight that can be attached to emerging plans as noted above. In this regard, whilst the SAP is at a relatively advanced stage of preparation and has been prepared in

accordance with the NPPF, as it is currently the subject of public consultation, the extent to which there are unresolved objections is not yet known. Therefore, the Publication Draft Site Allocations Plan does not yet have full weight. In comparison, adopted policies within the Core Strategy and saved Policies within the UDP can be given full significant weight. As this report will demonstrate, on balance, the application site in isolation sufficiently complies with the development plan policies Spatial Policy 1, Spatial Policy 6 and H1 which set out the approach to phasing. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.

10.12 Having regard to the Adopted Core Strategy and the scheme's compliance with it, Policy H2 of the Adopted Core Strategy relates specifically to new housing development on non-allocated sites (which is the status of the application at the current point in time). It states that new housing development will be acceptable in principle on non-allocated land, providing that:

- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
- (iii) Green Belt Policy is satisfied for sites in the Green Belt (not relevant to this site)

In addition, it states that Greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
- b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment (not applicable in this instance).

Considering each point in turn, the following is advised:

(i) and (ii) This application proposes 42 dwellings, a reduction of 5 houses from the original proposal of 47 dwellings. The issues of health and education infrastructure is considered fully at Paragraph 10.11 above and it is concluded that given the relatively small number of houses proposed as part of this application, it is not concluded that a refusal on the grounds of the scheme exceeding the capacity of health and education infrastructure could be substantiated. It is also demonstrated at Paragraph 10.11 that the site is considered to sufficiently comply with the Council's Accessibility Standards. It is therefore concluded to be a sustainable location within the boundary of the settlement of Drighlington with sufficient access to local services and facilities and public transport access to larger settlements.

With regard to the classification of the majority of the site as Greenfield land, it is a privately owned site that is not accessible to the public such that it is not considered to have any intrinsic value as amenity space or for recreation or for nature conservation nor is it considered to make a particularly valuable contribution to the visual, historic and/or spatial character of an area. Overall, the application is therefore considered to comply with Policy H2.

Housing Density and Housing Mix

- 10.14 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'smaller settlement area' a minimum density of 35 dwellings per hectare is required to comply with Policy H3. At 42 dwellings, the site delivers a density of 32 dwellings per hectare, which is just below the minimum requirement. However, Policy H3 does acknowledge that there may be overriding reasons concerning townscape, character, design or highway capacity, which result in a lower density. **In this case, the layout has been revised and is considered to be appropriate to achieve the Council's minimum distances between residential dwellings and minimum garden sizes and to also achieve a density that is consistent with the form of surrounding residential development such that it is not considered contrary to Policy H3 in this instance.**
- 10.15 With regard to housing mix, Core Strategy Policy H4 advises that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and the character of the location. However, only for sites over 50 units in Smaller Settlements is a Housing Needs Assessment required such that in this instance, it is noted for information. **In this case, the scheme just achieves a minimum of 10% flats to houses (4 out of 42 units) although it falls below the preferred mix of a minimum of 30% 2 bedroom units within only 12% (5 out of 42 units) being 2 bedroom units. Twenty of the 42 units are 3-bedroom units (48%), which meets the 3-bedroom target of a minimum of 20% and a maximum of 70% with the remaining 30% being 4-bedroom units, which is within the maximum threshold of 50% recommended by Policy H4.**

Affordable Housing

- 10.16 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City. As originally submitted, the application advised that the scheme would deliver 15% affordable housing in accordance with Policy H5. As the application developed, however, the applicant subsequently advised that in their view, the scheme was no longer viable and they opted for an independent viability appraisal to be undertaken by the District Valuation Officer, which was completed in Spring/Summer 2015. However, the outcome of that process is that **the applicant has now advised that in order to move the application forward, they are willing to comply with all policy requirements and they will meet the requirement for the development to deliver 15% affordable housing (equating to 6 units). This provision will be secured by means of a Section 106 Legal Agreement and ensures compliance with Policy H5.**

Highways

- 10.17 With reference to the Development Plan, Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. Appendix 3 of the Core Strategy also sets out accessibility standards for development. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only

be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 10.18 In this case, the submitted Transport Statement advises that a single simple priority junction will serve the site with King Street located between 35 and 41 King Street. It will comprise of a traditional estate road with a carriageway width of 5.5m, footways to either flank of 2m and junction kerb radii of 7.5m. The Transport Statement advises that visibility at the proposed junction is in accordance with the guidance set out within Manual for Streets. Pedestrian access to the site is provided via the footways to the traditional estate road from King Street
- 10.19 The Transport Statement confirms that the design of the proposed layout is also in accordance with Manual for Streets principles and the adoption standards of the City Council. It notes that where non-standard arrangements, such as turning facilities are proposed, these are verified by swept path analysis. The proposed layout will be a mix of shared surface roads and private drives linked into the traditional estate road
- 10.20 With regard to car parking, the Transport Statement confirms that parking provision (two spaces per dwelling) is in accordance with the maximum standards established within the UDP. Visitors are also accommodated within the site with capacity for on-street parking.
- 10.21 Finally, the Transport Statement confirms that based upon the original submission of 47 dwellings (now reduced to 42), the proposed development in total would generate in the region of 27 two way vehicle trips in the AM and PM peak, which relates to a flow of one vehicle every 2.2 minutes.
- 10.22 In the course of the planning application the highway layout has changed in response to amendments to the housing layout and also in response to comments received from the Council's Highways Officer, with particular regard to ensuring that the sightlines are satisfactory, that the City Council's refuse vehicles will be able to turn within the site and that there is sufficient parking provision. Highways also advised that the internal road needed to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development would be 20mph in accordance with the Street Design Guide. As a consequence of amendments to the scheme, the Council's Highways Officer confirmed that with regard to the revised layout, it is now considered acceptable. As demonstrated in the report above, the development is accessibly located and can provide safe and secure access for vehicles, pedestrians, cyclists and people with impaired mobility as well as ensuring an appropriate parking provision. It is also considered that the site and the adjacent highways have the capacity to accommodate the 42 dwellings and the 27 two way vehicle trips in the AM and PM peak such that there is certainly no evidence to indicate that the residual cumulative impact of the development would be severe; on this basis, the application should not be refused or prevented on highway grounds in accordance with the NPPF.
Accordingly, the proposal must therefore be considered to comply with Core Strategy Policy T2 and guidance within the NPPF.

Design

- 10.23 Within the Adopted Core Strategy, Policy P10 establishes a requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the

external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF.

- 10.24 In this case, the scheme has been subject to revision to ensure that the development is based upon a contextual analysis. The original scheme proposed 12 house types that included a three-storey house and dwellings above garages. With regard to scale and appearance, the original house types proposed plain fenestration, a poor solid: void ratio, stone cills to the front elevation but brick to the rear and lacked chimneys. The design and appearance of the house types have been fundamentally reviewed as part of this application. There are now 11 house types proposed within the site with the three storey houses and flats above garages omitted completely. The scale of development is now two-storey, which is comparable with the form of development in the surrounding area with only one house type (Tolkein), which is positioned within the site, providing accommodation within the roof space. However, even the Tolkien has been amended to position the dormer windows to the rear rather than to the front elevation to reduce their visual impact. In addition, the detailing of the houses has been amended to include the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area. Chimneys are also proposed to the main house types.
- 10.25 With regard to materials, this has also been a matter for discussion in the course of the application. The application form suggests that the development will be constructed in reconstituted stone facings with regular coursing and grey concrete tiles, which is reflective of the development at Kings Court and 64-70 King Street, which is within the vicinity of the application site. However, it is acknowledged that there is a mix of materials within the vicinity of the site with the predominant material comprising natural stone as well as red brick, with some buildings rendered. Existing roof materials are a mixture of slate and tiles. It is the view of Officers that the reconstituted stone currently evident on King Street does not deliver the best opportunity to deliver a scheme that respects the scale and quality of the external spaces and wider locality; it is considered that this would be best achieved by a natural stone scheme, at least to the site frontage and the dwellings visible from King Street on the access road (Plots 38-42) with the opportunity for red brick within the site to reflect another traditional material evident within the locality. It is acknowledged, however, that there is some variation in the quality of reconstituted stone and a condition is recommended requesting samples of the proposed materials.
- 10.26 Overall, it is concluded that as a result of the revisions secured in the course of the planning application and subject to achieving an appropriate quality of building material, **the development now has sufficient regard to the context and it is appropriate to its scale and function such that it will respect and protect the visual, residential and general amenity of the area** in accordance with Core Strategy Policy P10 and guidance within the NPPF.

Landscaping

- 10.27 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.

- 10.28 The application includes the submission of a tree survey and a landscape plan. The Tree Survey confirms that the majority of the site consists of disused land that has been subject to significant disturbance as a result of the installation of a large water retention tank as well as incorporating the Moorside Builders Merchants. In terms of trees within the site, none are subject to a Tree Preservation Order (TPO) with the existing trees within the boundary principally comprising a group of small elders adjacent to the boundary with Spring Gardens, further elders and a sycamore to the south-west boundary and mature hawthorns to the south-eastern corner. The majority of trees around the site are situated outside the application site with the most significant being a large Ash tree growing well outside the site to the south of 141 King Street, which is the subject to a TPO. This is identified to have a Root Protection Area of 14 metres and will be unaffected by this development.
- 10.29 It is noted that there will be some tree loss as a result of the proposed development comprising the mostly young trees around the boundary of the site although the row of elders to the southern boundary, a Sycamore and Ash to the Spring Gardens boundary and a row of trees and an Alder to the northern boundary are identified for retention. In addition, **the landscape scheme indicates the planting of 47 new ornamental trees within the site, hedgerow to the boundary with the adjacent footpath and both ornamental and shrub planting within the site.** Details of the planting will be required by condition as well as measures to protect the trees to be retained and subject to the recommended conditions, the application is considered to comply with Core Strategy Policy P12 and Saved UDP Policy LD1

Residential Amenity

- 10.30 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. In this case, in terms of protecting existing residential amenity, the application site immediately adjoins existing residential development to its southern boundary lying adjacent to 41-45 King Street, 75 King Street and 141 and 145 King Street. To the eastern boundary, the site lies opposite 1 Spring Gardens.
- 10.31 In terms of standards for site layouts to protect privacy and amenity, the Council's Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings. The most relevant to this site are the following:
- (i) Private gardens should have a minimum of two-thirds of total gross floor area of the dwelling (excluding vehicular provision);
 - (ii) A minimum of 10.5 metres between main ground floor windows (living room/dining room) to the boundary (a distance of 21 metres between main facing windows);
 - (iii) A minimum of 7.5 metres between a secondary window (ground floor kitchen/bedroom) to the boundary;
 - (iv) A minimum of 4 metres from a ground floor main window or secondary window to a highway
 - (v) A minimum of 12 metres from a main ground floor window (living room/dining room) to a side elevation;
 - (vi) A minimum of 2.5 metres between a side elevation and the boundary.

10.32 In relation to existing dwellings, the following is noted:

(i) The distance between the main ground floor windows on the rear elevation of No.41 King Street and the side elevation of Plot 1 is 21 metres, significantly in excess of the 12-metre minimum outlined above;

(ii) The distance between the side elevation of No.41-43 and Plot 41 is 20 metres; again, well in excess of the 12-metre minimum above;

(iii) The flank elevation of 75 King Street adjoins the garden of Plot 1 whilst the terrace of new houses at Plots 5-7 have garden lengths of circa 11 metres to the boundary adjoining the garden of No.75, also in accordance with the minimum distances above.

(iv) 141 King Street is angled towards the southern boundary of the application property at a distance of 10.5 metres at the closest point but there are no properties within the proposed development with a direct line of sight to the rear elevation of No.141 with the closest dwelling being Plot 19 at a distance of 13 metres from the side elevation to the rear corner of No.141 in accordance with the minimum distances above;

(v) 145 King Street is a very large detached property with windows to the side elevation facing towards the application site. However, the distance from the rear elevation of Plots 20-22 that lie closest to No.145 is 21.5 metres in accordance with the guidance above.

(vi) To Spring Gardens, the distance between the rear elevation of Plots 36 and 37 and the front elevation of 1 Spring Gardens is 21 metres, which also complies with the guidance above.

Thus, overall, the layout of the scheme ensures that the distances between existing and proposed dwellings is in accordance with the minimum distances outlined within the Council's Neighbourhoods for Living SPG such that it will not result in any loss of amenity to existing residents by virtue of loss of privacy or over-dominance.

10.33 With regard to the amenity of future occupiers of the housing development, the revisions to the scheme were, in part, to ensure that minimum distances between main facing windows and between side elevations and main facing windows were achieved, as they were not as part of the original submission. Accordingly, as part of the revised layout, the distance between main facing windows and front and side elevations fully accords with the guidance above. With regard to garden distances, with the exception of Plots 14, 15, 16, 31, 39, 41 and 42 all the new dwellings achieve a minimum garden depth of 10.5 metres and all achieve a garden that is a minimum of two-thirds of total gross floor area. The seven properties highlighted have garden depths that are just below 10.5 metres at depths of between 7.5 and 10 metres. However, these gardens to comply with the requirement to deliver a minimum of two-thirds of total gross floor area and in each case, there is no issue with loss of privacy as the gardens adjoin either garages or other gardens such that it is considered that a refusal on these grounds would not be warranted given that the layout is satisfactory in all other regards.

10.34 Members will also be aware that on 27th March 2015 the Government published a new nationally described space standard in relation to new housing to replace

existing different space standards used by local authorities as part of a housing standards review package. The document, titled 'Technical Housing Standards – Nationally Described Space Standard' deals with internal space within new dwellings and is defined as being suitable across all tenures. These standards do represent a material consideration but they cannot be given any weight in the decision at this stage on the basis that the standards have not yet been adopted as part of the local plan process and they must still be subject to public consultation. However, for information, Members are advised that the applicant, Miller Homes, proposes to utilise 11 of their house types on this site ranging from 1-bedroom flats to 4 bedroom houses. The table below summarises compliance with the space standards

House Type	Bedrooms (Persons)	Space Standard (m ²)	Actual size (m ²)	Compliance
Apartment	2 (2p)	50	48.36	x
Yare	2 (3p)	70	61.1	x
Hawthorne	3 (4p)	84	76.2	x
Tolkien	3 (5p) (3 storey)	99	82.9	x
Darwin	3 (5p)	93	87.5	x
Rolland	4 (6p) (3 storey)	112	94.5	x
Esk	4 (6p)	106	103	x
Ashberry	4 (7p)	115	119	✓
Buchan	4 (6p)	106	117	✓
Repton	4 (7p)	115	120	✓
Wells	4 (7p)	115	125	✓

- 10.35 As will be noted, seven of the eleven house types fail to comply with the national space standards with only the larger 4 bedroom houses being compliant. However, on the grounds that space standards can be given limited weight at this time, it is necessary to balance the failure of the scheme to comply with the Government's space standards against the overall benefits of the scheme. In this case in particular it is advised that the application was submitted prior to the introduction of the Government's space standards and moreover, it is noted that the scheme will contribute to the City's 5-year housing supply within a sustainable location, provide a mix of house types and sizes as well as a full contribution of affordable housing. **In this case, such factors are considered to outweigh the matter of space standards and given the weight to be attached to them; it is not considered that a refusal on these grounds alone could be justified.**

Public Open Space

- 10.36 Policy G4 of the Adopted Core Strategy advises that in relation to the on-site provision of green space, a requirement of 80 square metres per residential unit will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of green space. In this case, the site is within 720 metres of a community park (Drighlington Park) but it is still an area that is deemed deficient in green space in terms of outdoor sports, play facilities and allotments. A total of 42 dwellings are proposed, which equates to a requirement for 3360 square metres or 0.33 hectares. The site layout incorporates a large area of public open space above Yorkshire Water's underground storage tanks, which extends to 0.21 hectares; this is 0.12 hectares below the requirement of Policy G4 and to compensate, the Section 106 agreement will include a requirement for the

developer to either deliver 0.12 hectares of new open space off-site within the vicinity of the site or otherwise to pay a financial contribution of £73,453.26 on first occupation of the development in lieu of meeting the policy requirement on-site. **This is considered sufficient to ensure that the scheme is compliant with Core Strategy Policy G4.**

Ecology

- 10.37 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity.
- 10.38 An Ecological Assessment was submitted as part of this application, which confirmed that no protected, rare or uncommon species were encountered during the site survey, particularly as the works undertaken by Yorkshire Water to install storage tanks previously resulted in significant disruption to the site. The Assessment notes that the only habitat on the site with the potential for use by protected species are the buildings in the builders yard but their potential has been identified as low. With regard to the impact of the development, the Assessment notes that whilst there will clearly be a significant change in the landscape character, domestic gardens provide a diversity of habitat and feeding opportunities for a wide range of species in addition to the area of public open space within the site allowing the potential for the planting of trees and wildflower meadows of both habitat and landscape benefit. **A condition is therefore proposed seeking full details of planting schedules to include the provision of new trees and wildflower meadows within the site as well as bird and bat nesting opportunities to aim to enhance bio-diversity in accordance with Core Strategy Policy G8 and guidance within the NPPF.**

Flood Risk

- 10.39 Policy EN5 of the Leeds Core Strategy advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments. This application includes the submission of both a Flood Risk Assessment and a Foul and Surface Water Drainage Strategy.
- 10.40 The FRA confirms that the site is located within Flood Zone 1 of the Environment Agency's indicative flood map and as such, it is considered to be at a low risk of flooding. It acknowledges that a restricted Greenfield surface water run off rate of 5 litres/second/hectare would be expected from this development to ensure that the speed and volume of surface water run-off is reduced. It also confirms that Sustainable Drainage Systems may be suitable on this site and infiltration testing will be carried out prior to the commencement of development, which will form a planning condition.
- 10.41 With regard to drainage, the Foul and Surface Water Drainage Strategy acknowledges that there is no obvious positive drainage system on the site at present with the nearest watercourse being the culverted section of an open watercourse that appears to enter the west corner of the site before passing under Spring Gardens and around the back of the existing dwellings to the west. The watercourse becomes an open channel, approximately 100m from the site boundary

and flows northwards to Lumb Wood Pond some distance to the north. Should infiltration techniques prove unsuccessful, it has been agreed with the Local Land Drainage Authority, Leeds City Council, that a restricted discharge rate of 7.75l/s will be accepted into the culverted watercourse located in Spring Gardens. This is on the basis that a contribution od made to the Authority for downstream improvements. Foul water can discharged to the 305mm diameter public combined sewer recorded in Spring Gardens, at a point adjacent to the northwest of the site.

- 10.42 In response to the consultation exercise in May 2014 the Council's Land Drainage and Floor Risk Management Teams confirmed that the Flood Risk Assessment and Foul & Surface Water Drainage Strategy addresses the drainage and flood risk related matters associated with the site with the recommendations and conclusions of these documents being acceptable and forming the basis of the drainage and flood risk management proposal for the site. Indeed, it is the case that the current greenfield site drains towards Lumb Wood Beck but has no formal connection and certainly, once the development has been carried out, the discharge will be formalized with storage on-site. However, FRM's acceptance of the proposals is on the basis of the requirement for the continued maintenance of Lumb Wood Pond and its feeder drain to which the surface water runoff from this site eventually be discharged and the requirement for the developer to contribute towards these maintenance works at a suggested rate of £500 per dwelling.
- 10.43 The applicant has undertaken further discussions with Flood Risk Management with regard to the nature of the works envisaged at Lumb Wood Pond. The outcome of the discussion with Flood Risk Management is an agreement that the proposed foul and surface water drainage measures are acceptable subject to a condition detailing the surface water drainage measures and a clause within the Section 106 to identify specific off-site works to be agreed but to a maximum cost of £20,000. The Council's Flood Risk Management team has confirmed such an approach to be acceptable and on this basis, **the proposal is considered to comply with Policy EN5.**

Sustainability

- 10.43 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. Following a fundamental review of technical housing standards the Government has withdrawn the Code for Sustainable Homes with effect from 27th March 2015 such that the objectives of Policy EN1 will not be sought. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN2 will be sought as a condition of this recommendation to ensure compliance with the Core Strategy and guidance within the NPPF.

11.0 DEMOLITION OF THE EXISTING BUILDINGS

- 11.1 Since April 2011, the demolition of a building such as those at Moorside Building Supplies constitutes development such that it forms part of the consideration of this application. The existing buildings on site comprise a mixture of industrial units and a stone 'cottage' fronting King Street. It is relevant to note that in the course of the application Officers did request that applicant consider the retention and conversion of the existing stone building fronting King Street but the applicant has not chosen

this option. On the basis that the building is not of particular or special architectural merit to warrant consideration as a heritage asset or to merit any listing, grounds to insist on its retention are not forthcoming and its demolition must be considered on the basis of a suitable replacement dwelling.

- 11.2 It is acknowledged that the buildings are in relatively close proximity to existing residential properties such that its demolition will have to be carefully managed to protect the amenity of adjoining residents, with particular regard to noise and dust. However, in this regard, it is noted that 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 dealt with under other legislation. There is therefore no objection to the demolition of the existing buildings in this instance.

12.0 RESPONSE TO REPRESENTATIONS

- 12.1 The objections from local residents raise four key objections, which are addressed below:

(i) The concerns regarding school and health care infrastructure are fully addressed in the report above;

(ii) In response to the brownfield first approach to development, whilst Spatial Policy 7 of the Adopted Core Strategy identifies a preference for Brownfield sites as one consideration in the distribution of housing across the City, neither the Core Strategy nor the NPPF promote a Brownfield first approach to development nor do they preclude the development of Greenfield sites as noted in the report above.

(iii) Whilst the concerns regarding drainage issues are noted, this is principally a matter to be determined through the Building Regulations process and neither Flood Risk Management, Yorkshire Water or the Council's Land Drainage Team raise an objection to the development such that a satisfactory drainage and surface water solution can clearly be achieved and it will be secured by means of a planning condition.

(iv) The highway impact of the development is fully considered in the report above.

In response to the objections raised as part of the recent re-consultation that are not addressed either in the report of above, the following is advised:

(i) In response to the concerns of residents in relation to traffic and the additional impact of the proposed Aldi store, that is the subject of a current planning application that is pending consideration, Members are advised that the traffic generation arising from this application is considered as a committed development within the Transport Statement for the proposed Aldi store such that the cumulative impact of traffic on King Street will be fully considered.

13.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

- 13.1 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floorspace, which will deliver an overall CIL payment of £157,140. This is not a material consideration but it is provided for information.

- 13.2 There is also a requirement for a site-specific Section 106 agreement as detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:
- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
 - ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;
 - iii. A contribution of £500 per dwelling (£21,000) for off-site works in order to mitigate the impact of flows downstream. The necessary works may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond;
 - iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;
 - v. Travel Plan including a monitoring fee of £2,925;
 - vi. Employment and training initiatives (applies to the construction phase).
 - vii. A mechanism for the long-term management of open space within the site.

- 13.3 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

(ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

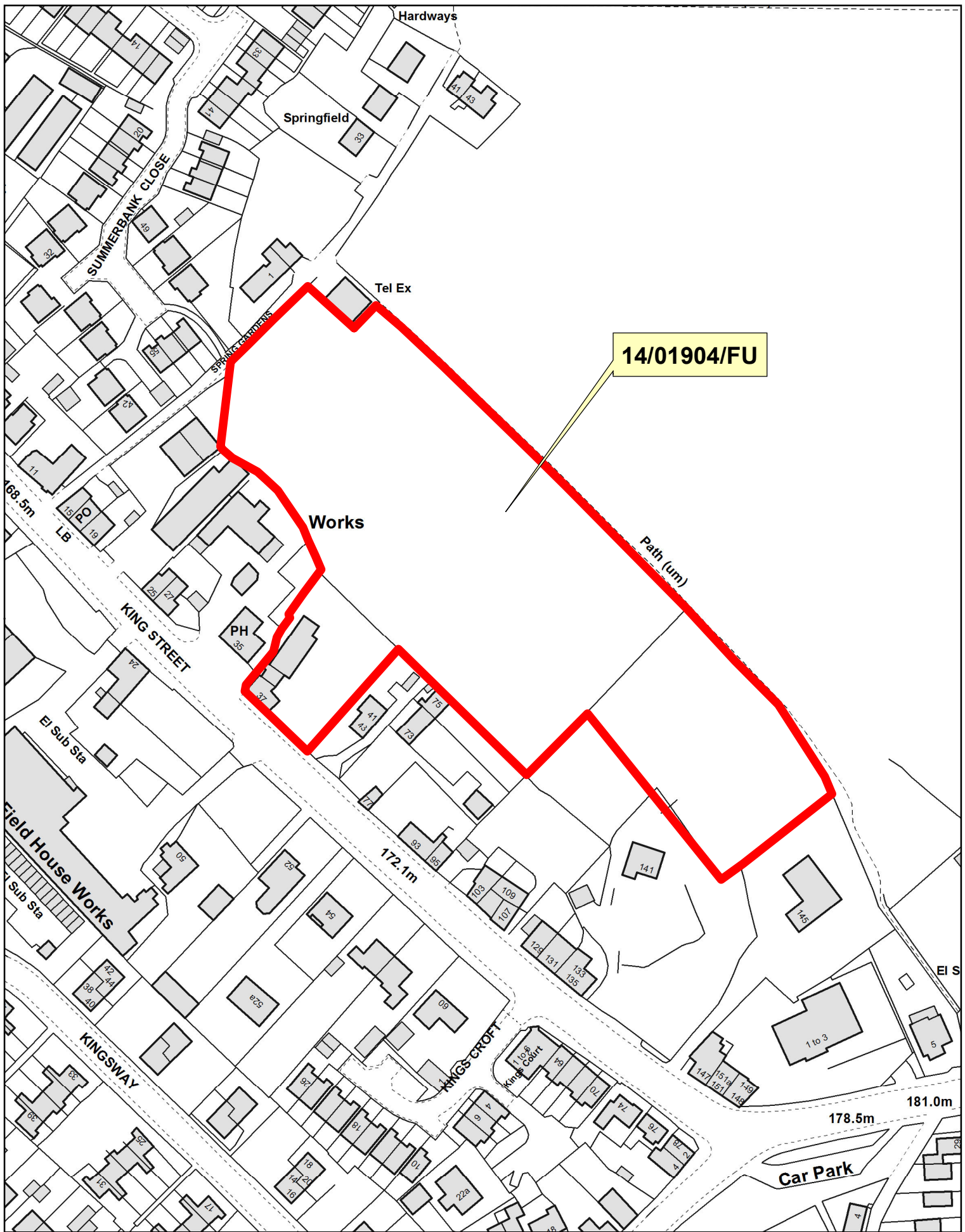
14.0 CONCLUSION

- 14.1 This application seeks full planning permission for the demolition of the existing buildings associated with Moorside Building Supplies and the construction of 42 new homes.
- 14.2 The application site comprises mostly Greenfield land but it is assessed as meeting the Council's Accessibility Standards such that it is appropriately accessible to local facilities and services. Furthermore, Spatial Policy 6 of the Core Strategy and the NPPF encourage the re-use of previously development land (of which a part of the site comprises) but it is not to the exclusion of Greenfield sites and this proposal will also contribute to the City's housing supply. It is therefore considered to be in a sustainable location and suitable for development in the short-term in accordance with Core Strategy Policies H1 and Spatial Policies 6 and 7.

- 14.3 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application site is unallocated within the LDF Policies Map and, when assessed against current development plan policies, would be considered suitable for development at the current point in time.
- 14.4 Whilst it is acknowledged that within the Publication Draft Site Allocations Plan (SAP), the application site is part of a wider site allocation with the adjoining PAS land that is identified for development within Phase 3, regard has been had to Paragraph 216 of the NPPF, which sets out the weight that can be attached to emerging plans and only limited weight can be appropriated to the Publications Draft SAP at the present time due to its stage of preparation. It is also the case that the application site can be clearly distinguished from the larger part of the allocation comprising the PAS land with the application site comprising a small infill scheme on land that is sub-divided from the wider allocation by an existing public footpath. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.
- 14.5 The scheme has been significantly revised in the course of the application process to secure an improved residential layout and a housing design that more appropriately respects the character of the existing area. This has resulted in a reduction of dwellings from the 47 originally proposed to 42 now proposed and an improvement to the design quality and landscaping within the site. The layout of the scheme has also been reviewed to ensure that minimum privacy distances are sufficiently met and the development will not result in the loss of amenity to either existing or future residents. To this extent, the application is deemed compliant with Core Strategy Policies P10 and P12, Saved UDP Policies GP5 and L1, guidance within the Council's Neighbourhoods for Living SPG and guidance within the NPPF.
- 14.6 The highway impact of the development has also been fully assessed in the course of the application and the proposal is considered to comply with Core Strategy Policy T2 and guidance within the NPPF. It is also concluded that a satisfactory drainage scheme can also be delivered to be secured by means of planning conditions in accordance with Core Strategy Policy EN5 and a suitable scheme that addresses Core Strategy Policy EN2 in relation to sustainable design and construction.
- 14.7 Whilst acknowledged that the scheme does not provide a full contribution of on-site greenspace in accordance with Core Strategy Policy G4, it does provide a useable and well-placed area of public open space that will be managed by the application with an appropriate off-site contribution or delivery of the shortfall within the vicinity of the site to ensure compliance with Policy G4. The scheme is also proposing to deliver 15% affordable housing in accordance with UDP Policy H5.
- 14.8 It is therefore recommended the Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise the wording of the S106 agreement and conditions

Background Papers:

Application and history files.
Certificate of Ownership



SOUTH AND WEST PLANS PANEL



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Originator:	Richard Edwards
Tel:	0113 39 52107

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 22nd October 2015

Subject: **PLANNING APPLICATION 14/07087/FU: Retrospective change of use of land and buildings from B2 to B8 with 48 storage containers**

at: **St. Ann's Mills, Commercial Road, Kirkstall Leeds LS5 3AE**

APPLICANT
Mrs H McFadden

DATE VALID
13th February 2015

TARGET DATE
10th August 2015

Electoral Wards Affected:

Kirkstall

Y

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS:

1. 6 month time limit on implementation of approved plans (to include removal of signage, relocation of containers on eastern boundary and planting of buffer to LA approval; removal of containers on LCC land adjacent to St. Ann's Mill building and relocation of security gates).
2. Full compliance with recommendations of Flood Risk Assessment.
3. Restriction of use within B8 class to storage only (no distribution).
4. Containers not to be stacked

1.0 INTRODUCTION

- 1.1 This major application for the retrospective change of use of a former industrial site (use class B2) to a containerised self-storage centre (B8) with warehouses and new security gates. The application was previously discussed at the 6th of August South and West Plans Panel. At Panel Members resolved to approve the application in principle but to defer and delegate the decision to the Chief Planning Officer subject to clarification of the position of the red-line boundary adjacent to the mill goit, resultant changes to the location and width of a buffer strip designed to screen the containers from public view, confirmation that the Environment Agency continued to raise no objection following any alterations to the red line boundary, and to investigate whether the number of objections reported to Panel reflected the total number submitted as raised by Cllr Illingworth.
- 1.2 As it was subsequently confirmed, ten objections had been omitted from the original report and that the ownership of the site was not as originally advised by the applicant the application has been brought back to Panel for final determination.
- 1.3 The changes to the application are as follows: To the north-eastern corner of the site, there was a discrepancy between the boundary line shown on the Ordnance Survey plan and that provided by the applicant. This has been rectified on the revised plans, but has in turn affected the line of the buffer strip, requiring it to be moved back a further 2.0m into the site along with the line of containers, which have also been moved further away from the watercourse (increasing the distance between the two from 7.5m to 9m at the northern part of the boundary). With the buffer strip having also been increased in depth to a consistent 3.4m along its length (previously 3.4m tapering to 2.6m), it is considered on balance that this is sufficient to screen the containers since the additional 1.5m of embankment will naturally regenerate and augment the designated planted area.
- 1.4 In addition, at the previous Plans Panel meeting, Councillor Illingworth had commented that he thought more objections had been made than were referred to by Officers. This was checked following the meeting, and a further ten objections which were omitted from the previous report have been added to the relevant section. No new issues are introduced, however, the misreporting of the number of objections has now been rectified. The Ward members and all original contributors have been re-consulted on the changes to the plans. At the time of writing, no further comments have been received in response to this re-consultation however, any which are received will be reported to the Panel at the meeting. Please also see sections 6.4 and 10.18 - 10.20.
- 1.5 All other matters are as previously reported.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought for the siting of 48 small (half-size) blue steel shipping containers, to be rented to members of the public for storage of personal items, furniture etc. These have been arranged in rows on the northern, predominantly open part of the site. The existing workshop buildings to the south-eastern corner have been retained and are also to be used for B8 storage purposes.
- 2.3 To the western end of the site, a number of containers have been positioned on land to the north of St. Ann's Mills which is owned by Leeds City Council. Further containers have been sited to the eastern boundary, overhanging the embankment of

the mill goit and land outside the applicant's ownership. An electrically-operated security gate, controlled from within the security office located on the ground floor of the two-storey building to the east of the main mill, has also been installed, preventing access to the northern side of St. Ann's Mill and the land to the west of this.

- 2.4 Finally, a large double sided sign board has been erected on the eastern side of the access drive from Commercial Road, on a narrow strip of grassed land formed by the return of the access drive and the main road. This is non-illuminated and advertises 'Big Mc's Container Storage' and contact / pricing details in white and yellow lettering on a black background.
- 2.5 In response to the concerns of Officers and Councillor Illingworth, a revised plan has been submitted showing removal of the sign, relocation of the gates to enclose only the applicant's land, repositioning of the containers on the goitside to provide a buffer strip of 3.4m width for planting of screening vegetation, and removal of containers to the west of the site which are currently located on Council land and blocking access to the rear of the main mill building. Senior Officers have met with Cllr Illingworth and discussed the changes with him – he understands the revisions and the changes which have been made but remains unhappy about the use, the positioning of the containers in relation to the goit and considers that a stone wall on a similar alignment to the wall adjoining at Morrisons should be constructed to shield views of the containers. More recently he has also raised concerns about process as the latest revised plan had not been uploaded to the website on public access. There was a clerical error in not uploading the plan but this has been rectified and all previous objectors have been informed and also made aware the application is due to be considered by Panel on 22nd October.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application refers to a former textile mill site located on the western side of Commercial Road in Kirkstall. The site is set down from the road on the floor of the Aire Valley, and is approached via a meandering tarmac driveway which passes over the wooded embankments of the former mill goit via a single-width bridge, and through a pair of gates on the western side of the goit. There are a number of signs at the head of the driveway, generally to the southern side adjacent to the main road, advertising existing and previous businesses that operate(d) from the mill complex. There is no planning history for most of these signs.
- 3.2 The mill itself is located to the western end of the access road, and comprises a stone building over three stories. Its unusual appearance results from the loss of the fourth floor, pitched roof and part of the stair tower to a fire in the late 1970s. This main building is currently secured and vacant. Other remnants of the original complex survive in the form of a number of stone and brick single and two-storey workshops lining the northern side of the access road. These are owned by the Council and several are rented to tenants including a car repair workshop and tyre sales company.
- 3.3 The land to the southern part of the drive was most recently used by a vehicle dismantler but is now also believed to be vacant. It is bounded to the driveway side by a palisade fence and to the south by the River Aire, which curves sharply at this point away from the main road. A large expanse of land to the rear of the mill was once occupied by extensive weaving sheds, but these have been cleared leaving an overgrown area of hard surfaced land bounded by the Morrison's store to the north and the river to the south.

- 3.4 The wedge-shaped area acquired by the applicant is located to the north of the cluster of stone buildings and is bounded on the opposite side by the rear of the large, flat-roofed Morrison's store. It was until around 2011 occupied by a series of buildings which extended up to the western embankment of the mill goit but which were destroyed in a fire and subsequently demolished. Evidence of these is present in the outlines of gables to the remaining structures and fixing points for steel frames set into the concrete surface.
- 3.5 Two buildings survived and remain on this part of the site: a rendered two-storey structure to the site entrance which is understood to be used as a small gym, a single flat and toilets / security office, and a much larger building adjacent to the watercourse which is constructed in rendered blockwork and roofed in corrugated asbestos. The remainder of the property has been covered with rows of blue-painted shipping containers with a parking area to the centre of the site.
- 3.6 The Aire Valley along Kirkstall Road is designated as Urban Green Corridor (saved UDP Policy H8) and is also adjacent to the Kirkstall S2 centre, which follows the outline of the Morrison's supermarket. Whilst there are no other designations or allocations which affect the site, it lies within the Environment Agency's Flood Risk Zone 3, and is considered at high risk of flooding due to its proximity to the river and other watercourses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Aside from the 2009 approval for use of the buildings for general industrial purposes (B2), there are no previous planning applications associated with this part of the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme as initially submitted reflected the current layout of the site, including the containers on the goitside and the gates and containers on Council-owned land. The applicant was advised that these issues would require resolution in the form of a revised plan before the scheme could receive Officer support. Subsequently a revised plan was provided in line with Officer advice and on balance it is now considered that the application can be brought before the South and West Panel with a recommendation of approval.

6.0 PUBLIC/ LOCAL RESPONSE:

- 6.1 A Major site notice was posted at the site entrance on 20th February 2015, and a press advertisement placed in the 5th March edition of the Yorkshire Evening Post newspaper. In addition to this, the Kirkstall ward members were consulted as part of the process.
- 6.2 A letter of objection was received in response to this notification from Councillor John Illingworth, the content of which can be summarised as follows:

The retrospective nature of the development, including elements on land outside the submitted red-line boundary. The gates, containers and signage have been sited on Council land without first obtaining permission, and should be removed prior to applying for consent;

The two security gates which have been installed (one adjacent to the bridge, another at the site entrance alongside St. Ann's Mill itself) are obstructing a public right of way which has been in use since at least 1985 and have been attached to buildings owned by Leeds City Council without permission;

Trees have been removed and containers sited on the top of the embankment of the former mill goit. These are painted royal blue and are highly visible from a section of the Goitside Walk, a public footpath which follows the line of the goit and was constructed under a community programme by local residents in the 1980s, and significantly harmed its appearance and the local environment;

The land was last in B2 use, following a planning application for general industrial purposes approved in 2009. Whilst industry provides employment and creates wealth in the local community, containerised storage requires minimal supervision and may serve to facilitate criminal activities.

- 6.3 In a follow-up comment, Councillor Illingworth also noted that the application is premature, as it pre-empted the Kirkstall Neighbourhood Plan, which would protect the goitside and riverside routes and formalise proposals for a Kirkstall Valley Park on this and surrounding land, and which is under development at the time of writing.
- 6.4 Twelve letters of objection have been received from local contributors, included the ten that were omitted from the previous report. Their concerns reflect those raised by Councillor Illingworth; namely, obstruction of the public access to the mills by a gate on Council land, loss of employment land, jeopardisation of possible future plans to incorporate the site into a larger Kirkstall Valley Park masterplan, potential for damage by flotation of unsecured containers during a flood event, loss of screening vegetation, and the placement of unsightly containers on the goitside where they are highly visible and harm visual amenity. These matters have all been covered in greater detail within the relevant sections of the Appraisal.

7.0 CONSULTATION RESPONSES:

Environment Agency: The recommendations of the Flood Risk Assessment that containers be secured against flotation and vulnerable items are stored above 1.2m should be conditioned. However this was later revised to state that containers which have been placed outside the site boundary should be removed, as they could cause the goit embankment to become unstable and will impede access by Environment Agency contractors to access the bank on foot for inspection and maintenance purposes. The Environment Agency have re-confirmed that there are no further objections raised to the latest set of revised plans.

Highways: No fundamental concerns about the level of development or access / parking situation due to the controlled entry arrangements and low staff parking requirements. However, a condition to restrict the use to storage only (rather than a general B8 use which could include a distribution element for which the site is not considered suitable) has been recommended.

Flood Risk Management: advise that as per the findings of the Flood Risk Assessment, the flood risk to the development is not significant and that subject to the securing of containers against flotation and the storage of items susceptible to flood damage at a height of at least 1.2m (warehouse only), the proposals can be supported.

Local Plans: no objection to the change of use land provided that the site remains within the 'B' use classes (thus ensuring that should its reversion to B2 be necessary, this would not require planning permission).

Public Rights of Way: Formal footpaths run along the rear of the Morrisons superstore and along the goitside; these were provided by a s106 agreement from the store and a local group respectively. The public have been using an access through the mill site which has now been obstructed by security gates. These should be removed and formal access provided to link the two footpaths and provide access to the riverside, which should be kept open for public access on foot at all times.

8.0 PLANNING POLICIES:

Local Planning Policies:

Core Strategy

- Policy T2: New development should be located in accessible locations and served by existing or programmed highways improvements, public transport and infrastructure for pedestrians, cyclists and disabled people.
- Policy EC3 refers to the safeguarding of sites currently or last used for employment purposes, the development of which will only be permitted if the proposal would not result in the loss of a deliverable employment site or the existing buildings / land are considered non-viable for employment use.
- Policy P10: New development will be expected to provide high standards of design appropriate to its scale, location and function and taking into consideration local context, car parking and the prevention of crime.

UDPR 2006

In the interim period during the preparation of Supplementary Planning Documents, a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies from the Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD5 seeks to ensure that all new developments respect the surrounding context.

Government Planning Policy Guidance/Statements:

In addition to the Development Plan documents, the Coalition Government's National Planning Policy Framework replaced more than 40 Planning Policy Statements and Guidance Notes in March 2012. Chapters 1 (economy), 7 (design) and 10 (flooding and climate change) are of particular relevance.

9.0 MAIN ISSUES:

9.1 Having considered this application and representations, the main issues for consideration are thus:

1. Changes resulting from matters raised at 6th August panel
2. Principle of change of use
3. Impact on visual amenity
4. Highways
5. Access and Public Rights of Way
6. Flood Risk
7. Representations

10.0 APPRAISAL

Changes resulting from matters raised at 6th August Panel

- 10.1 At the previous panel meeting, three issues were raised by the Panel Members and by Councillor John Illingworth. These were: clarification of a possible discrepancy between the Ordnance Survey map base and the red-line boundary, a possible discrepancy between the number of objections submitted by members of the public and the number reported to the Panel, and formal confirmation of the Environment Agency's lack of objection to the revised scheme, which was not available on 6th August due to the absence of the EA case officer.
- 10.2 The difference between the site boundary shown on the plan and the map base was highlighted by Councillor Illingworth, and it was agreed at the meeting that Officers would again clarify the correct position of the line and if necessary seek amendments as the applicants agent up until last Panel had been adamant the red line boundary was within their ownership. It transpired that the line was indeed 'out' by a distance of 3.4m at the widest point, narrowing to a point at the southern end of the eastern boundary with the mill goit. It was explained that the line shown on the plans coincided with that on the Land Registry document for the site however, the applicant has agreed to revise the agreed boundary to increase the width of the riverbank outside the applicant's ownership to 9m along the entire boundary. In turn, the containers have been moved into the site by a further 2.0m compared to the plans submitted to the August Panel meeting. The width of the formal buffer strip has been increased to a consistent 3.4m along its entire length (on the original plans, it was shown as tapering down from 3.4m to 2.6m at the southern end). As the containers have been moved even further into the site, their impact will be lessened accordingly. As previously, a condition to provide details of a planting plan for the formal landscape strip has been imposed.
- 10.3 Another concern raised by Councillor Illingworth was that whilst only two objections had been reported to Panel (one of which was his own), a number of other people had made representations against the proposals which had not been mentioned in the report. Again it was agreed that this would be checked and following the meeting, a further ten objections were located on the system which had been omitted from the report. These have been reviewed and no additional issues have been highlighted which have not been covered in Councillor Illingworth's comments and the original assessment of the scheme. The contributors have been formally reconsulted on the revisions to the scheme and their original comments are summarised in the relevant sections (6.4 and 10.23) of this report.

- 10.4 Finally, at the time of the previous Panel meeting, a formal comment on the revised proposals was not available from the Environment Agency due to staff holidays. Whilst no further objections were anticipated, Officers agreed to bring the application back before the Panel if any further concerns were raised by the EA, however, it was confirmed shortly after the meeting that the EA were satisfied with the proposals subject to the same conditions to cover compliance with the Flood Risk Assessment.

Principle of Development

- 10.5 It is understood that the buildings including the main mill itself, were originally constructed in the 19th Century for textile manufacturing purposes. As with many similar sites in Leeds, as this traditional local industry declined due to overseas competition, other commercial and lighter industrial uses moved into the former factories. In the late 1970s, the top floor and roof of the main building were destroyed in a fire, and more recently a similar event befell the large north-light weaving sheds which were formerly located on the part of the site now occupied by the containers, in this case the damage being significant enough to require demolition.
- 10.6 The last lawful use of the building before its loss was for general industrial purposes (B2) It may have been in this use before the receipt of a planning application in 2009 which explicitly granted consent for 'general industry'. The site is believed to have been used for recycling purposes until the fire and subsequent acquisition by the applicant. As such it is almost certain that its last lawful use was for B2 purposes.
- 10.7 Policy EC3 of the Core Strategy states that the development (including change of use) of sites last used for employment purposes will only be permitted if it can be demonstrated that there is no shortfall of suitable alternative employment sites in the area or that the existing land and / or buildings are no longer viable for employment use. However in this instance the Local Plans officer is satisfied that a change to B8 would not constitute a loss of employment land. This is because the site would remain within the 'B' (business) use classification. It could be changed to a B1 (light industry / office) use without the need for planning consent, as this is a permitted change within the Use Classes Order (2015). Moreover, the change of use to storage would also not be required were it not for the loss of the original buildings and associated physical alterations in the form of siting containers, since B2 to B8 is also a permitted change.
- 10.8 For this reason, the change of use to B8 is considered acceptable subject to restrictions on the use to limit it to storage and omit the 'distribution' element of the B8 classification (for highways reasons which are discussed below).

Visual Amenity

- 10.9 The site is not only set down from the main road and separated from it by the heavily wooded goitside and surrounding land, but it is also screened from all sides. To the north, the 5m walls of the adjacent Morrison's store form the site boundary, whilst the main St. Ann's Mill building itself greatly limits views from the west and the riverside area. To the south, the containers are rendered invisible from the main access drive by the surviving run of smaller stone buildings and workshops, which form a terrace of two-storey development along this part of the site.
- 10.10 As such, the only place from which the containers are currently visible is also the most sensitive part of the site – the Goitside Walk to the eastern side of the former mill race. On the eastern side of the site, containers have been positioned in a staggered

row along the boundary where the destroyed mill buildings formerly abutted the goit embankment. It is unclear whether there has been significant tree removal to this part of the embankment but the visual impact of the containers is significant, partly due to their bright blue colour, which is extremely prominent in a landscape dominated by natural tones, and partly because of their proximity to the embankment, appearing to overhang it in several locations and preventing the establishment of screening planting to the east.

- 10.11 However, the applicant has agreed to reposition these containers and provide soft landscaping, within their own red-line boundary and in addition to the natural embankment, to conceal the containers from public view. A planted area, measuring 3.6m along its length, will be provided for this purpose, and the line of containers has been set back to facilitate this and reduce the visual impact – this is shown on the revised plan. The depth of the buffer strip has been increased from 3.4m at its widest point, tapering to 2.6m, to a consistent depth of 3.6m, and on balance it is considered that, subject to conditions to provide a planting schedule and timescale for implementation, these measures are sufficient to address the concerns about the harm to visual amenity resulting from the containers.
- 10.12 Two additional containers are located on land adjacent to the goit and access bridge; these are painted dark green and located against the easternmost building in the run of stone structures, so are less prominent, however they are also large, full-sized containers stacked one on top of another. It has been established that these containers are not within the ownership of the applicant or sited on their land, but are associated with the car repair workshop which operates from the adjacent unit. Since they do not have a planning history and were (from local accounts) sited in the last 2-3 years, this matter will be subject to an Enforcement investigation.
- 10.13 A sign has been erected without consent to the grass verge adjacent to the main road entrance. This sign, although not illuminated, is of considerable size and prominence due to its location. It is not compliant with policies which state that signs should be modest in size and not result in harm to visual amenity, and an application for advertisement consent based on the current sign would be unlikely to be supported. The applicant has been made aware of this and has agreed to remove the roadside sign and replace it with a smaller advertisement amongst the cluster of signs advertising other businesses based at the mills – this would be subject to a separate application for advertisement consent.

Highways

- 10.14 The proposal is considered acceptable in terms of its impact on highway safety and parking. Whilst the parking provision within the site is informal, with space generally provided towards the centre of the site, the Highways Officer has confirmed that because the access is controlled and high levels of concurrent vehicle movements are unlikely, that these parking arrangements can be accepted. Similarly the repositioning of the electrically operated security gate to the boundary of the site is not objected to.
- 10.15 The Highways Officer has recommended that a special condition be attached to limit the use of the site to storage only, as some of the distribution uses which also fall under the broader B8 classification and which could therefore be implemented without the need for a further application, would not be suitable for this site due to the possibility that they would create or encourage additional traffic movements via the narrow, winding, single track access, narrow bridge and offset road junction with Commercial Road.

Access and Public Rights of Way

- 10.16 A number of concerns have been raised relating to the impact of this development on pedestrian / public access through the site. It has been noted by the PRow Officer that there are established, if not definitive, footpaths to the east and west of the site (to the eastern embankment of the mill goit and to the rear of the Morrisons' store where it abuts the River Aire). Whilst no formal right of way exists across the mill site, it is owned by the Council and has been used as a link before the aforementioned paths for many years until the installation of two sets of security gates and the siting of containers on the land to the north of the main mill building.
- 10.17 The Definitive Map Officer has provided a plan showing where these paths are located and states in a consultation response that the formal access should be provided "through the mill site, to link the riverside footpath to the access road, the unrecorded footpath along it and onto Kirkstall Road. This footpath should be open and available at all times for use by the public on foot without obstruction by security gates. The security barrier on the access road should also allow public access on foot at all times".
- 10.18 In response to this request, the applicant has stated that the use of the small area of land to the north of the mill was implemented to prevent anti-social behaviour and fly-tipping to the large vacant area behind the mill, which with the main building being vacant and boarded, is largely concealed from view. However they have agreed to remove all containers from the area of land owned by the Council and relocate the electric security gate – these changes are shown on the revised plan. The manually-operated gates adjacent to the bridge were installed by the Council as landlord in response to concerns from tenants on the site regarding crime, but should also be removed to re-establish access along the access road.

Flood Risk Management

- 10.19 As the site is situated between two watercourses (both of which are designated as main rivers by the Environment Agency), and is therefore in Flood Risk Zone 3a (high probability: land with a 1 in 100 or greater annual probability of flooding), a Flood Risk Assessment has been supplied in support of the application. This concludes that whilst the use is of low vulnerability, a condition should be attached in order to ensure that the containers are securely anchored to the ground, in order to prevent flotation (potentially causing a blockage or damage) in a flood situation. In addition, items which are susceptible to flood damage are recommended to be stored at least 1.2m above ground level, and that this height should be regularly compared to potential flood depths to ensure sufficient height.
- 10.20 The Drainage Officer has accepted the recommendations of the FRA subject to compliance being secured by appropriate conditions. The Environment Agency take a similar view but also recommend that the applicant sign up to their advance flood notification service and develops a flood plan. However they have also advised that the application is unacceptable as originally submitted due to the potential for the containers that are located outside the applicant's land, on the western embankment of the mill goit, could destabilise the side of the watercourse and prevent inspection on foot. It is therefore recommended that a revised plan be submitted showing the containers moved further into the site. This has been done and it is considered that this concern has been suitably addressed subject to compliance with the most recent set of plans.

Representations

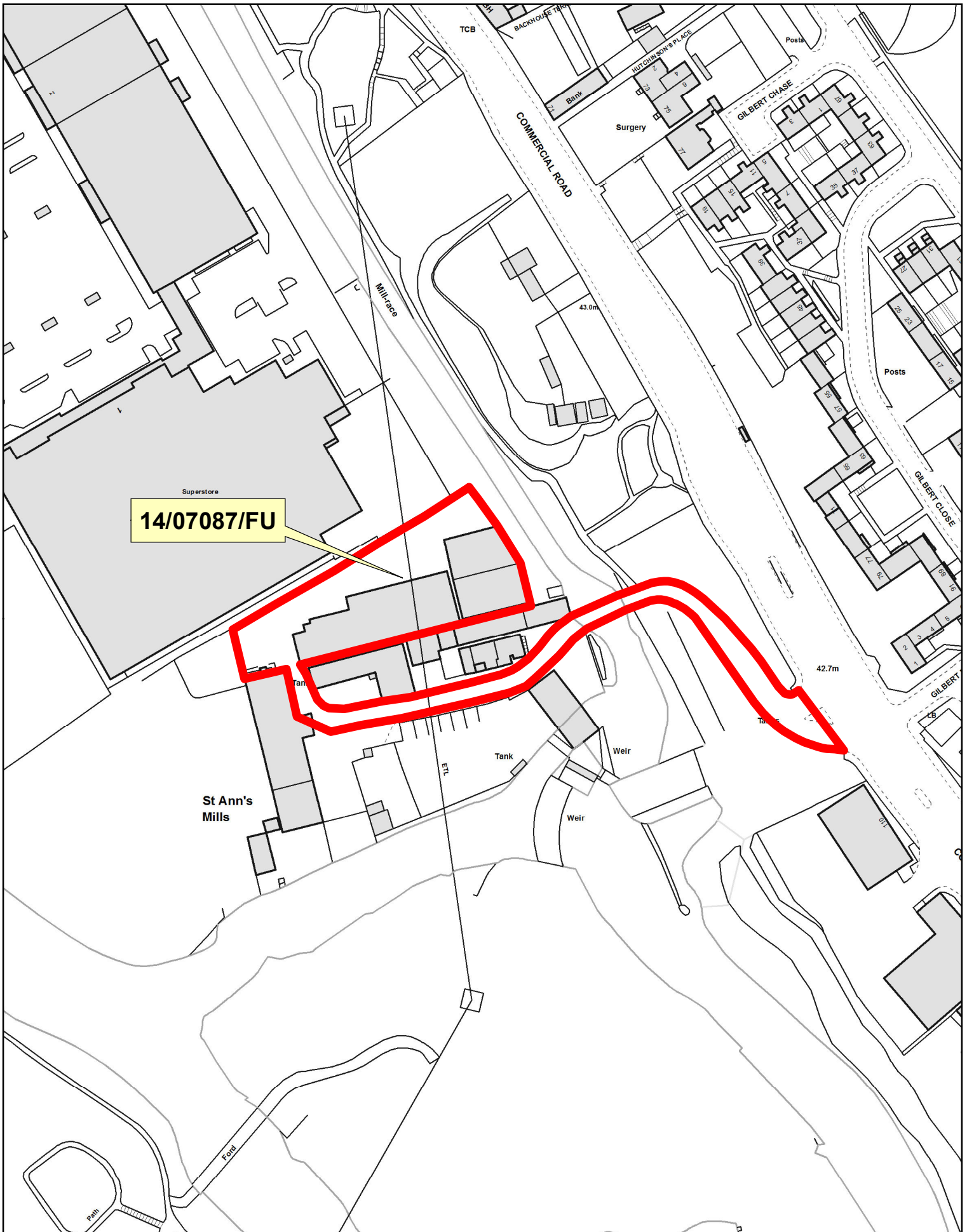
- 10.21. The application was originally been brought before the South and West Plans Panel in August at the request of Councillor John Illingworth, whose concerns are set out in the 'Local Response' chapter above. These centre around the principle of the change of use and its lack of wider community benefits, the discrepancies between the original plans and the situation on site (including the siting of containers outside land within the applicant's ownership) and the obstruction of the public access through the site. These matters have all been discussed in detail above in the relevant sections of the Appraisal, and are considered to have been resolved through revisions to the plans and the agreement of the applicant to make changes to the site layout, to the point that a refusal on these grounds could not be justified.
- 10.22 Councillor Illingworth also expresses concerns that the development would potentially conflict with long-term regeneration plans for a 'Kirkstall Valley Park' stretching along the valley floor from Kirkstall Abbey to Cardigan Fields, and the conversion of the former main mill building, which is in Council ownership, to a visitor centre and community facility showcasing green technologies, healthy lifestyles and other sustainable objectives. However, this is to form part of a wider Neighbourhood Plan on which work has only recently commenced. The site is privately owned and was until recently in industrial use. It is screened from all directions apart from the goitside walk, which is to be addressed through the revised plan and condition. On balance it is considered that, subject to the resolution of the existing issues on the site, the proposal will not impact upon wider-scale plans for the surrounding area, and that this would not constitute reasonable grounds to refuse permission for the operation.
- 10.23 Ten further representations were received during the application process, which due to an error were not reported to the Panel members. These do not raise any additional concerns to those highlighted by Councillor Illingworth, which are discussed in detail above and which have been fully considered as part of the assessment process.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that the concerns regarding obstruction of a public right of way and the negative visual impact of containers located outside the applicant's land have been successfully addressed through discussions with Officers and the subsequent submission of an appropriately revised plan. Other matters such as the suitability of the use of the site and the potential for the use to prejudice wider regeneration ambitions have been carefully considered, but are not considered to outweigh the factors in favour of a grant of planning permission. The proposal is therefore recommended for approval, subject to the conditions set out at the head of the Report.

Background Papers

Application File 14/07087/FU



SOUTH AND WEST PLANS PANEL





Originator: Mathias Franklin
Tel: 0113 24 77019

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd October 2015

Subject: APPLICATION 15/02489/FU & 15/02490/LI– Change of use of educational facility (D1 use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear and accompanying Listed Building Application– Former Elinor Lupton Centre, Richmond Road Headingley LS6 1BX

APPLICANT	DATE VALID	TARGET DATE
J D Wetherspoon PLC	11.05.2015	30.10.2015 (as extended)

Electoral Wards Affected:

Headingley

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE for approval of planning application 15/02489/FU to the Chief Planning officer subject to the conditions below and subject to the signing of a Section 106 agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to include contributions of £10,000 towards bus shelter improvements on Headingley Lane and £20,000 for a Traffic Regulation Order and the Public House Management Plan designed to prevent serious harm to neighbouring amenity from occurring. A Local skills and training clause is also proposed.

GRANT Listed building Consent for application 15/02490/LI subject to the conditions listed below.

15/02489/FU

1. Time limit condition
2. Plans to be approved;
3. Development shall not commence until a scheme (ie drainage drawings and summary calculations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF. The works shall be implemented in accordance with the approved scheme before the development is brought into use.
4. Materials details and samples of all external walling, roofing and surfacing
5. Hard and soft landscape scheme to be approved in writing and implemented.
6. Landscape management plan
7. Preservation of retained trees/hedges/bushes
8. Provision for replacement trees/hedges/bushes
9. Details of cycle and motorcycle parking
10. Details of access, storage, parking, loading/unloading of contractors plant, equipment materials, vehicles
11. Details of bin stores
12. Specified operating hours (construction) of 08.00-18.00 weekdays, 09.00-14.00 Saturdays; no Sunday / Bank Holiday operations;
13. Submission of statement of construction method
14. Hours of opening of the Public House shall be restricted to Sunday to Thursday 8am – 11.00pm and Friday & Saturday 8:00am – 11.30am including public holidays. Last orders shall be 30 minutes before closing time specified in this condition.
15. The outside area to the front of the building shall not be used for the consumption of food or drink before 9am or after 10pm any night. Notwithstanding the information shown on the approved plans there shall be no tables and chairs sited located outside of the defined front beer garden area.
16. There shall be no food or drinks consumed outside of the building except in the defined areas.
17. The rear glass doors onto the ramp shall be closed no later than 10pm each night.
18. Bottles shall not be placed in any outside receptacles after 8pm or before 9am.
19. There shall be no amplified music or televisions audible outside of the premises at any time.
20. There shall be no deliveries to the site before 8am or after 6pm Monday to Saturday and not before 9am or after 1pm on Sundays and public holidays.
21. Deliveries shall be carried out in accordance with the approved delivery management plan which describes the routes for delivery pre and post NGT (if constructed)
22. Only on the event NGT is constructed and Richmond Road is closed to traffic from Headingley Lane then the existing Eastern access into the site from Headingley Lane shall be opened to cars and light good vehicles as an 'in' only access. A scheme for signage and physical barriers to prevent access out on to Headingley Lane shall be approved before NGT is constructed.
23. Plant and mechanical equipment shall not be audible above 5ba at the nearest noise sensitive point.
24. The details of the acoustic fencing shall be approved prior to the commencement of building works and installed prior to first use of the Public House.
25. A car park management plan to be submitted and approved.
26. Restriction of permitted development change of use.

15/02490/LI

1. Time limit condition
2. Plans to be approved
3. Samples of materials
4. Details of repairing and reinstating internal features of the building

1. INTRODUCTION:

- 1.1 This application is brought to Panel due to the level of interest in the proposals from local residents. Members are asked to consider this application on its own merits and having regard to the policies of the Development Plan to determine the application unless other material considerations indicate otherwise.
- 1.2 The application is finely balanced. There will be impacts on the amenity of local residents by the creation of a Public House in a predominantly residential area which is also covered by the Cumulative Impact Policy (CIP) which is a Licensing Policy that would normally resist any further Public Houses in this area unless the applicant demonstrates that they can overcome the 4 elements that make up the CIP (set out in the consultation section of the report below). The CIP is a relevant material planning consideration, the weight to be attached to this policy is for the decision maker to decide but officers would suggest that only limited weight is afforded because the policy is not a Development Plan policy that has been subject to a process of consultation or sustainability appraisal testing that is required as part of a Development Plan document.
- 1.3 It is possible that this harm to the neighbours can be ameliorated by the controls imposed by the planning conditions recommended above and through the adoption of a Management Plan to control the potential for noise and disturbance emanating from the comings and goings of a Public House including from cars and delivery vehicles. Set against this harm is the considerable weight that is afforded to the restoration and reuse of the listed building which is also a positive building within the Headingley Conservation Area. The building is on the At Risk Register as advised by Leeds Civic Trust. The investment required to restore this listed building is substantial. The building has been vacant for around 6 years and actively marketed for sale for around 5 years. During that time significant interest was received from prospective purchasers for a range of uses, including residential, offices, gyms, leisure use and social enterprises for community uses. Many of these expressions of interest materialised into offers to buy the building (subject to planning) but none were taken through to sale or even taken through to formal planning applications, primarily because of viability concerns, securing sufficient funding for the task of repairing the listed building and the potential challenges of securing listed building consent and or planning permission. The NGT scheme also results in the closure of Richmond Road from Headingley Lane and the creation of an NGT stop directly outside of the building which has substantial impacts on how the site would be serviced and accessed by all vehicles.
- 1.4 Public Houses are Main Town Centre uses and the site is located in an area classed as 'out of centre' being midway between Headingley town centre and Hyde Park Corner. The Core Strategy and NPPF would tell us this type of development should in the first instance be located in the defined town centre, then edge of centre and only out of centre following a sequential and impact assessment to see if there exist's any more sequentially preferable sites within this hierarchy. Simply, the proposal is contrary to policy P8 of the adopted Core Strategy and does not comply with the Town Centre first approach of the NPPF. When making a decision on the application Members must have regard to the development plan and make decisions in accordance with the policies within that plan unless other material planning considerations indicate otherwise. Although this development is not

sequentially preferable it is not likely to cause any noticeable harm to the existing businesses located within any of the nearby centres.

- 1.5 The applicant proposes to create a significant number of jobs, both permanent and full time positions (equivalent to 50 full time jobs) which are positive elements of the economic investment they propose to make into the premises. In addition the site is possibly one of the most sustainable locations in terms of accessibility considerations.

2. PROPOSAL:

- 2.1 The proposal is for alterations and refurbishment and the change of use of Elinor Lupton Centre from educational facility (D1 use) to an A4 public house together with minor external alterations.
- 2.2 External changes to the building are to be limited to rear of the building. An insertion is to be made into the south wall in order to link internal and external spaces. Symmetry of the building is to be retained with structural glass windows.
- 2.3 All existing entrances onto the site are to be made use of without the creation of any new ones. The existing vehicular access point onto Richmond Road will be widened to allow for deliveries. The rear outside area which was last used as car parking will be reused as a car park (17 spaces), bin store, bin store and delivery area. Directly outside the front elevation behind the retained existing hedge is proposed to be used as an outside eating and drinking space.
- 2.2 As the site is affected by the NGT Scheme the developer has supplied two plans to allow for the current situation before NGT and should NGT be constructed an alternative vehicular access strategy is shown. At present delivery vehicles can access the site from Richmond Road off Headingley Lane, as can all vehicles. Should NGT be constructed a plan is provided which shows the existing eastern access single width track opened up and available for cars and light goods vehicles to access the site from Headingley Lane. Signage would be installed to prevent cars exiting the site from this route. The access onto Richmond Road would continue to be two way. The servicing route for HGVs would require Traffic Regulation Orders (TROs) to protect the junction from Buckingham Grove and Richmond Road and around the mouth of the access into the site.
- 2.3 There is a Listed Building Consent (LBC) application for internal and external alterations to Elinor Lupton Centre that accompanies this Full application. Members are reminded they are being asked to determine both the LBC and this Full application at the same time.

3. SITE AND SURROUNDINGS:

- 3.1 The site relates to a Grade II listed building (No 465421) within the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. It is partly 2 storeys with a basement, all dressed in Portland Stone. It is both different in style and materials from the predominant Victorian stone villas on Headingley Hill but a landmark building in its own right. Buckingham House which adjoins the site is a grade II listed building and has been converted into apartments.

- 3.2 The site is located in a predominantly residential area and the building front Headingley Lane, there is an existing historic vehicular access located between the building and the neighbouring site of Buckingham House (also grade II listed). The main vehicular access and car parking area is accessed from Richmond Road. Headingley Lane is a main arterial route into the City centre, whilst Richmond Road represents a solely residential environment. The site sits mid way between the defined town centre of Headingley and the local centre of Hyde Park Corner.
- 3.3 The doors and windows are all now boarded up and there is graffiti, especially on the front elevation.

4. RELEVANT PLANNING HISTORY:

- 4.1 15/02490/LI: Listed Building application for change of use of educational facility (D1 use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear. Presented to Panel on the 22nd October 2015 for a determination at the same time as this Full application and considered during the appraisal section of this report.
- 4.2 The site has been nominated twice to be included in the on the List of Assets of Community Value. Each nomination has been rejected on the grounds that the site does not meet the criteria for inclusion on the list. For the property to have been successfully listed it must have had an eligible non-ancillary use in the recent past that furthered the social interests or social wellbeing of the local community. At time of the nomination it was decided by the Director of City Development that the local community did not use the building, it was exclusively used by pupils and parents of Leeds Girls' High School and they alone were not considered to be the local community.
- 4.3 Planning Permission has been granted for the redevelopment of the Main Leeds Girls High School site on Headingley Lane and the site of the former Swimming Pool and Sports hall on Victoria Road. Both for residential development and development is underway on the Main School site.

5. HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the application being submitted a pre-application enquiry was submitted by Wetherspoons to considered the proposed change of use. (PREAPP/14/00984)
- 5.2 The advice given in February 2015 was that although considerable weight was attached to the re-use and restoration of the listed building and the local employment opportunities that the development would create it is not considered that these elements will outweigh the harm to the character of the area or the living conditions of the surrounding neighbours particular arising from the use of the outside rear space.
- 5.4 The application held a community consultation event on 2nd February 2015. About 100 residents attended the event. The applicant acknowledges the majority of comments received were negative but they did also receive some positive comments and suggestions.
- 5.5 Headingley Ward Members have been briefed on the scheme as originally submitted and the subsequent revised scheme. Ward Members remain concerned

with the proposed change of use to a Public House due to the impacts on the surrounding neighbours.

- 5.6 The original application included a substantial rear outside drinking and eating area that occupied around half of the space in the rear yard. A container bar was also proposed to service this outside space. This was omitted from the plans during the course of negotiations to protect the amenity of nearby residents. The hours of opening of the premises have also been reduced significantly from what was originally requested and the servicing arrangement pre and post NGT have been defined.

6. PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of site notices, neighbour notification letters and a notice published in the Yorkshire Evening Post. Site notices were posted to advertised the amended plans and allow further comments to be made.

- 6.2 92 letters of representation were received from local residents and a comment from Greg Mulholland MP following the initial notification of the applications. Concerns and comments raised are summarised as follows (88 object and 3 support):

- A Pub will harm the community
- Contrary to cumulative impact policy
- Create noise and disturbance
- Anti social behavior problems
- Excessive traffic and cars, including taxis
- Devalue properties
- Force families out of the area
- There is a community project that would make a better use of the building
- The pub is out of centre
- Will add to the Otley Run pub crawl
- Over provision of pubs in the area
- Will end up being a student pub
- Late night disturbance
- Large numbers of people will be coming and going from the pub
- Photographs submitted showing parking congestion
- Servicing of the pub is a concern
- Friends and Residents of Orville Gardens object to the application
- North Hyde Park Neighbourhood Association object to the application
- South Headingley Community Association object to the application
- Far Headingley Village society objects to the application.

- 6.3 Greg Mulholland MP has provided comments on the application reiterating the concerns

- 6.4 Following the originally submitted plans being revised by removing the proposed rear beer garden local residents were notified of the revisions and given the opportunity to provide further comments. 30 further letters of objection were received. The majority of the objections received to the publicity of the revised plans were from the original objectors.

7. CONSULTATIONS RESPONSES:

7.1 An outline of the mains points raised are provided below:

7.2 **Statutory:**

Yorkshire Water: No objection subject to conditions requiring agreement of foul and surface water drainage.

Transport Development Services: On balance no objections subject to conditions covering cycle storage and unallocated parking. Funding for a potential TRO, pre and post NGT access and servicing arrangements need conditionings.

7.3 **Non-statutory:**

Flood Risk Management: No objections subject conditions requiring the submission and agreement of drainage details.

7.4 LCC Licensing: Any subsequent application for a Premises License under the Licensing Act 2003 will have to specify the hours and activities the premises will operate, they will also have to state how they will not impact on the 4 Licensable Objectives those being:

1. the prevention of crime and disorder,
2. the prevention of public nuisance,
3. public safety,
4. the protection of children from harm.

It should also be noted that these premises fall within the Headingley/Hyde Park Cumulative Impact Area (Area 2) which states the following:

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 2 for the following premises:

- Alcohol led premises such as bars, pubs and nightclubs
- Café bars and restaurants
- Premises seeking late night refreshment such as takeaways and late opening restaurants
- Premises seeking to sell alcohol for consumption off the premises after midnight, such as off licenses and convenience stores.

It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

Therefore whilst the Licensing Authority have no objection or comment in respect of the planning application the applicants will under the Licensing Act 2003 have to satisfy the 4 licensable objectives and also that the premises will not impact on the Area 2 Cumulative Impact Policy.

7.4 LCC Conservation Team: The alterations to this listed building will cause harm (less than substantial) to this listed building in accordance with the NPPF, because of the creation of seating around the front entrance to the building which harms the setting of the listed building (this has been conditioned to be omitted from the plans and only seating in the defined area located behind the hedge is acceptable). This harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The applicant has provided a marketing statement which argues that after a long marketing campaign very few uses were either viable or practicable given the physical constraints of the building. The conservation team accepts this analysis and accepts that the current proposal is the optimum viable use which justifies the harm to the listed building.

- 7.5 Air Quality Management Team: No objections on the grounds of air quality as Public Houses are not sensitive receptors under the air quality management regime.
- 7.6 Public Health: Headingley is a student area with a large number of licenced premises; it is a CIP Cumulative Impact Policy which means that there are usually no additional licences issued within the defined area. Public health would like to highlight the following concerns relating to alcohol.
- There is an increase in harmful drinking amongst students.
 - Practice level data from the Leeds student medical practice indicates that 40% of students are hazardous or high risk drinkers and the Healthy Lives Survey in 2012 indicated that 82% of students binge drink on the occasions when they do drink.
 - NHS Leeds West CCG identified alcohol harm reduction as a strategic objective and funded the Student Alcohol Harm Reduction Project in 2013/14 and in 2014/15 academic year the funding was used to embed the project into day-day business and across higher education partners.
 - Findings from a Leeds Teaching Hospitals Trust Accident & Emergency data project underline that the student population are a key population to target in terms of reducing A&E attendance.
- 7.7 West Yorkshire Combined Authority: Request a contribution of £10,000 towards bus stop improvements along Headingley Lane
- 7.8 Leeds Civic Trust: While accepting the principle of a change of use which will enable the listed building to be restored and its setting improved, we think the creation of the rear outdoor drinking area, notably the placing of a 'container bar' right at the back of the site, is not acceptable in a residential area. (Note the container bar and rear drinking area was removed from the application during the course of negotiations).
- 7.9 Historic England: This Grade II listed building has been vacant for over eight years and despite being marketed for sale during this time has been unsuccessful in securing a new use. The current proposal involves some alterations which will cause some harm to the significance of the listed building. However, on balance, the public benefits of securing a long-term sustainable new use could be assessed as outweighing this harm and could be judged to be acceptable in order to secure its optimum viable use, in accordance with paragraph 134 of the NPPF.
- We commend J D Wetherspoons for developing such a broadly sympathetic scheme and recommend that any minor amendments suggested by your Conservation Officer should be addressed, along with a robust set of conditions to ensure appropriate materials and quality detailing. This should be sufficient in this case to ensure that the heritage significance of the building is maintained by the proposal.
- 7.10 Victorian Society: It is noted that external seating at the rear of the building has been omitted, an improvement to the original scheme. We urge that other external seating proposed at the front entrance between the curved wing walls should also be omitted.
- 7.1 West Yorkshire Police: Support the application on the grounds of the applicant's successful track record of improving problem Public Houses and managing other premises successfully.

8. PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan 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.
- 8.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, Green Belt, conservation, the local economy and design.
- 8.3 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".
- 8.4 Paragraph 24 relates to out of centre development proposals:
Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 69 of the NPPF sets out the importance of the planning system in creating healthy balanced communities.

Paragraph 131 states

In determining planning applications, local planning authorities should take account of:

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

Paragraph 132 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Paragraph 134 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.5 Core Strategy policies:

Policy SP1: Location of development in main urban areas within settlements

Policy P8: Out of centre developments

Policy P10: High quality design

Policy P11: Conservation

Policy P12: Landscaping

Policy T1: Transport management

Policy T2: Accessibility requirements

8.6 Saved UDPR policies:

Policy GP5: General planning considerations;

Policy N19: Conservation areas and new buildings

Policy BD6: Extensions and alterations

Policy LD1: Criteria for landscape design;

Policy T7A: Cycle parking

Policy T24: Parking provision

8.7 Supplementary Planning Documents:

Street Design Guide SPD

Neighbourhoods For Living SPG

Headingley and Hyde Park Neighbourhood Design Guide SPD

Headingley Hill and Hyde Park Conservation Area Appraisal SPD

9 **MAIN ISSUES:**

9.1 The following main issues have been identified:

- Principle of the change of use and out of centre development
- Impact on visual amenity and the character of Headingley Conservation Area and the affect upon the of the special character of the listed building
- Residential amenity
- Highways and parking
- Other matters
- Conclusions

10 APPRAISAL:

Principle of the change of use and out of centre development

- 10.1 In assessing the principle of the development the starting point is that decisions should be made in accordance with the Development Plan unless other material considerations indicate otherwise.
- 10.2 The site is located midway between the defined centres of Hyde Park Corner and Headingley. The change of use from an educational facility to a Public House results in a form of development which in the first instance would normally be located in a defined centre as it is what is known as a 'Main Town Centre Use'. The NPPF and the Core Strategy require applications for out of centre Main Town Centre Uses to undertake a sequential assessment (ie locate Main Town Centre Uses in town centres first, then edge of centre locations before considering out of centre options) or depending on the size of the building an impact assessment might be required. The site is defined as being Out of Centre in sequential assessment terms.
- 10.3 As this application relates to a total of 1589sqm (gross) floorspace then both a sequential test and an impact assessment is required as the threshold of 1500sqm set out in Core Strategy Policy P8 is exceeded. This involves a review of all sites that could accommodate the proposed A4 Public House Use within a 15 minute driving time catchment radius. In assessing proposals for main town centre uses the Council will require development proposals to follow a sequential approach to site selection. This requires development proposals for town centre uses to assess sites for their availability, viability, and suitability within existing centres of their catchment area in the first instance. Where no in-centre sites exist, preference will be given to 'edge of centre' locations which are well connected to the centre by means of easy pedestrian access. Edge of centre is defined as up to 300 metres from the primary shopping area for retail uses. If there are no sites available, viable or suitable in or edge of centre, out of centre locations that are well served by a choice of transport modes and that are close to the centre with the potential of forming linkages with the centre in the future will be favored before other less sustainable sites. Developers must demonstrate flexibility in their business model in terms of the scale, format, car parking provision and scope for disaggregating specific parts of the development to enable them to locate within the centre before considering less central sites.
- 10.4 One of the main concerns with out of centre development proposals is what is the effect they would have upon existing businesses within the defined town centres and would they harm the vitality and viability of the town centres by drawing trade away. This is particularly important for small and independent traders. The impact assessment carried out by the developer (as shown in the table below) sets out the likely trade that will be taken from the existing centres by the introduction of the proposal. The proposal is envisaged to generate a turn over of around £2,300,000

per year. As can be seen the predicted impact on the existing businesses in the centres shown below is likely to be low and not have a noticeable impact.

Location	Turnover	Trade loss	Impact
Hyde Park Corner	£2.194M	£0.043M	2%
Meanwood	£6.086M	£0.093M	1.5%
Headingley	£20.039M	£0.481M	2.4%
Wetherspoons Chapel Allerton	£2.39M	£0.167M	7%
Wetherspoons Bramley	£1.195M	£0.059M	4.9%
Leeds	£164.7M	£1.447M	0.8%
Total		£2.39M	

- 10.5 All town centre use proposals should consider the accessibility of the proposal to public transport and none private car based travel options. They should also be assessed against the need to ensure high quality and inclusive design- which improves the character and quality of the area and the way it functions. The proposal should also be considered against the impact on economic and physical regeneration of the area and also on the impact on local employment. When considering the application in light of these considerations the proposal is considered to perform well.
- 10.6 Given the proximity of this site to surrounding centres of Kirkstall Road, Kirkstall town centre, Weetwood, Butcher Hill, Hawksworth, Burley Lodge, Headingley, Hyde Park Corner, Chapel Allerton, Meanwood, Horsforth and the City Centre a considerable number of sites could potentially emerge that are likely to be more sequentially preferable than the application site. The applicant's particular business model does often seek out unusual, characterful and challenging historic buildings that require substantial investment that they can convert into Public Houses. The Elinor Lupton Centre is one such building and clearly it cannot be moved into a more sequentially preferable location. Given the building is 'out of centre' the application does not accord with the aims of Policy P8 of the Core Strategy however, the harm that arises from this breach of policy is mitigated by the other positive economic elements and factors set out in the preceding paragraph. Members are advised that a reason for refusal based on Policy P8 would likely be outweighed by the other material considerations set out in this report and chiefly the substantial weight that is required to be afforded to the re-use and restoration of the important heritage asset, the Elinor Lupton Centre.

Residential amenity

- 10.7 Careful consideration has been given to the impact the development will have on the residential amenity of nearby residents. During the daytime the proposal is not envisaged to cause any serious harm to local residents by reason of noise and disturbance but there is potential for noise and disturbance to occur during the evening, particularly on Friday and Saturdays. The servicing arrangements are set out in the highway section of the report but overall subject to planning conditions the impact from the servicing of the site is not envisaged to cause demonstrable

harm to the amenity of nearby neighbours. The likely harm to the neighbours amenity if it arises is going to be from the 'comings and goings' from the premises by patrons either arriving on foot from surrounding streets or coming by car or taxi.

10.8 Officers initially expressed significant concerns with the proposal due in part to the scale of the public house that would be created. The proposed public house would require car parking and servicing facilities. It would also need an outdoor space for smokers. The premises is also located on Headingley Lane which is known being a thoroughfare for its busy night time economy and being a route that links Headingley town centre to Hyde Park Corner and on to the City Centre as part of the 'Otley Run'.

10.9 The most concerning of all the elements that might cause harm to amenity from the activity associated by patrons being on the premises that was likely to come from activity in the large outside drinking and eating area that was proposed with its own dedicated bar in the rear yard area of the site. This part of the site is in closest proximity to the neighboring premises of Buckingham House and Richmond Road who would be the most affected by the activity associated with the public house. The mitigation proposed by the applicant to support this element of the application included hours of use controls and acoustic fences and management plans. In proposals for this outside space the applicant's were supported by their acoustic consultant's report. The findings of which were also accepted by LCC Environmental Health officers. However, officers considered that the amenity impact of this outside area were beyond what could be covered by planning conditions and good management even having regard for the acoustic report. The applicant removed this element completely from the plans through negotiations. This space was also needed for car parking and servicing, which on its own will generate some noise and disturbance to surrounding residents but officers consider this can be controlled by planning condition and good management. This revision to the plan was significant in shifting the planning balance in favour of the application.

10.10 The applicant has provided additional details of the proposed management plan for the site. The applicant also clearly has a good track record of managing establishments in the City and this has been endorsed by the Police however this cannot be taken into account in the determination of this application. The management plan has been developed to protect all persons who will live, work or engage in other activities in the immediate vicinity of Elinor Lupton Centre including noise disturbance from the outside terrace areas and other outside areas ancillary to the operation of the premises. In formulation of this plan, regard has been had in a particular to the proximity of nearby residential properties surrounding the premises, with a view to ensuring the public house is compatible with them. Ensuring implementation of this plan will be the responsibility of the Premises Manager and their team with the support of the premises Area Manager and Regional Manager. All staff at the premises will be expected to be familiar with its contents. The key points of the plans are set out below:

- The premises will operate as a traditional JD Wetherspoon without music of any type so there will be no music noise escape when customers exit or enter the premises before or after using the external area.
- The arrangements for smokers will be reviewed with the LPA three months after opening, to confirm that it is operating satisfactorily.
- There shall be no consumption of food or drink in the beer garden after 2300 in order to minimise noise disturbance. Signage advising of this restriction will be placed adjacent to the entrance of the front beer garden. Smokers will be

allowed to use the canopy area after 2300 up until the close of the premises but will not be allowed food or drinks after 2300. The area will be checked and monitored regularly by the Duty Manager and the area will have CCTV coverage which can be monitored from behind the bar. JDW will operate a zero tolerance policy for this area and will review the management plan on a regular basis to ensure the plan is being enforced.

- Large groups in fancy dress will not be permitted entry into the premises or external areas.
- Members of staff will conduct regular checks of the terrace areas at all times the premises are open to the public. The site will also be subject to CCTV coverage. Coverage will operate for 24 hours with images retained for 30 days.
- Signage will be erected within the outside terrace areas and by all exits to the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
- Information as to local private hire/taxi operators will be displayed at the premises and customers who have ordered a vehicle will be allowed to wait inside the premises until that vehicle arrives.
- The premises will liaise with local private hire/taxi operators to establish a “pick – up protocol” which will require drivers not to sound horns, leave engines running for prolonged periods of time or play music at levels likely to cause disturbance whilst waiting for customers. A recommended location for ‘pick-ups’ will be provided (in the rear car park area off street).
- A telephone number will be circulated to residents to allow any complaints as to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints of noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.
- Deliveries, collections and outside disposal of waste and bottles from the premises will be at times which will not disturb our neighbours. Glass bins will not be emptied between 2000 and 0900 the following day.
- The staff car park will be locked once all staff have left the premises.
- The premises management will ensure that staff are made aware of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities and staff will be advised to keep their noise levels to a minimum when they are using the external areas and arriving and leaving the premises at the beginning and end of trading hours.
- Regular residents meetings will be convened unless it is apparent through poor attendance that such meetings are no longer necessary. The meetings will allow for issues which arise from the operational issues of the premises to be discussed.

10.11 In assessing this management plan the vast majority of the bullet points are considered well thought out, achievable and manageable. They are also considered to be matters that staff and patrons and surrounding residents should all be able to abide by without too much difficulty. The main area that seems challenging is related to the rejection from entry into the premises of large groups in fancy dress. This seems difficult to enforce but one the applicant is prepared to commit to. However, given the application only proposes a small outside area to the front of the premises and noise will be contained within the building and

controlled by conditions there is not considered any significant harm that might occur when people are in the premises. Groups in fancy dress doing the 'Otley run' would be walking along Headingley Lane regardless of this current application. Although the introduction of a new A4 venue midway between Headingley and Hyde Park might become an attractive stop for revelers given the route on foot along Headingley Lane is already well used no serious concerns are raised in this regard. It is noted that many of the objectors are concerned about the 'Otley Run' but given this exists and people already go past the ELC towards Hyde Park it is difficult to qualify any significant additional harm being caused by another A4 premises along this route. The premises licence (which Members should note is separate to planning but a necessity nonetheless) will include a bespoke risk assessment which is regularly reviewed and which informs day to day management of the premises in so far as promoting the licensing objectives and will also dictate the door supervisor management plan. Responsibility for compliance with the requirement will rest with the Public House manager on duty. Members are advised the licence can be revoked at any time if it is not being complied with and therefore to a large extent, these controls need to be relied upon as part of the consideration of the planning application as it is an extra layer of compliance which is designed to ensure the premises are managed correctly. In this regard the Cumulative Impact Policy (CIL) will be assessed in detail by the Licensing application but the application has demonstrated through the Management Plan that regard has been had for the CIL as a material planning consideration.

- 10.12 When patrons arrive by car or on foot they could add to the noise and disturbance in the locality. However, when considering pedestrians this is difficult to qualify because of the sites location on a busy main road and in an area with significant number of people already moving about on foot both during the day and night. Any increase of pedestrians could be difficult to attribute directly to patrons of the proposed public house but it is acknowledged that introducing a Public House in the area will add to general levels of existing noise and disturbance and more people generally in the area. Overall it is considered that the development will not result in any significant harm which cannot be controlled through planning conditions and good management practise to the nearby residents and other nearby properties. As such, the proposal accords with Policy GP5 of the saved UDPR (2006).
- 10.13 The impact of car based travel and people waiting for taxis at the end of the night is considered likely to generate the biggest impacts on residential amenity. Although the rear yard of the premises has been used as car parking historically the nature of the previous school use coupled with a lower frequency of events and overall numbers of people will undoubtedly add to noise and disturbance in the area. The extent of this is not envisaged to be so significant as to warrant a refusal of the application but Members are advised that this element of the proposal is harmful and this weighs against the application in the consideration of the planning balance.
- 10.14 Planning conditions governing the hours of use, were patrons can drink and congregate will mitigate most of the effects, good management plans again will help. The erection of an acoustic fence will also help. One of the main challenges that creates a significant number of car movements in the surrounding residential streets is caused by the NGT scheme which when constructed stops access onto Headingley Lane from Richmond Road. If NGT does not get constructed then the existing access arrangements should mean that the actual harm from car travel is not as significant on the neighbouring residents because the distance from Headingley Lane onto Richmond Road into the car park does not take cars past a

lot of residential properties. The introduction of NGT however, will likely force most cars and taxis to use the side roads parallel to Headingley Lane, namely Manor Terrace and Manor View. In addition when NGT is constructed it will prevent cars from waiting on Headingley Lane outside the ELC, this will further add to cars and taxis needing to wait on the rear car park area. Or, as may happen, on Richmond Road as well. This will add to the residential amenity concern although a condition requiring liaison with the Taxi Drivers Forum to encourage them to use the Eastern Access route might help mitigate this to some extent. The existing historic eastern access into the site from Headingley Lane will be opened up to one way car traffic to allow drivers in from Headingley Lane. This should help mitigate some of the traffic diverted by the closure of Richmond Road but it will not probably mitigate all the traffic. Therefore Members must consider that this element of the proposal would cause some harm to the living conditions of neighbouring residents.

Impact on visual amenity and the character of Headingley Conservation Area and the special character of the listed building

- 10.15 In assessing the proposal it is important to consider the impact on visual amenity and character to ensure the development meets the legal test to preserve or enhance the character of appearance of the Conservation Area. The proposal must also be assessed by the decision maker having special regard to the desirability of preserving or enhancing the character and appearance of the listed building. The desirability of preserving the setting of listed buildings should not simply be given careful consideration by the decision maker for the purpose of deciding whether there would be some harm, but should be given considerable importance and weight when the decision maker comes to balancing out the planning considerations.
- 10.16 The NPPF is very clear that significant weight should be attached to the reuse and restoration of heritage assets. The more important the asset, the greater the weight should be. It does not distinguish between heritage assets but clearly a listed building in a conservation area is very important. The building also makes a positive contribution to the character and appearance of this part of the conservation area. The proposed works to the listed building are considered sensitive and well thought out. Although some harm will arise from the creation of an outdoor seating area to the front of the premises this harm is less than substantial and will largely be screened behind the hedge and the detail design of the garden furniture can be controlled through condition. The NPPF tells us where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.17 The proposed change of use is considered the optimum viable use for the building. This is based upon the amount of interest in the building from other operators that failed to materialise into formal planning application or actual purchase of the building. The extent of alterations required to create an A4 premises is fairly minimal in relation to subdivision or significant changes to the existing internal spatial qualities of the building. The main auditorium space will be kept open and largely unaltered. Possibly this will be enhanced by the restoration of the lantern glazing in the ceiling which is currently in disrepair and covered up due to the form use of the space as a theatre. The raked floor will be leveled up to create a surface that is fit for purpose (which any use would need to be in order to create an accessible building) but the internal spatial quality of the theatre will remain largely intact. In addition the revisions to the internal layout plans that have taken place during both the pre-application phase and since the original application

submissions have had positive effects of enhancing the special qualities of the listed building.

- 10.18 The repair and restoration of the internal elements of the building take significant investment. The applicant have provided some cost estimates from their QS, Turner and Townsend to set out what is involved with bringing the listed building back into use and to achieve a high quality internal and external refurbishment for an A4 Use. The applicant is seeking to invest around £3.2 Million into the refurbishment project. Members should bear in mind that some of the costs relate to the fitting out of the building for an A4 use public house use (around £1m) which would not apply to other uses. The estimate provided by Turner and Townsend doesn't include the purchase cost of the building. The figures are not submitted in support of any viability argument and therefore are not in the public domain as they contain sensitive commercial costs around the operation of a Public House but they do show that costs involved in refurbishing the building are considerable, possibly over £2m just to get the building to first fix which alternative operators such as social enterprises would still need to achieve in order to have a building fit for purpose. Members should attach significant weigh to the reuse and restoration of the listed building in the conservation area as part of the application when determining the proposal.
- 10.19 Having considered that the harm to the heritage asset is less than substantial and overall the detail of the scheme should result in a high quality restoration project of an important listed building in a prominent location it is important to assess its impact within the conservation area. When considering any planning application decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Currently the building is becoming an eye sore and suffering from anti-social behavior, including graffiti. The building is a substantial local landmark and the proposal is considered to respect its setting within the conservation area. Although the creation of small outside area to the front of the building (principal elevation) will create some clutter in the form of tables and chairs and ancillary garden furniture this is not considered to detract from the overall appearance of the building and as the features are not permanent additions they will not result in any serious harm. In addition the retention of the hedge boundary treatment further softens the outside elements and planning conditions to control the landscaping including the garden furniture should adequately deal with this detail. To the rear the intervention to the listed building is acceptable and will create a modern contrast with the insertion of a window of glazing. Therefore overall the proposal brings back into use a vacant building for public benefit and is envisaged to have a positive impact on the desirability to preserve or enhance the character and appearance of this part of the conservation area.

Highways and parking

- 10.20 The applicants Transport Statement advises that there are likely to be at least two large delivery vehicles per day and the tracking provided shows that it would not be possible to negotiate the before NGT and after NGT routes if cars were parked on street. As such a TRO is required to protect the junctions at Buckingham Grove and the junctions Richmond Road and at the mouth of the site access. The TRO will also potentially cover the junctions at Buckingham Road. The extent of the TRO is not yet fully established but the TRO will allow servicing vehicles to route around Buckingham Road, Buckingham Grove and up Richmond Road into the site and the exiting allow this route to be carried out in reserve. This route will only be

required should NGT be constructed. The impacts of NGT will alter how many buildings along Headingley Lane are serviced. The NGT scheme is being promoted in partnership with West Yorkshire Combined Authority by the City Council and as such the ability for sites to come forward will be altered by the NGT proposal. In this location the changes will impact on residents living behind the site along Buckingham Grove and the lower end of Richmond Road and also to a lesser degree Buckingham Road. The servicing route proposed by the applicant is considered acceptable. The frequency of servicing vehicles using the route will be low and a condition has been attached to prevent early morning or late night deliveries. As such no serious harm from the servicing arrangements or TRO proposals is envisaged.

- 10.21 With regards to the parking implications of the development, the revised scheme increased the number of spaces available in the rear yard area to 17 spaces. This is the most that can be achieved off street allowing for space for servicing to take place off street. Considering the size of the building there must be some concern about customers and in particular restaurant customers bringing a car to the site and not being able to park off street. Although some on street parking existing in the locality this would not be in the best interest of highway safety due to existing on street parking demands in the locality. This will mostly affect the residents of the Manors' and Richmond Road who may experience a degree of increased on street parking demand. Ideally more spaces would be sought but given this is a conversion scheme and a site in a highly sustainable location with a higher proportion of people walking than in other parts of the City on balance the parking provision is acceptable with the provision of TROs both pre and post NGT.

Other matters

- 10.22 The retention of the hedge to the front and side of the site is a positive outcome of negotiations. The hedge will both provide screening from the outside eating and drinking area and also provides a positive boundary treatment for the listed building. The trees both within the site and adjoining should not be adversely affected by the proposed development. Some remedial tree works may be required to those trees which overhang the eastern access route to prevent conflict with motorists but that should not have any serious effects on the trees.
- 10.23 Of the other issues raised by the representations not covered within the report, devaluation of property prices is not a relevant material planning consideration. The proposal is not considered likely to force families out of the area. The proposal will open up a previously private listed building, that is becoming an eye sore in a very prominent location as a Public House that is available to all sections of the community. The proposal is not targeted as a student premises, clearly the area has a high concentration of students but the premises is not likely to become student focused given it is part of a nationally operated chain which in its management plan has set out how it intends to be inclusive and available for all section of the community.
- 10.24 The proposal is not envisaged to have any serious impacts on health and wellbeing or to add significantly to issues associated with alcohol. The management plans coupled with the planning conditions are designed to ensure this premises can operate effectively without causing harm to the neighbours. The Police have been contacted about the proposal and recognize the applicant's ability to operate effectively and to help reduce crime and disorder and antisocial behavior. These elements accord with the aims of the Core Strategy and the Vision for Leeds. The effects on health for patrons, staff and neighbours associated with the proposed

public house are also considered to be acceptable which again accords with one of the central aims of narrowing the health inequality gap which is part of the Vision for Leeds.

- 10.25 The Management Plan will form part of a Section 106 Agreement as will a local employment and skill training obligation. The requirement for both a Management Plan and an employment initiative is considered to meet the 3 tests set out as being necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development

11 Conclusions

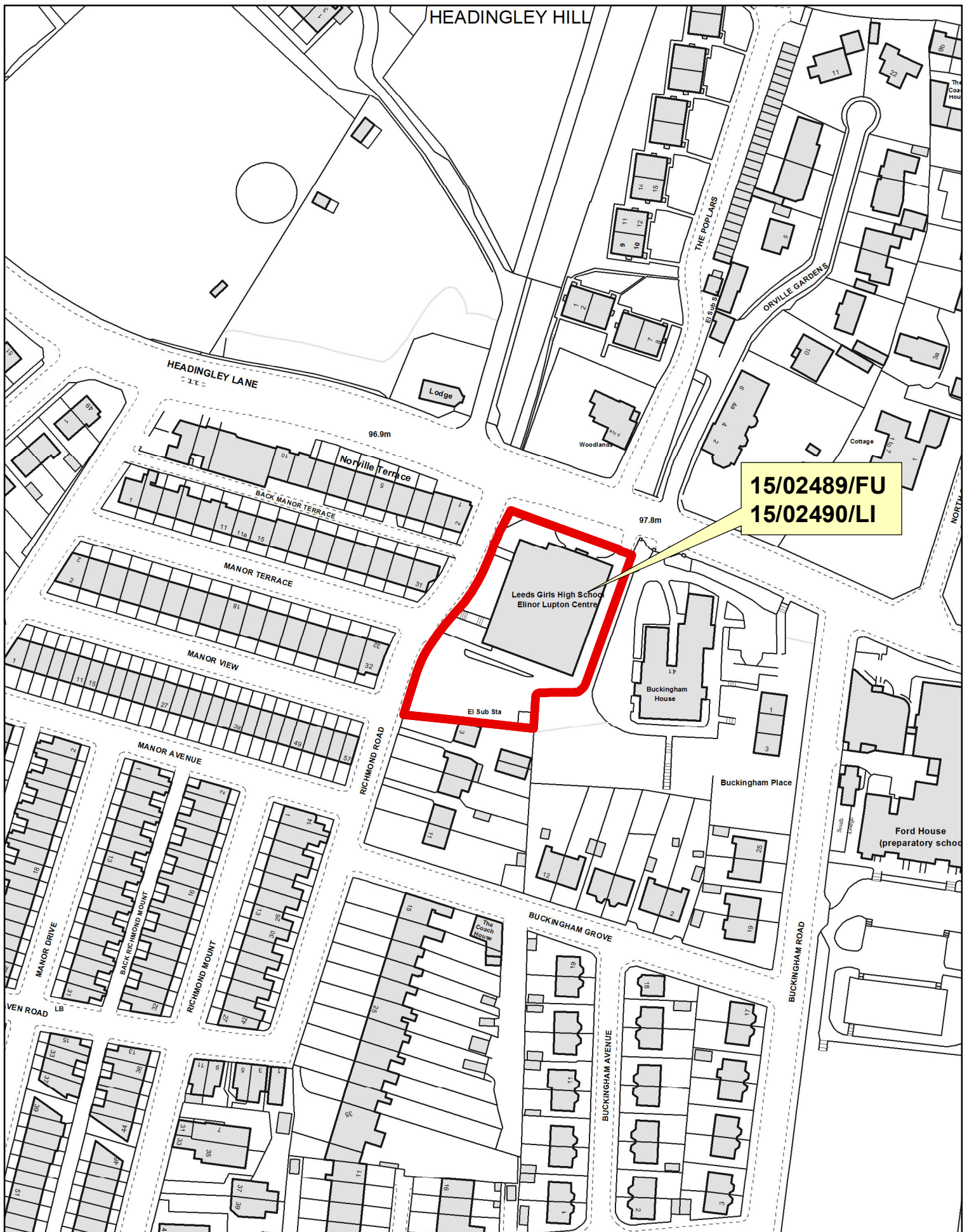
- 11.1 In reaching a recommendation to approve the proposed development it is important to acknowledge that the recommendation is finely balanced. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 11.2 The elements that cause harm to the proposal are set out in detail in this report. The principle amongst these is the potential for harm to the living conditions of nearby residents from noise and disturbance arising from the comings and goings of patrons, particularly if NGT is constructed from those travelling in cars and taxis. Planning conditions restricting the hours of use, delivery arrangements and the applicant's management plan will mitigate a large degree of this harm. Saved UDPR Policy GP5 is concerned with the protection of residential amenity. This policy is breached by the proposal and therefore the proposal in this regard is contrary to the development plan. In light of the mitigation measures that can be achieved the weight to be attached to this harm is less than substantial.
- 11.3 The creation of an A4 establishment in an out of centre location is contrary to Policy P8 of the Core Strategy. However, as the site relates to an existing building that is in need of a viable reuse and is located in an out of centre location there is a reasonable justification to accept a Main Town Centre use here in this circumstance. In addition it is acknowledged the site scores well on the accessibility criteria for sustainable development. The actual effect on trader's vitality and viability within the nearby centres has been accepted as being low and should not cause any serious demonstrable harm to these existing businesses. Therefore the harm that is afforded to this departure from the development is mitigated by the material planning considerations and is also therefore less than substantial.
- 11.4 Weighing in favour of the development is the considerable weight afforded to the reuse and restoration of the listed building in this conservation area setting. The scheme will have a positive effect on bringing this building back into beneficial use and will have a positive effect upon the character and appearance of this part of the conservation area. This strongly accords with the aims of policy P11 of the Core Strategy and the aims of the NPPF to reuse and restore heritage assets. Members are advised therefore that they have a recommendation to grant Listed Building Consent.
- 11.5 It is considered that the management plans and planning conditions should adequately mitigate any substantial harm that might arise from the noise and disturbance generated by the comings and goings of patrons and cars and taxis. There are no serious concerns arising from the delivery arrangements, pre or post NGT. The use of planning conditions is encouraged to help overcome issues that could warrant reasons to refuse a planning application.

- 11.6 The economic benefits of creating around 50 full time equivalent jobs is also a considerable boost for local employment opportunities which is a material planning consideration in favour of the development.
- 11.7 These elements accord with the relevant provisions of the development plan and the NPPF. Overall Members are advised that these material considerations when pooled together and added to the considerable weight given to the reuse of the listed building amount to substantial weight in favour of the application. They outweigh the harm that has been identified. Overall therefore officers conclude on the planning balance that the application can be recommended for approval subject to conditions.

Background Papers:

Application file.

Certificate of Ownership



SOUTH AND WEST PLANS PANEL



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Originator: Alison Stockdale

Tel: 0113 24 77071

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 22nd October 2015

Subject: Application number 15/01313/FU – Demolition of existing retail unit (use class A1) and construction of foodstore (use class A1) with parking, landscaping and associated works at Unit 4, Westfield Mills, Kirk Lane, Yeadon LS19 7LX

APPLICANT
Aldi Stores Ltd

DATE VALID
13th March 2015

TARGET DATE
5th November 2015
(extended)

Electoral Wards Affected:

Otley and Yeadon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATIONS

DEFER AND DELEGATE for approval to the Chief Planning Officer subject to the conditions below and subject to the signing of a S106 agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to include contributions of £25,000 for improvement to the signalised junction at the Kirk Lane/ A65 New Road and Dibb Lane junction and £2,500 for Travel Plan monitoring.

1. Time limit of 3 years on full permission.
2. Development in accordance with the approved plans.
3. The car park shall be available free of charge for use by members of the public other than customers for a period of up to 4 hours.
4. Submission and approval of a sample panel of stonework.
5. Submission and approval of roofing materials.
6. Details of the re-use of the existing stonework within the site.
7. Submission and approval of a Phase 2 Site Investigation.
8. Need for submission and approval of a new Remediation Statement.
9. Submission and approval of Verification Reports.
10. Control of imported soil on site.

11. Submission and approval of a surface water attenuation system.
12. Submission and approval of surface water drainage scheme.
13. Demolition and construction restricted to 0800 to 1800hrs Monday to Friday, 0800 to 1300hrs Saturdays with no demolition or construction on Sundays and bank holidays.
14. Deliveries and collections during construction and demolition restricted to 0800 to 1800hrs Monday to Friday, 0800 to 1300hrs Saturdays with no deliveries or collections on Sundays and bank holidays.
15. Submission and approval of a statement of construction practice.
16. Opening hours restricted to 0800 to 2200hrs Monday to Saturday and 1000 to 1800hrs on Sundays.
17. Submission of a delivery management scheme including delivery hours.
18. Noise levels from fixed plant at the premises shall not exceed 35dB when measured at the nearest noise sensitive premises.
19. Noise from delivery and collections shall be limited to a level no more than 7dB above background levels.
20. Submission and approval of a scheme to control noise from deliveries and collections at the store.
21. Notwithstanding the approved plans, details of cycle/motorcycle storage to be provided.
22. Submission and approval of a scheme for providing showers for staff use within the building.
23. Installation and retention of electric vehicle charging points.
24. Vehicular areas to be laid out, surfaced and drained.
25. Details of handrail to pedestrian access to Kirk Lane to be submitted and approved.
26. Details of the gradient of the ramp from Kirk Lane in to the site to be submitted and approved.
27. No occupation prior to completion of off-site works including a Zebra crossing on Kirk Lane.
28. Notwithstanding the approved plans, details of bin storage to be provided.
29. Landscaping scheme and implementation plan to be submitted and approved.
30. Landscape management plan to be submitted and approved.
31. Requirement to replace any failing trees/ hedges/ shrubs within 5 years of approval.
32. Protection of trees during construction.
33. Restriction on removal of trees during bird nesting season.
34. Bat and bird roosting features to be included.
35. Submission and approval of elevational detail facing Engine Fields.
36. Details of method to restrict access to car park outside of trading hours to be submitted and approved and implemented prior to first use of the store.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as a result of a request from Councillor Campbell who has no issue with the principle of a store but continues to have issues about the details namely; the impact on neighbouring residential amenity particularly from the position of the service point, highways issues and tree loss. He also wanted the applicant to contribute towards works on Town Street to help link the store into Yeadon centre.

2.0 PROPOSAL:

- 2.1 The proposal is for the demolition of the existing Homebase store on the site and the construction of a new supermarket along with new parking area and landscaping.

- 2.2 The new building is approximately 5.5m high on the front elevation which is predominantly glazed. To the sides and rear the building is stone. Levels on the site will be changed to provide a more usable car park and will result in a reduction in levels of approximately 1.5m around the front of the store. A retaining wall of between 0.9m and 1.2m in height will be constructed on the eastern boundary of the site using reclaimed stone from the existing buildings.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site currently contains a Homebase store and is approximately 0.7Ha in size. The site is also within the Yeadon Conservation Area and the building is identified as a positive building within the Conservation Area Appraisal. The site is also within Yeadon Town Centre as designated within the current Development Plan and the emerging Site Allocations Plan.
- 3.2 The site is a wedge shape which narrows to the rear. The frontage on to Kirk Lane is marked by a stone wall and a band of mature medium sized trees which screen much of the store from view. The parking area is set to the front of the store and slopes down from east to west. The store itself has an unattractive corrugated iron frontage on to a plain stone built industrial building dating back to the early 20th century. There is an enclosed garden centre area to the front and a brick extension to the rear. This stone element of the building has a north light roof in keeping with the industrial heritage of this part of Yeadon.
- 3.3 Whilst in the designated town centre, the area is mixed in character with housing to the west and north. To the east of the site is a nature reserve, Engine Fields where the mill ponds which were associated with the neighbouring Old Mill are situated. To the south is Westfield Industrial Estate with a mixture of old stone mill buildings and more contemporary structures. This area is accessed by a private road which passes to the west of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/14/00894 – Demolition of existing storey, construct new foodstore, car park, landscaping and associated infrastructure.
- 4.2 15/04080/TR – Tree works application to top small trees on Miry Lane just outside site – approved.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 **Ward Councillors** were consulted and notified by officers during the pre-application process and on 13th March 2015 following receipt of this application.
- 5.2 13 letters of objection have been received from local residents including one from Aireborough Civic Society, 5 letters making general comments have also been received and 33 letters plus 84 standard letters in support.
- 5.3 Issues raised by the objectors are:
- Impact on the viability of the town centre
 - Impact on small traders
 - Impact on nature/ environment
 - Additional impact on highway network

- Insufficient parking provision for store
- Noise impact on neighbouring properties
- Highway congestion
- Overlooking in to neighbouring properties
- Use of local residential streets for Aldi lorries to turn
- Intrusive new signage
- There are alternative supermarkets to Morrisons in the locality
- Removal of trees on frontage impacts detrimentally on outlook from neighbouring properties
- The site should be returned to a green field and used as community asset
- Already difficult to exit side streets
- Will be much busier than existing Homebase store
- Sited in a predominantly residential area
- Impact of large lorries
- Potential for anti-social behaviour related to alcohol sales
- Should take opportunity to convert existing attractive stone mill building
- Stone from existing building should be re-used on site

5.4 Issues raised in the letters of general comments are:

- Concern about congestion
- Loss of historic building
- Impact on neighbouring nature reserve
- Rubbish from the store should be securely contained
- Light pollution and impact on nature reserve
- Needs to make more effort to encourage sustainable transport methods
- Concern about highway safety on local residential streets
- Concern about exit from site
- Should provide recycling facilities within car park
- Need parking restrictions on Kirk Lane
- Road to industrial estate needs repairing

5.5 Issues raised in the letters of support are:

- Increases consumer choice in area
- Site already in retail use
- Existing store needs replacing
- New jobs
- Pedestrian crossing on Kirk Lane would be a benefit
- Close to residents at bottom end of Yeadon and more accessible
- Will reduce traffic as can walk to this store and currently drive to other Aldis in locality
- Employees from Homebase should get employment in Aldi
- Aldi is good value
- Good reuse of brown field site
- Improve house prices

5.6 Aireborough Civic Society supports the change of use to a supermarket – it will give competition in the area. However they are very disappointed that this application proposes to demolish Westfield Mill and build something completely new. The existing former mill was built in 1888 by Edward Denison and is noted as a positive building in the Yeadon Conservation Area. In permission is granted that the stone

should be re used. They also have concerns about traffic at the A65 junction with Kirk Lane.

6.0 CONSULTATION RESPONSES:

6.1 Statutory Consultees:

None

6.2 Non Statutory Consultees:

HIGHWAYS: No objections subject to conditions

TRAVELWISE: Conditions recommended

CONTAMINATED LAND: Conditions recommended

DRAINAGE: Conditions recommended

ENVIRONMENTAL HEALTH: Conditions recommended for during construction and during operation of the proposed store

LEEDS CIVIC TRUST: Buildings should be retained and converted and not demolished. The stone elevation facing Engine Fields adds character to the area and the south facing elevation is particularly attractive.

RETAIL POLICY: Scheme has passed Sequential and Impact Assessments therefore no objections.

7.0 PLANNING POLICIES:

7.1 Government Policies

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system.

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

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

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

7.2 Development Plan

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

unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

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

The following policies are relevant:

Policy P2 – Town centre uses

Policy P5 – Approach to accommodating new food stores across Leeds

Policy P8 – Sequential and Impact Assessments for town centre uses

Policy P10 – Design

Policy P11 – Conservation

Policy P12 - Landscape

Policy T2 – Accessibility requirements and new development

The following policies have been saved from the UDPR:

Policy GP5 – General planning considerations

Policy N19 – Conservation Areas and development

7.3 **Supplementary Planning Guidance/ Documents**

Street Design Guide

Yeadon Conservation Area Appraisal

8.0 **MAIN ISSUES**

- 1 **Principal of development**
- 2 **Design and character**
- 3 **Impact on trees/ landscaping issues**
- 4 **Highways considerations**
- 5 **Amenity issues**
- 6 **S106/ CIL contributions**
- 7 **Other issues/ neighbour concerns**

9.0 **APPRAISAL**

Principle of development

- 9.1 The site is within the Town Centre boundary of Yeadon Town Centre as defined within the Unitary Development Plan (Revised 2006) and designated within Policy P1 of the Core Strategy. This site is also within the proposed Town Centre Boundary of Yeadon Town Centre within the draft Site Allocations Plan. However this document is at a relatively early stage of preparation and only limited weight can be given to this.
- 9.2 It is important to note that the definition of 'in-centre' for A1 retail applications is defined by the National Planning Policy Framework and the Core Strategy as being within the Primary Shopping Area of a centre, not just the centre boundary. The boundary designations within the UDP predated the need for Primary Shopping Areas(PSAs), and as such, the PSAs as proposed within the Site Allocations Plan

Issues and Options version have been used in cases such as these to define whether a proposal should be considered as in-centre or not. The Primary Shopping Areas as proposed are based upon detailed survey data and seek to express the factual realities on the ground.

- 9.3 In this case the proposal falls outside the proposed PSA for Yeadon and a Sequential Test and Impact Assessment has been required. Policy P8 requires the applicant to undertake an assessment of all centres that fall within a 10 minute drive-time. On considering the information presented by the applicant, it is noted that the applicant has a valid permission in Guiseley and a further application on the same site, which renders the requirement to consider sites within Guiseley unsuitable as this is more appropriately dealt with as part of the Guiseley application. The applicant is clearly serious in their intention to have a store in both Yeadon and in Guiseley, so therefore it is accepted that asking the applicant to consider sites in Guiseley for their proposed Yeadon store would arguably be unreasonable. However, the applicant has no such commitment in Horsforth. Whilst the applicant is keen to locate a store in Horsforth, we are not aware of an application ever having been submitted for an Aldi store in Horsforth. Therefore the Guiseley and Horsforth cases should be treated differently, and Horsforth sites should be assessed.
- 9.4 Therefore in principle we have an incomplete Sequential Test and the NPPF states that a lack of a Sequential Test could be considered grounds for refusal on its own. However whilst the NPPF and NPPG state it is clearly the responsibility of the applicant to complete the Sequential Test the documents also stress that Local Planning Authorities should work with applicants to undertake it. In this case we are aware of no in-centre sites within Horsforth Town Street or New Road Side that would be considered suitable for the development proposed. The two centres are already heavily built-up and sites of the size required are presently unavailable. Therefore whilst we do not believe the applicant has considered the Sequential Test in full, it is considered that the Sequential Test has been passed as there are no sites within the catchment area that would be suitable for the development proposed.
- 9.5 With regards to the Impact Assessment it is disappointing that the assessment does not show the level of impact projected on each individual centre or store. This makes arriving at a view on the impact of the proposal, as required by the NPPF somewhat challenging. However, the applicant is right to point out that the Retail Study does show convenience capacity in this area, and it is accepted that the store the proposal is most likely to impact upon is Yeadon Morrison's which is considered likely to be overtrading. Given the principle of 'like affects like' enshrined within the NPPF, it is likely that the most impact will be felt on the Morrison's store, and given that the Retail Study suggests the store is overtrading by circa £30 million, it is highly unlikely that the proposal will have a significant adverse impact upon either Morrison's or Yeadon centre as a whole. Given this, it is highly unlikely that the proposed store will have an adverse impact on adjoining centres such as Guiseley and Horsforth as these are also anchored by Morrison's stores exhibiting signs of overtrading. It is also important to note that the Homebase store has an open A1 consent that could be used for the sale of food in a unit larger than that proposed, without the need for planning permission. As a fallback position this should be given material weight.
- 9.6 On balance, it is considered that the application passes the Sequential Test and Impact Assessment and complies with policy P8, the site is well located relative to

the town centre and has been used for retailing and the scheme is acceptable in principle subject to other material planning considerations.

Design and character

- 9.7 The proposal is to demolish a building within the Conservation Area and replace it with a modern single storey flat roofed supermarket. The palette of materials in the locality is predominantly stone and this will be the main material for the building. The front elevation will have a prominent glazed element highlighting the customer access to the building.
- 9.8 It is acknowledged that the proposal results in the loss of a building indicated as a positive building within the Conservation Area. This part of the Conservation Area is of particular importance as it reflects the industrial heritage of Yeadon and the mill building which is to be demolished is part of that. The Conservation Area Appraisal notes that the large footprints of the mill buildings give this area a distinctive urban form that contrasts with the fine grain characteristic elsewhere. The proposed supermarket follows this grain of development with a large building situated to the rear of the site following the line of the neighbouring mill goit to the east of the site.
- 9.9 The NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Considerable importance and weight should be given to the conservation of heritage assets. This weight should be proportional to the importance of the asset. While the building on the site is identified as a positive building the designation also recognises the unattractive modern additions to the building which are excluded from the designation.
- 9.10 Para. 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance to a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or meet certain criteria. In this instance, the frontage of the building is poor with the appearance from the highway being of an ill-kept and badly designed storage unit. While this does hide attractive stone buildings to the rear, the over-riding impression of the buildings on the site is not a positive one. The Applicant's Heritage Statement has considered the heritage value of the buildings identifying that the building dates from the early 20th century and was part of the Westfield Mills complex. Historic maps date the first buildings on the site to between 1894 and 1906 and later buildings to between 1921 and 1938. The original buildings were probably workshops and a weaving shed but there is little to indicate this internally and much of the building is masked by later additions. As the buildings do not appear to have any particular significance in the development of the site, nor do they have a positive visual impact on the appearance of the Conservation Area in their current state, it is considered acceptable to consider redevelopment of the site subject to a high enough quality scheme.
- 9.11 The proposed scheme improves the frontage of the site which is currently dominated by a large sloping parking area and unattractive extensions to the building. In order to level out the parking area, the store will sit at a lower level (approximately 0.35m) than the current Homebase which will result in the new store being a less prominent feature in the streetscene. It also allows for a 4.0m landscaping buffer behind the front boundary wall to allow for the retention of existing trees and the planting of further trees and soft landscaping.

- 9.12 Officers asked the Applicant to consider constructing the side elevation facing Engine Fields with the reclaimed stone. A building surveyor has assessed the amount of usable stone within the building and confirmed that it will not be sufficient to do this. The stone from the demolished building will instead be re-used to build the retaining wall on the eastern boundary of the site.
- 9.13 It is considered that para. 134 of the NPPF is relevant to the proposal as the scheme will lead to harm to a designated heritage asset. However, that harm is less than substantial and needs to be weighed against the public benefits of the proposal, including securing its optimum viable use. It has been explained above that it is the Local Planning Authority's opinion that the poor public front of the building gives it a less than positive appearance in the streetscene. The existing building appears to have historical rather than architectural value and the removal of the entire building which includes the unsightly 1970s extensions will overall have a positive effect on the appearance of this part of the Conservation Area. Acknowledging that the historic element of the building would be removed as part of the demolition officers consider this will allow for a new building of high quality modern single storey design to be built from natural stone set within a landscape setting which will enhance the Conservation Area and the streetscene within this area. The reuse of the site for a retail store within this town centre setting is also in keeping with the local character and function of the site as a larger unit on the southern edge of the town centre. Therefore the harm to the conservation area is considered to be outweighed by the benefits of the scheme.

Impact on trees/ landscaping issues

- 9.14 The proposal results in a loss of 6 trees with 13 of the trees on site being retained and 25 new trees being planted. This results in 38 trees on site – a net gain of 19 trees. Four of the trees to be removed will be along the western side of the site and the remaining two are at the junction of Miry Lane and Kirk Lane. There will be 4 new trees planted along the frontage on Kirk Lane in order to preserve the current attractive and leafy impression of the site from Kirk Lane. These trees are to be planted within a 4.0m landscaping strip in order to allow them space to grow. A cellular confinement system with permeable paving will also be included to aid root protection within the row of parking spaces parallel to Kirk Lane.
- 9.15 Details of the size and types of new trees will be controlled via condition. A landscape plan also indicates new trees within the car park to be planted within a structural cell system. Ornamental shrub planting will be utilised under the trees in the landscaping strips. This has been included at the request of the landscape officer as it removes the need for grass cutting as lawnmower use can damage tree trunks.
- 9.16 A tree works application has recently been approved to top the small trees just outside the site on the Miry Lane/ Kirk Lane junction. As the trees did not warrant a TPO, the tree officer has indicated that he had no option but to approve the works. Other proposed works to the leylandii hedge adjacent to the Old Mill are exempt from the notification process as works to a hedge do not require consent.

Highways considerations

- 9.17 The scheme sees an improved access to the site off the access road to Westfield Industrial Estate. This also provides delivery access to the service point on the western side of the store. Concern has been raised about the safety implications of a servicing bay adjacent to and accessed from the access to the customer car park.

Aldi have considered other options but have confirmed that the current scheme is the one which best fits the site constraints and their business model. Deliveries to the site will consist of two HGVs and two smaller local vans per day. A condition has been recommended to restrict HGV deliveries to off peak hours to minimise disruption at the car park entry point. While it is noted that any disruption at this point is not ideal, it is considered that out of hours servicing would have a more significant impact on neighbouring residential amenity. The site is within the designated town centre and there is an existing store on site with unrestricted delivery hours, therefore further restrictions on delivery hours would appear unreasonable.

- 9.18 The Applicant has undertaken modelling of both the site access on to Kirk Lane and the junction of Kirk Lane with the A65 and Dibb Lane. This has shown that access on to Kirk lane would operate satisfactorily. The development would add traffic to the junction of Kirk Lane/ A65 which UTC understand to experience problems with queuing traffic. UTC have identified modifications to the signal junction and a design which creates more capacity without significant highways works. The scheme consists of changes to signalling and some white lining and is considered to provide a relatively large improvement for a modest cost. The Applicant has agreed to fund the cost of these works at £25,000 and this will be secured via a S106 legal agreement.
- 9.19 Parking provision is considered acceptable and in line with other comparable Aldi's. The store has been reduced in size since the initial submission and is now 1663m² as compared with 1823m² of the submitted scheme. Initially 103 parking spaces were proposed. This has been reduced to 99 spaces in the current scheme. The Council's parking standards required 1 space per 14m² GFA. This would equate to 118 spaces based on the floor area. Aldi's Kirkstall store is operating at capacity and has a floor area of 1366m² with a car park of 75 spaces. The Yeadon store is approximately 22% bigger which would equate to 91 parking spaces. The 99 spaces provided therefore represent an over-provision compared with similar stores.
- 9.20 A pedestrian link is indicated from the site on to Kirk Lane at the north eastern corner of the site to provide linkages through to Yeadon town centre. A zebra crossing will also be provided between Miry Lane and Haworth Lane to facilitate customers visiting the site and town centre.

Amenity issues

- 9.21 Neighbours have raised concerns about noise and disturbance from the site. Conditions have been recommended to control opening hours, delivery hours and construction hours. Conditions requiring submission of a scheme to control noise emitted during delivery and collection is also recommended as set out at the head of the report in conditions 16, 18 and 19. This would also control waste collections.
- 9.22 Neighbouring properties are a minimum of 50m from the store and the car park is 20m at its closest point from neighbouring residential properties. The use of appropriately worded conditions, as detailed above, to control noise and disturbance from the store, car park and deliveries should be sufficient to protect residential amenity. The site is within the town centre and as such some disturbance from comings and goings to stores is to be anticipated. The distance between dwellings and the site combined with the planning conditions proposed should be sufficient to ensure no significant adverse impacts.

- 9.23 The scale of the site and positioning of the building away from residential dwellings and in a similar position to the existing store is considered to ensure no significant overbearing or overshadowing impact as a result of the proposal.
- 9.24 Overlooking to neighbouring residents as a result of the scheme is not considered to increase significantly. While the parking area is closer to residents on Borrowdale Croft than the existing car park, members of the public on Kirk Lane would be at a closer distance than the store car park. As such it is not considered that overlooking to neighbouring properties will increase as a result of the scheme.

S106 Contributions and Community Infrastructure Levy (CIL)

- 9.25 The development is CIL liable but, 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 commercial units.
- 9.26 The following contributions secured through a S106 Legal Agreement are recommended:
- £25,000 towards highways junction improvements at A65/ Kirk Lane/ Dibb Lane junction.
 - £2,500 for travel plan monitoring.

Other issues

- 9.27 A bat survey has undertaken and no bats were identified leaving the building and the building is considered very unlikely to support roosting bats. As a result of the adjoining nature reserve, a condition is suggested for bat roost enhancement features to be incorporated into the elevation facing Engine Fields. A condition requiring that should work to trees or shrubs take place within the bird nesting season then a qualified ecologist checks for active bird nests.
- 9.28 Concerns raised by local residents have been covered in the appraisal above. Signage will be subject to separate advert consent applications. Alcohol sales will be subject to the usual Licensing requirements which seek to control anti-social behaviour.

10 CONCLUSION

- 10.1 In conclusion, the site contains an existing store still in operation and not subject to any specific planning controls relating to its operation. The site is within the designated town centre and the proposed food store is an appropriate town centre use.
- 10.2 The loss of a positive building within the Conservation Area is considered to be outweighed by the visual gain from the removal of the existing unattractive modern extensions within the streetscene and the enhancements to the frontage in terms of tree retention and planting. As such the scheme is considered to comply with the requirements of para.134 of the NPPF.
- 10.3 The potential for harm to local residents through noise and disturbance from deliveries and operation of the site is considered to be mitigated by the use of appropriately worded planning conditions to restrict hours of opening and submission of a delivery management plan. The site is within the town centre and

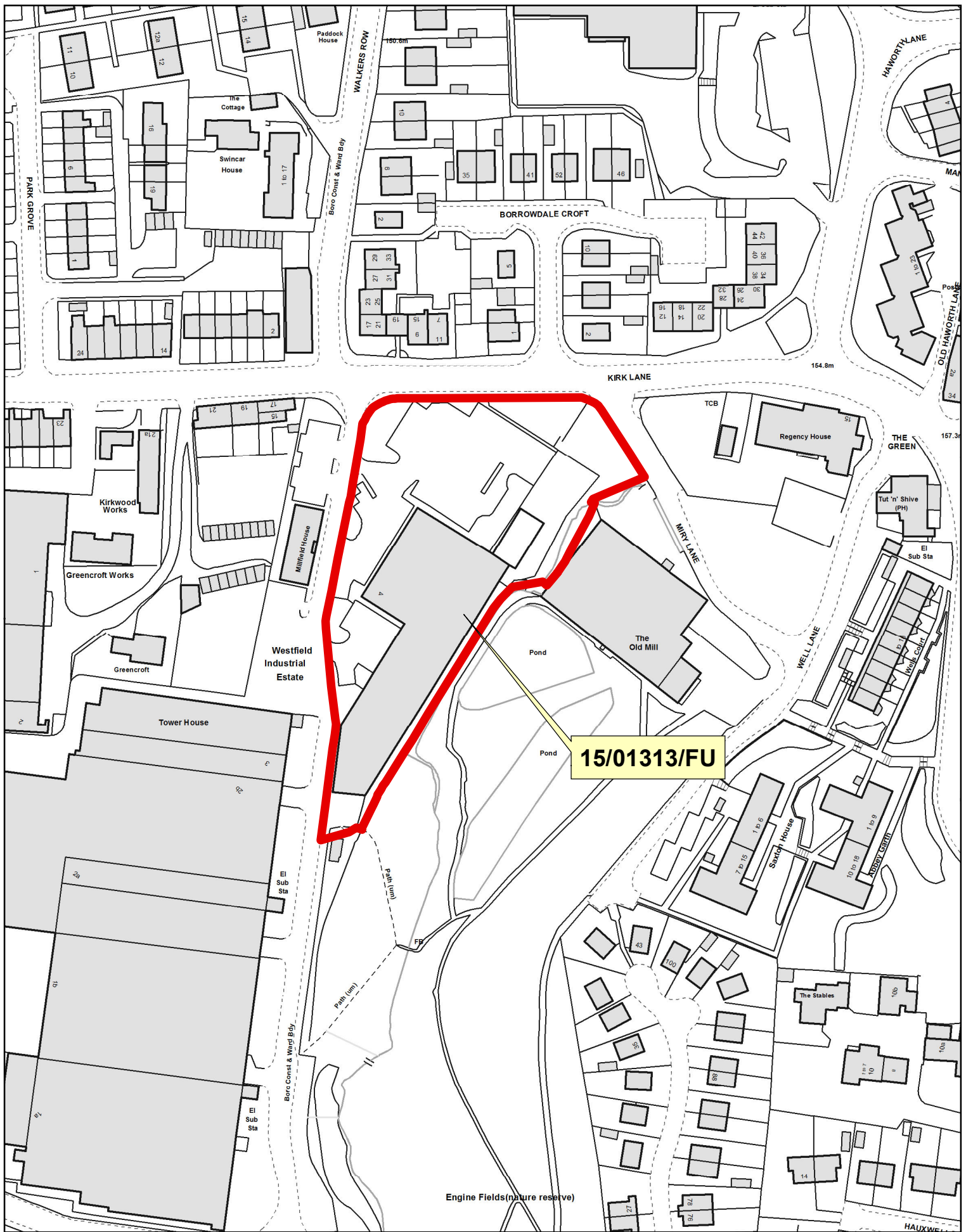
as such the proposed hours of opening and the comings and goings of delivery vehicles are to be expected.

- 10.4 The proposal is considered to comply with relevant Core Strategy policy and the requirements of the NPPF and is therefore recommended for approval subject to conditions.

Background Papers

Application files: 15/01313/FU

Certificate of Ownership – Certificate A signed as applicant



SOUTH AND WEST PLANS PANEL



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Originator: Patrick Bean
Tel: 0113 3952109

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd October 2015

Subject: APPLICATION 15/04285/FU - ERECTION OF DWELLING WITH ANGLING FACILITY, CAR PARKING AND RETAINING WALL, BILLING DAM FISHERY, BILLING DAM, BILLING VIEW, RAWDON, LEEDS LS19 6PR.

APPLICANT	DATE VALID	TARGET DATE
Billing Dam Fishery	27 th July 2015	21 st September 2015

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

REFUSE for the following reasons:

1. The Local Planning Authority considers that the proposal represents inappropriate development in the Green Belt, for which very special circumstances have not been demonstrated which would outweigh the harm caused to the Green Belt. The proposal would therefore cause harm to the openness, character and appearance of the Green Belt, as well as the purposes of including land within it. The proposal is therefore contrary to policies SP1, SP10, P10 and P12 of the adopted Core Strategy, as well as to saved policies GP5, N32, N33, GB19, GB20, BD2 and BD5 of the Leeds UDP, as well as to guidance contained within paragraphs 56, 58, 64, 70, 87, 88 and 89 of the National Planning Policy Framework.

2. The Local Planning Authority considers that the proposed building and retaining structure would be visually intrusive and harmful to their rural setting. In addition, the dwelling would incorporate design features which would be unsympathetic and contextually inappropriate to the building's setting. Features such as oversized fenestration openings, dominant roof forms and dormer windows are not typically found in such settings and overall therefore it

is considered that the proposed development would be harmful to the character and appearance of the locality. Additionally the proposed dwelling lacks any private amenity space, and as such would not provide a suitable level of amenity for occupiers. It is The proposal is therefore contrary to policy P10 of the adopted Core Strategy, to saved polices GP5, BD2 and BD5 of the Leeds UDP, to guidance contained within SPG13 Neighbourhoods for Living, and to guidance contained within paragraphs 56, 58 and 64 of the National Planning Policy Framework.

1. INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillor Graham Latty.

2. PROPOSAL:

- 2.1 The application is to erect a building comprising a dwelling with an angling academy, and a retaining wall to create a levelled car parking area. The site has previously been used as a fishery.

3. SITE AND SURROUNDINGS:

- 3.1 The site is a fishing pond known as Billing Dam and its immediate embankment, as well as a level area of land immediately to the west. The site includes a number of trees around the perimeter of the lake. A security fence appears to have been recently erected around the perimeter of the site. An unauthorised retaining wall has also recently been constructed at the edge of the damn to create a levelled plateau for car parking, to the South West corner of the site. There also appears to have been some excavation works to the North West corner of the site where the proposed building is to be sited.
- 3.2 The site is accessed via a narrow unadopted track which runs off Billing View. To the south of the site there is a sheltered housing complex, to the west there is a cricket pitch, while to other directions land is in agricultural use.
- 3.3 Topography to the north of the site rises quite steeply up Rawdon Billing, which is a hill with a wooded summit which forms a local landmark. Rawdon Billing is identified as a Local Nature Area. The boundary of the LNA lies approximately 160m north of the site.
- 3.4 The site itself has not been included as a Local Nature Area due to historical dredging of the pond to facilitate the fishery, which was considered to have reduced the nature conservation value of the site.
- 3.5 The site lies within the adopted Green Belt.

4. RELEVANT PLANNING HISTORY:

- 4.1 29/146/97/FU – detached angling club house – approved

29/179/91 – outline application to erect two bedroom detached house to trout farm – withdrawn

29/2/89 – laying out of car park with 9 spaces to vacant site - approved

5. HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has undertaken a pre-application process including the submission of a pre-application enquiry in 2014. Officer advice at that time indicated that the proposal would be likely to raise concerns particularly in respect of the impact upon the openness, character and appearance of the Green Belt.
- 5.2 The application states that the applicant has also discussed the proposals with local residents and Ward Members.
- 5.3 Ward Members have been consulted on the proposals. Councillor Graham Latty has a degree of support for the business aspirations of the applicant but notes the difficulties surrounding new dwellings in the Green Belt.

6. PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of site notices, neighbour notification letters and a notice published in the Wharfe Valley Times. To date six letters of objection have been received, and ten letters of support. The main points of objection can be summarised as follows:
- Billing View is already heavily used for vehicle parking by residents, as well as by visitors to the Emmott Arms PH and users of the cricket pitch adjacent to the site; the proposal lacks adequate highway access and parking, would exacerbate the current situation and would be detrimental to highway safety;
 - The proposal includes residential development, which would be contrary to green belt policy, and which has not been adequately justified;
 - The need for the academy building has not been demonstrated;
 - The site could be adequately secured by conventional means;
- 6.2 Rawdon Parish Council objects to the proposal on the grounds that it is unable to support residential development in the Green Belt.
- 6.3 Ten letters of support have been received. The grounds for support include the following:
- The proposal would provide a valuable resource for local young people, schools and adults;
 - The proposed warden's accommodation would be essential to provide an appropriate level of security;
 - The site has been used as a fishery for 30+ years but has recently become run down and become a venue for anti-social behaviour.

7. CONSULTATIONS RESPONSES:

Non-statutory:

Flood Risk Management – no objections subject to a condition regarding CCTV survey of culvert

Highways – no objections subject to conditions regarding cycle/motorcycle parking and bin store details.

Nature Conservation officer – no objection subject to a condition to ensure the provision of bat roosting and bird nesting opportunities

Contaminated Land officer – no objection subject to conditions regarding gas monitoring, remediation, and importation of soil.

Public Rights of Way - Public Footpath No.91 Aireborough subsists along Billing View which is also the access track to the proposed angling academy. If the development is to go ahead, warning signs will be required on the track for the duration of the works taking place for the safety of path users. Claimed footpaths subsist around the perimeter of the site. These paths are subject to a Definitive Map Modification application and are being investigated at the moment.

8. PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan 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.

8.2 Core Strategy policies:

SP1 – Location of development in main urban areas within settlements

SP10 – Green Belt

P10 – High quality design

P12 – landscaping

T1 – transport management

T2 – Accessibility requirements

8.3 Saved UDPR policies:

GP5 - General planning considerations;

N32 – extent of Green Belt

N33 – development in the Green Belt

GB19 – outdoor sport and recreation

GB20 – buildings for sport and recreation

BD2 - design of new buildings

BD5 - amenity and new buildings;

LD1 - criteria for landscape design;

T7A – cycle parking

T7B – motorcycle parking

T24 – parking provision

8.4 Supplementary Planning Documents:

SPG13 Neighbourhoods for Living

SPG25 Greening the Built Edge

8.5 National Planning Policy:

The National Planning Policy Framework provides national policy guidance which is focused on helping achieve 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 70 states that the planning system should ensure that established social, recreational and cultural facilities are able to develop and modernise *“in a way that is sustainable and retained for the benefit of the community”*.

Paragraph 87 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*; paragraph 88 goes on to clarify that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

Paragraph 89 states that *“a local planning authority should regard the construction of new buildings as inappropriate”* but that exceptions to this include *“appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green belt and does not conflict with the purposes of including land within it”*.

9 MAIN ISSUES:

9.1 The following main issues have been identified:

- Impact on the openness, character and appearance of the Green Belt; and the purposes of Green Belt control;
- Whether very special circumstances sufficient to outweigh the harm to the Green Belt have been demonstrated;
- Visual impact;
- Residential amenity;

- Highway safety.

10 APPRAISAL:

- 10.1 This application concerns works to effectively redevelop a site which has been used for many years as a fishing pond. The site is therefore established in its use as a recreational facility, and the application proposes a continuation of this type of use.
- 10.2 The southern boundary of the site forms the Green Belt boundary such that the whole of the site is located within the adopted Green Belt. The site forms the southern extent of a large area of uninterrupted open land which separates the continuous built up area of Rawdon, Yeadon and Guiseley from the villages and towns to the north. In this respect therefore the site serves clear Green Belt purposes in checking the growth of the built up area and assisting in safeguarding the countryside from encroachment.
- 10.3 Paragraph 89 of the NPPF sets out the types of development which can be considered to be exceptions to the general presumption against inappropriate development within the Green Belt. As referred to in paragraph 8.5, included within this list is provision of “*appropriate*” facilities for outdoor sport and outdoor recreation.
- 10.4 The application proposes the erection of a building which would be split approximately 50/50 between a visitor centre and a dwelling. The building would be constructed of artificial stone with a slate roof. It would be single storey, with accommodation in the roof space. The roof plane would include three roof lights and a rear facing dormer.
- 10.5 The application does not include a great deal of detail of the nature of the use of the proposed visitor centre, but it does indicate that the building would be used to provide accommodation for classroom teaching of various aspects of angling. Also included within this part of the building would be WC facilities and a kitchen with a servery area. The application indicates that coaching would generally be aimed at children under sixteen, with projected hours in the summer months of 08:00 – 20:00, but closing three hours earlier during the winter.
- 10.6 While fresh water angling is undoubtedly a popular pastime, it is an outdoor activity and the application does not provide more specific evidence as to why the proposed built accommodation is appropriate or necessary, other than the above. Additionally the application does not demonstrate that the proposal is a viable business venture. Also there is limited information about the total numbers of people anticipated to attend the site at any one time; although the application does refer to coaching being limited to eight pupils. Overall therefore it is considered that there is a lack of clarity regarding the functional and financial need for the proposed accommodation.
- 10.7 In view of this the proposed teaching accommodation is not considered to be appropriate in the Green Belt and is considered to cause a loss of openness and conflict with the purposes of including land within the Green Belt.
- 10.8 Planning permission was granted in 1997 for a detached clubhouse, which would have been a brick and rendered finished flat roofed building measuring 11m x 7.5m. This permission was never implemented. The building was intended to accommodate three breeding tanks for the fish to stock the dam and a clubroom area including a small office and tool store. This proposal was granted consent as it

was considered at the time that it represented limited development which was reasonable and sufficient for the site to function as a fishery.

- 10.9 The proposed teaching accommodation is shown to be attached to a dwelling of similar footprint, but the latter also has bedroom accommodation in the roof space. Residential development is considered to be inappropriate in principle and by definition harmful to the Green Belt. In such cases, very special circumstances must be demonstrated which would outweigh the harm to the Green Belt.
- 10.10 The application justifies the residential accommodation on the grounds that it is necessary to ensure the ongoing stewardship of the pond and academy building, and to prevent theft of the fish stock. The application states that poaching of fish from the site has taken place over recent years, and that the cost of fully stocking the lake is approximately £50k. The application states that the site's Green Belt designation should not prevent the ability of the facility to grow when there is a demand for such facilities.
- 10.11 However, angling facilities can of course be provided at the site without the need to construct inappropriate development and cause a loss of openness. In this respect the pond benefits from being located on the edge of the built up area and it has not been demonstrated why residential accommodation, or indeed teaching accommodation, cannot be found in the locality within the existing built up area. While concerns over poaching are noted, it is considered that other security measures such as an alarm system and cctv monitoring could address such matters. It has not been demonstrated that it is essential to have a dwelling on the site
- 10.12 The applicant has offered to enter a legal agreement, by way of a unilateral undertaking, which would require that the occupation of the dwelling must be associated with the angling academy. While this may be an appropriate mechanism to ensure the dwelling is occupied in this manner, as discussed above, it is considered that the application as a whole does not provide the functional and financial justification for the dwelling in the first place.
- 10.13 The proposal seeks to introduce a building of artificial stone and artificial slate construction. While the use of good quality artificial materials would not be objected to in this location, the design of the building bears little relation to its context. The building would be pushed into the north west corner of the site, adjacent to boundaries, and would be isolated from the main built up area of the village. However the design of the building would be somewhat suburban in style, including varied and oversized fenestration openings and a dormer window. The building would have low eaves and a dominant roof form, in order to facilitate living accommodation within the roof space. In view of the relatively isolated location of the building, a more traditional design approach to rural buildings would be preferable if such a building were considered appropriate.
- 10.14 The location of the building to the corner of the site provides little opportunity for any significant landscape planting, which would be needed to help to soften the built edge of the development. When viewed from outside the site there would therefore be an abrupt change between the built edge and the open Green Belt land to the north and west.
- 10.15 The siting of the building also means that the proposed dwelling would lack any private amenity space provision. As the dwelling would include two bedrooms then it could provide family accommodation, and therefore such provision would normally be anticipated. The proposal therefore lacks amenity for prospective occupiers.

- 10.16 The pond has 15 fishing stations. While the site is an existing use, the proposal would be likely to cause an increase in visitors to the site as it would attract both experienced anglers, as well as students to the academy. The proposal would therefore to some degree represent an intensification of use of the site. However, angling is of course a relatively low key activity, and overall it is not considered that the proposals would cause a loss of amenity for nearby residential occupiers, such as the nearby sheltered housing accommodation.
- 10.17 The site previously had car parking provision, and the current proposals would formalise this with the construction of the retaining structure referred to above. The plans depict the surface treatment of the parking area as rolled hard core, and the site would be accessed via the existing double gates. While the site is accessed via an unadopted track, the relatively low level of use of this means that the proposal would not be considered to lead to any issues of highway safety.
- 10.18 A culverted watercourse which supplies the pond enters the site from the west, and runs to the south of the proposed building. The applicant has amended the plans to ensure a suitable easement is provided, and no objections are raised in this respect.

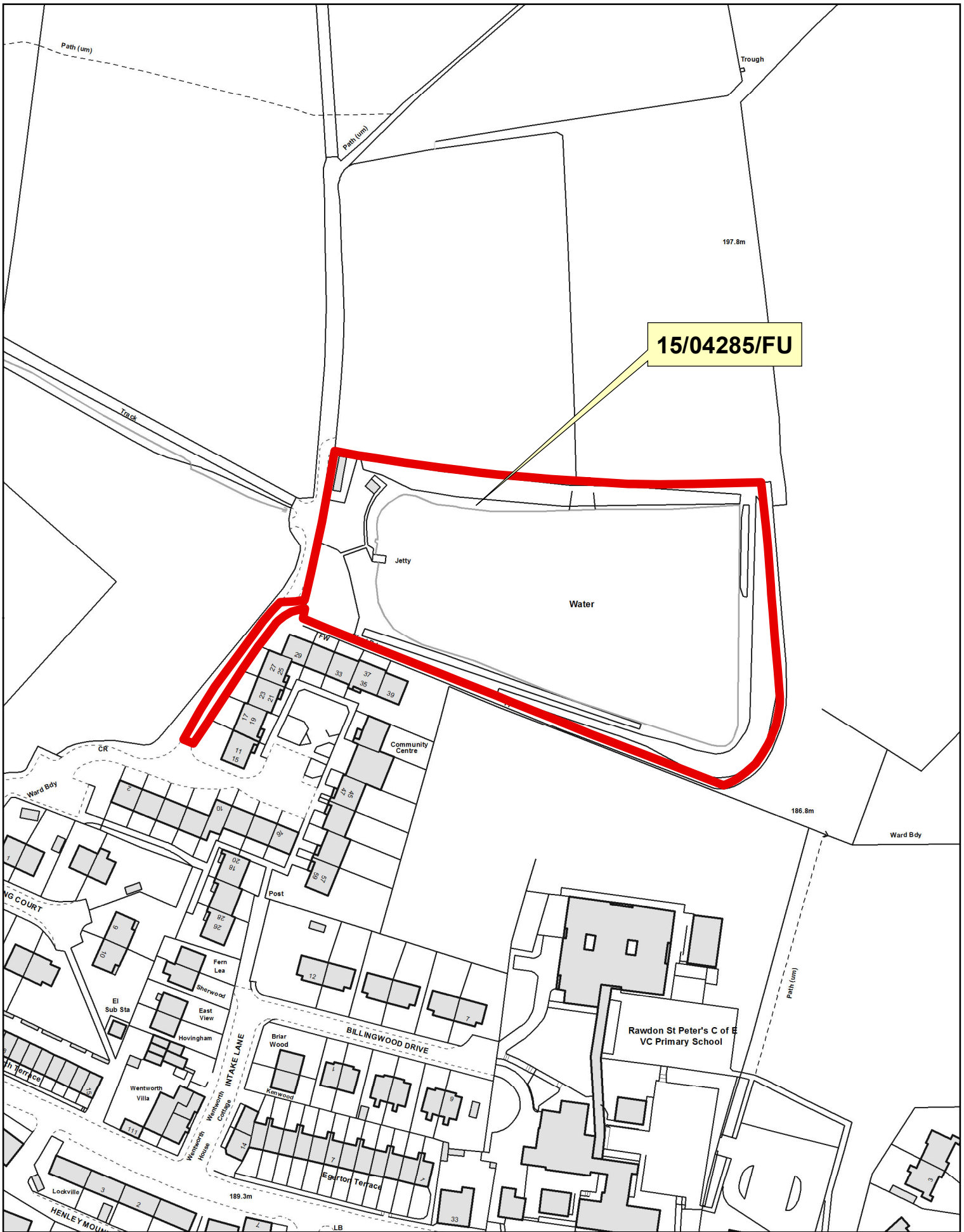
CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is unacceptable as the proposed buildings associated with the use of the site are considered to be inappropriate in the Green Belt; and no special circumstances have been demonstrated which would outweigh the harm caused to the openness, character and appearance of the Green Belt, as well as to the purposes of including land within it, by reason of this inappropriateness.

Background Papers:

Application file.

Certificate of Ownership



15/04285/FU

SOUTH AND WEST PLANS PANEL



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Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd October 2015

Subject: APPLICATION NUMBER 15/04256/FU, Garden Centre with outdoor sales area, service area, car parking and landscaping

At: Land at Acanthus Golf Centre, Thorpe Lane, Tingley, Leeds, WF1 1SL

APPLICANT

J Jeffery (Builder) Ltd

DATE VALID

7.8.15

TARGET DATE

6.11.15

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: For Members to note the content of the report and to provide feedback on the questions raised at section 10 of this report.

INTRODUCTION:

1.1 This report is brought to Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the benefits of the proposal in terms of job creation, economic development, increased sale offer, weighted against the planning policy issues, which include development in the Green Belt, and out of centre retail development, and a previous 'fall back' position from an historic consent which is still 'live' and implementable.

2.0 PROPOSAL:

2.1 It is proposed to develop a garden centre on the site comprising a total of 9,022 m2, together with external parking and servicing areas and associated facilities. The proposed development will comprise the following areas:-

	Proposed Area (m2)
--	--------------------

Main Garden Centre Building & Restaurant	5,036 (2,966 to be sales area)
Open sided canopies and walkways	971
Outdoor sales area	3,015

- 2.2 The internal and external areas will be used as a garden centre which sells a range of goods including Outdoor Plants, Garden Furniture, Houseplants, Seeds and Bulbs, Seasonal goods, Garden sundries (i.e tools, watering cans etc), Wild Bird Care, Indoor living (furniture), Outdoor Clothing, Books and Cards and Botanics. The internal building area will comprise 5,036 m² but the internal retail area will only comprise 2,966 m². The remaining internal areas will be used for restaurant, kitchen, storage, toilets and staff facilities.
- 2.3 The proposed garden centre building will measure approximately 100 m along the north and south elevations and 125 m along the east and west elevations. The building has an octagonal shape, with an outdoor sales section being located in the middle of the building. The building is single storey in height, being 3.2m to eaves level and 6.2m to the ridge,
- 2.4 It is proposed to construct the walls from timber cladding and coursed local stone. The roof of the main building will be a silver/grey composite cladding to provide an attractive appearance. The main entrance/ exit and restaurant areas will be constructed from glazing. The proposed car park would offer 338 spaces, which is an increase of 130 spaces when compared to the existing car park which serves the adjacent Golf Club.
- 2.5 The proposed garden centre will be operated by the Blue Diamond Group, an award winning national garden centre retailer who state that Leeds is poorly serviced by existing garden centre operators and have an aspiration to provide a garden centre facility within the area. Blue Diamond currently operates 17 gardens centres in the UK and Channel Islands. The scheme will provide a modern garden centre with a varied product range that the applicant's state is not currently on offer within this area.
- 2.6 Once completed, the applicants state the proposed development will provide over one hundred jobs within the garden centre and the applicants are prepared to enter into an agreement with Job Centre Plus to enable local residents to secure employment opportunities on the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of an irregular shape area of land which is situated directly north of the M62 motorway. The site is situated in the Green Belt which separates the settlements of Tingley and Middleton. Thorpe Lane lies to the western side of the site. To the east lies Acanthus Golf Club, and to the north lie open Green Belt land. The site is relatively flat, and appears to be used for storage of external building materials including stone at present. There is no planning permission for this use. There are a number of mature trees and vegetation located along the Thorpe Lane frontage, and there are two accesses into the site from Thorpe Lane. These accesses are also used by the adjacent Golf Club. Part of the site is used as a car park for the adjacent Golf Club. The majority of the site appears previously developed, and doesn't have a 'green' appearance.

4.0 RELEVANT PLANNING HISTORY:

4.1 There exists an outline planning permission and reserved matter approval for the erection of garden centre with office, cafeteria, toilets and plant rooms with landscaping and play areas. This application (ref: 87/23/00305) was granted in October 1988. The grant of planning permission was subject to a Section 52 Agreement that, amongst other matters, restricted the area for the sale of goods/produce within the nursery garden which is not produced on the site to a maximum gross area of 5,000 sq.ft (464 sqm). This equates to 16% of the buildings area. The range of imported goods was restricted, as follows.

Plants, flowers, seeds, bulbs, vegetables, fruit, artificial flowers, flower arranging accessories, potting materials, garden furniture, books and magazines, hosepipes and fittings, garden ponds and equipment, peat bark and charcoal, fertilizers, insecticides and weed killer, plant pots and containers and holders, tub urns and water butts, domestic garden implements, hand tools, hedge cutters, canes, labels, marker pens, string, greenhouse equipment, fencing, paving, stones, walling, garden troughs and ornaments.

4.2 The reserved matters application was approved in September 1991 (ref H23/24/91/). The approved garden center had a floorspace of 30,038 sq.ft (2,790 sqm) . In a letter dated 9th October 1996 the City Council confirmed that the development subject to this planning permission has been commenced but the development has not been completed and work on implementing this approval ceased some time ago.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposal before members was subject of lengthy pre-applications discussions during 2009-2011. A pre-application presentation was made to the Plans Panel East on 19th April 2010, to inform members of the proposals. This proposal was for a garden centre of a similar size to the current proposals.

5.2 Officers responded to the applicants, during this pre-application process, stating that for proposal to gain Officer support the proposal would have to;

- Be of a similar floor area to the fall-back position
- Restrict range of goods, to those sold in a modern day garden centre (boarder range than those restricted in the previous S52 agreement). The main point of contention is the indoor living element, and this is difficult to justify as it is unrelated to a garden use
- The design of the building should achieve a high level of sustainability
- The proposal should make a meaningful and evidenced contribution to achieving the objectives of Green Belt policy. This could include the dedication of land for woodland planting with public access.
- Local employments clauses should form part of any planning permission
- Investigation as to the possibility of a commitment to using local suppliers
- S106 should be required to cover the removal of identified buildings and on the range of imported goods.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site notices which were posted adjacent to the site on 21st August 2015. To date no objections have been received to the application.
- 6.2 All three local ward members have been informed of the application. Councillor Dunn has written in, in support of the application, his comments are highlighted below.
- The proposal will enhance the area
 - The proposal will boost trade for nearby local businesses
 - The proposal will create jobs for local people

7.0 CONSULTATION RESPONSES:

7.1 Air Quality
No reply

7.2 Coal Authority
No objection, requested an informative is imposed on the approval

7.3 Environment Agency
No objection

7.4 Contaminated Land
No objection subject to conditions

7.5 Highways
Raised concerns on the sustainability of this location, stating the proposed parking provision is acceptable.

7.6 Landscaping
No reply

7.7 Nature Conservation
No objection, the proposed ecology area should be supported by a detailed landscaping scheme, recommended conditions

7.8 Local Plans
No objection. There are no other sequentially preferable sites. Diversion of trade is likely to be from local centre but other garden centres. Competition is not a material planning consideration. Raised objections to the proposal to sell indoor furniture and outdoor clothes as these are not unique to a garden centre use.

Transport Policy
No reply

Mains Drainage
The layout should be amended to have the open space at the lowest point of the site, to allow for sustainable drainage measures

8 PLANNING POLICIES:

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Plan (Core Strategy and Site Allocations Plan) was adopted in November 2014.

8.3 **Development Plan:**

National Planning Policy Framework

Paragraph 18	Securing economic growth
Paragraph 19	Supporting economic growth through the planning system
Paragraph 24	Sequential approach for out of centre retail development
Paragraph 49	Presumption of sustainable development
Paragraph 56	Importance of Good Design
Paragraph 61	Importance of connections between people and places
Paragraph 63	Raising the standard of Design
Paragraph 72	Duty to ensure availability of school places
Paragraph 73	Access to high quality open spaces
Paragraph 80	Purposes of the Green Belt
Paragraph 87	Development of Green Belt, only in special circumstances
Paragraph 89	Appropriate types of development in the Green Belt

Core Strategy

SP1	Location of Development
EN5	Managing flood risk
T1	Transport management
T2	Accessibility requirements and new development
P10	Design
P12	Landscape
LD2	Planning obligations and developer contributions

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
N24	Transition between development and the Green Belt
N33	Development in the Green Belt
N7A	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

Travel Plans – Supplementary Planning Document
Public Transport – Developer Contributions

- Principle of the Development
- Retail Offer/ Restrictions
- Accessibility
- Layout / Design / Landscaping
- Sustainability Credentials
- Economic Benefits

10 APPRAISAL:

Principle of the development

- 10.1 The site is located in the Green Belt, where a presumption against development exists (unless very special circumstances can be demonstrated). The applicants state the fall back position of the previous 'live' consent, and the differences between the applications, in terms of the impact on the Green Belt are not significant, and this proposal gives an opportunity for a higher quality, increasingly modern development. All of which, cumulatively constitutes special circumstances to allow development in this instance. The table below compares the previous 'live' consent to the current proposals.

	Approved Garden Centre Buildings	Proposed Garden Centre Buildings
Internal Area	2821 sq m	5036 sq m
External Area	6432 sq m	3986 sq m
TOTAL	9253m	9022m

- 10.2 This table shows, the size of the indoor sales area is significantly increased, and the size of the external sales areas decreased. The applicants state the balance of indoor and outdoor areas needs to change for the approved scheme in order for the garden centre to be modern and workable as customers are more demanding in today's market, requiring increased covered areas over external areas, especially during inclement weather, and thus proposed balance of areas accords with the current market trends for garden centres, which is required to be competitive. To mitigate the increase in proposed internal areas, the applicants have offered to forgo some existing and approved structures therefore, decreasing the net increase in buildings. These include the Materials/ Equipment Stores (260 sq m), Former Agricultural Building (300 sq m). This results in an increase of 1652 sq m of covered buildings, compared to the previous consent. The proposed building is also single storey in height, which minimises its impact on the openness of this Green Belt location. The previous extant approval was for a 2 storey building which resulted in a taller building in this Green Belt location.

Do Members have any comments on the principle and the size of development proposed in the Green Belt of this size, given the fall-back position of the extant consent?

Retail Offer/ Restrictions

- 10.3 The application has been supported by a sequential test and impact assessment. Colleagues in Local Plans have accepted that there are no other sequentially

preferable sites within a 10 minutes catchment. Subject to a restriction on the goods to be sold to be related to a Garden Centre only, the impact of the proposal is only likely to be on other out of centre Garden Centres, not nearby town and local centres. Competition between businesses which are located in out of centre locations are not offered any protection through planning policy, and this is not a material planning consideration.

10.4 The proposal seeks to roughly split the sales 50/50 between indoor products and outdoor products. All of the indoor products would be 'imported'. This is a significant increase on the extant consent which only allows circa 464 sq m of imported products to be sold, which equate to approximately 16% of the area of the previously approved scheme. The previous application granted consent for a building which was 2821 sq m in size, the applicants have stated it is unrealistic that only 464 sq m of this space was ever intended for the sale of imported goods, as the lack of windows would have made the remainder of the building unsuitable for the sale of living plants, grown on site, and it was always the intention to use the majority of the previously approved building for imported sales. In any event, this restriction is in place, and does raise the question of whether the extant permission does provide a realistic fall-back position.

10.5 Products which are proposed to be sold internally include Garden Furniture, Houseplants, Seeds and Bulbs, Seasonal goods, Garden sundries (i.e tools, watering cans etc), Wild Bird Care, Indoor living (furniture), Outdoor Clothing, Books and Cards and Botanic. Officers have concerns the range of goods to be sold is vast (and a significant percentage of the indoor sales areas) and the proposal could have a harmful impact on the vitality of nearby local centres, as it would increasingly become a 'one stop destination'. The offer to sell 'Indoor Living furniture' and 'Outdoor Clothing' does raise concerns as these products could be bought on the high street in nearby local centres, and are not considered to be unique to a garden centre use. The applicant has confirmed the term 'Indoor Living' includes furniture and general homewares such as ornaments mirrors etc, and the clothing range would include coats, jackets, waterproofs, boots, hats, gloves etc. It is not considered there is any justification to sell furniture, homewares and clothes, as these are not considered to be related to a garden centre use in this out of centre location.

Do Members consider the range of goods to be offered, over the restrictions of the previous extant consent to be acceptable?

Accessibility

10.6 Highway Officers have raised concerns with regards the location of the site, in terms of accessibility and sustainability. Garden centres however are generally frequented by customers in cars, due to the nature the goods sold, i.e. large, bulky and sometimes heavy. It is not considered the proposal would benefit from being in a more sustainable location as it is not considered this would influence peoples modes of transport to the site. The site is located adjacent to the M62 and is easily accessible from the general South Leeds area and adjacent Wakefield district by car. It is therefore not considered the principle of this development in terms of its location and accessibility could be resisted.

Do Members accept the proposed location is acceptable for a garden centre?

Layout/ Design/Landscaping

10.7 The proposed building will be octagonal in shape with the enclosed building areas to the perimeter and an open external sales area to the centre of the building. The

proposed structures will be located to the south west of the site in broadly the same location as the previously approved building. Outdoor sales areas will be confined to the centre of the proposed external area in the centre of the building. The central display area will provide noise attenuation from the nearby motorway and provides weather protection (in particular wind) to both customers and stock. The applicants state this will in addition improve plant maintenance and vitality through reduced desiccation and reduced watering requirements. This will also screen external storage which is considered a benefit of the scheme, giving the proposed development a smart appearance.

- 9.8 The design of the building is distinctive and differs from a traditional garden centre building form. It is based upon the potential tenant's preferred business model and their flagship garden centre in Guernsey which has proved to be very successful. The proposal has the potential to improve the appearance of the site which is at present appears as a derelict 'brownfield' site within the Green Belt, and is unkempt and used for external storage. The application is supported by a full landscaping scheme. Planting is proposed around the store and within the parking areas, to provide an attractive setting for the building which will encourage custom, and passing trade. A number of trees which lie along the frontage with Thorpe Lane are to be retained and managed, and an area in the south-western part of the site is to remain undeveloped to encourage bio-diversity and ecology.

Do Members have any comments to make regarding the layout, design and landscaping of the scheme, given the Green Belt location?

Sustainability

- 9.9 The NPPF promotes sustainability and sets out the key objectives for the delivery of sustainable development. These include mitigating and adapting to climate change, conserving and enhancing biodiversity, promoting sustainable methods of transport, providing employment opportunities and encouraging competitiveness amongst businesses. As stated above, an area of land is being left undeveloped to encourage bio-diversity. The applicants have stated that the materials used in the construction of the buildings will, where possible, be capable of being recycled at the end of their life. The proposal will include renewable energy technologies, to provide the majority of the predicted energy requirements from onsite renewable sources. This is in contrast to the structure which was previously approved, and is a benefit of this current proposal.
- 9.10 During the pre-application discussions which took place in 2010, the applicants were informed by Officers that an eco-friendly development, could potentially constitute special circumstances to allow a development, which otherwise may not be considered acceptable in this out of centre, and Green Belt location. The applicants have estimated the predicted energy requirements of the proposed scheme (based on their existing similar stores). The existing demand is approximately 795,540 kWh per annum. It is proposed to construct wind turbines to power the majority of the garden centre's predicted energy requirements. This will be subject to a separate planning application. The applicant has stated 3 wind turbines which are 46m high would be required. The proposed turbines are not of a traditional design (without the large traditional blades) and should provide between 70% and 260% of the demand of the garden centre. This could be secured through a condition and could constitute special circumstances to allow development in the Green Belt.

Do Members consider the sustainability credentials of the proposal contribute to the special circumstances which could outweigh any other harm, which relates to impact on the Green Belt and out of centre retail development?

Economic Impacts

- 10.11 The establishment of a garden centre on the site will provide over one hundred new employment opportunities within the garden centre operation. The proposed operator 'Blue Diamond Group' are highly experienced in the garden centre market and operate training schemes internally for the benefits of their employees. A garden centre operation requires staff to fulfil a wide range of roles from entry level to managerial. The applicants predict that the proposed garden centre will have a total turnover of approximately £6.16m in 2017.
- 10.12 As discussed at pre-application stage, the applicant is prepared to enter into an agreement with Job Centre Plus to enable local residents to secure employment opportunities with the site. In addition to the employment opportunities created in the operation of the garden centre, the construction period will also provide opportunities and for a different employee market.
- 10.13 Notwithstanding the positions created in the operation and construction of the garden centre, there will also be secondary and tertiary positions which will be made available. For example, the local suppliers from which the garden centre buys from may experience greater trade. This could be in the form of local suppliers or businesses who will see more business from the garden centre as it becomes more successful. In addition, there will be jobs created in servicing the garden centre and helping it to operate, for example, cleaners and maintenance engineers.

Do Members consider the economic benefits contribution to the 'special circumstances' and outweigh any other concerns?

CONCLUSION:

- 11.1 The proposal does provide an opportunity to secure a modern and high quality development, which is increasingly sustainable, when compared to the extant historic planning consent. The proposal will provide significant investment and job creation, however these economic benefits have to be weighed against the harm to the Green Belt, and potentially from diverting trade nearby local centres, by reason of the range of goods which are proposed to be sold.
- 11.2 To reiterate Members views are sought on the following issues.

Do Members have any comments on the principle and on the size of development proposed in the Green Belt of this size, given the fall-back position of the extant consent?

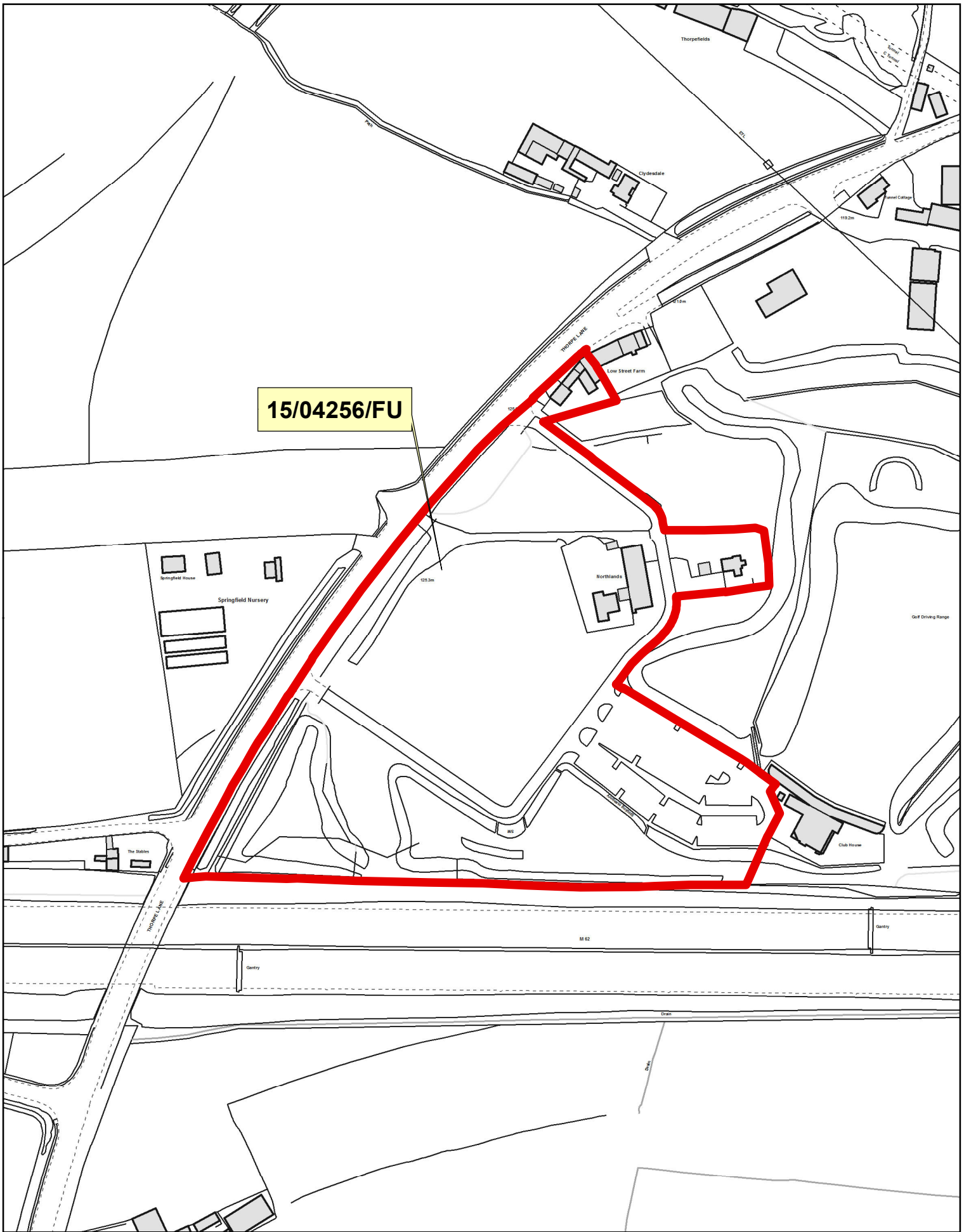
Do Members consider the range of goods to be offered, over the restrictions of the previous extant consent to be acceptable?

Do Members accept the proposed location is acceptable for a garden centre?

Do Members have any comments to make regarding the layout, design and landscaping of the scheme, given the Green Belt location

Do Members consider the sustainability credentials of the proposal contribute to the special circumstances which could outweigh any other harm, which relates to impact on the Green Belt and out of centre retail development ?

Do Members consider the economic benefits contribution to the 'special circumstances' and outweigh any other concerns?



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SOUTH AND WEST PLANS PANEL



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