



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 10th December, 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 - 19 NOVEMBER 2015</p> <p>To approve as a correct record the minutes of the meeting held on 19 November 2015</p>	3 - 8
7	Morley South		<p>APPLICATION 15/05904/FU - FORMER WHITE BEAR, DEWSBURY ROAD, TINGLEY, WF3 1JX</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of public house and erection of two storey restaurant with drive through and associated car parking and landscaping</p>	9 - 24
8	Morley North		<p>APPLICATION 15/03540/RM - NETHERTOWN LIVERY STABLES, OLD LANE, DRIGHLINGTON, BD11 1LU</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a reserved matters application for 23dwellings with landscaping and laying out of access roads and sewers.</p>	25 - 42

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			<p data-bbox="675 181 1015 219"><u>Third Party Recording</u></p> <p data-bbox="675 255 1382 472">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 510 1310 584">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 622 1382 846">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. <li data-bbox="724 860 1394 1160">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. 	

Legal & Democratic Services

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Contact: Andy Booth
Tel: 0113 247 4325
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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, 10 DECEMBER 2015

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

- 1 11:20 15/05904/FU – Demolition of Public House and erection of two storey restaurant with drive through and associated car parking and landscaping – former White Bear, Dewsbury Road, Tingley – Leave 11:40 – if travelling independently meet in the White Bear Car Park.

Return to Civic Hall at 12:00 approximately

A minibus will leave the Civic Hall at 11.00 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.55 am

Yours sincerely

Andy Booth
Governance Officer

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SOUTH AND WEST PLANS PANEL

THURSDAY, 19TH NOVEMBER, 2015

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, C Campbell, A Castle,
M Coulson, J Heselwood, T Leadley,
E Nash, A Smart, C Towler and R Wood

62 Exempt Information - Possible Exclusion of the Press and Public

Members were advised that an appendix to Agenda Item 10 – Application 14/06825/OT – Land at Scott Lane, Morley contained information relating to financial matters and was considered to be exempt under Access to Information Procedure Rule 10.4 (3).

63 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

Councillor Wood informed the Panel that he was known to the applicant for Agenda Item 9 – Application 14/01904/FU – Moorside Building Supplies, 37-39 King Street, Drighlington and that he would be taking no part in the discussion or voting on this application.

Councillor Leadley informed the Panel that he had previously had involvement with Agenda Item 7– Application 15/04780/FU – 122 Fountain Street, Morley and Agenda Item, 10 – Application 14/06825/T – Land at Scott Lane, Morley.

64 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors R Finnigan and J Bentley.

Councillors T Leadley and C Campbell were in attendance as substitutes.

65 Minutes - 22 October 2015

RESOLVED – That the minutes of the meeting held on 22 October 2015 be confirmed as a correct record subject to the following amendments:

Minute 53 – Resolution to read:

Application approved as per officer recommendation with additional Grampian condition to secure parking and layout.

Minute 54 – amend wording from 100% affordable housing to 100% social rented housing.

66 Application 15/04780/FU - 122 Fountain Street, Morley

The report of the Chief Planning Officer presented a retrospective application for a detached garage, gates and boundary fence to the front at 122 Fountain Street, Morley.

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

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

- There was permitted planning rights for the gate and fence.
- The property was a back to back stone built terrace and fell within the Dartmouth Park Conservation Area.
- A previous application had been refused as the garage would have been immediately adjacent to the highway.
- There had been a letter of objection from a local Ward Councillor.
- It was recommended to approve the application.

All local Ward Councillors addressed the Panel with objections to the application. These included the following:

- The building and materials used were not within the character of the conservation area.
- The garage was closer to the road than was shown in the application.
- The fences were above 1.5 metres in height.
- The garage door opened onto the open highway.

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

- The garage had replaced a garage already on the site.
- The garage had been built further back than on the refused application.
- The garage was an improvement to the near derelict garage previously in its place and improved the area.
- There had not been any complaint from neighbours.

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

- There had not been any objections from facing properties.
- Support for the application as it was an improvement on the previous garage building.
- Concern regarding the colour of the garage door. The applicant agreed that the door could be painted in a wood colour to suit the surrounding area.

RESOLVED – That the application be approved as per the officer recommendation.

67 Application 15/02692/FU - Deanhurst, Gelderd Road, Gildersome

The report of the Chief Planning Officer presented an application for the variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade/counter showroom with external storage to the rear yard area and additional parking provision).

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

- The application sought to vary an existing condition regarding areas of external storage for gas canisters and gas bottles.
- There were residential properties to the rear of the premises.
- An application was refused in April 2015. Following further discussion with Ward Councillors this revised application had been submitted with a condition to include an acoustic fence.
- A local Ward Councillor had asked for the removal of a hedge and fencing at the rear of the site. It was reported that this was in the ownership of the landlord and not the applicant and local residents could take action regarding this if they wished to do so. The fence and hedge did act as a visual and noise barrier.
- The application was recommended for approval. There were two further conditions to the original application which included the installation of an acoustic fence and for used bottle storage to be located at the front of the site.

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

- It would be difficult to enforce a condition in relation to the hedge as it was outside the ownership of the applicant.
- Different ways of preventing noise during the movement of gas bottles and canisters had been considered. It was felt palletised storage was the most suitable solution. Environmental Health had monitored the noise at the site and had not felt it to be harmful.
- Arrangements for dropping off gas canisters and bottles.

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

- Condition fence position and maintenance
- Secure location of unpalletised gas bottle storage in south west corner of the site.

68 Application 14/01904/FU - Moorside Building Supplies, 37-39 King Street, Drighlington

The report of the Chief Planning Officer presented an application for the demolition of Moorside Building Supplies and erection of residential development for 42 dwellings.

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

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

- The application was deferred from the previous Panel meeting to seek clarity on the request for 100% social rented housing, additional school places that would be required, drainage solutions, sustainability credentials of the site and improved quality plans.
- The delivery of 100% social rented housing would be contrary to policy and policy suggested a 60:40 split.
- Details of drainage were detailed in the report and there would be a Section 106 contribution to drainage. The Authorities Drainage Team were satisfied with the proposals.
- The proposals would generate 12 primary and 4 secondary school places. There would be a contribution to this through the Community Infrastructure Levy.
- With regards to sustainability it was felt that the application met policy requirements and could not be refused on these grounds.
- It was recommended that the application be deferred and delegated to the Chief Planning Officer for approval and subject to conditions and a Section 106 agreement.

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

- The proposals for the site were compliant with the Core Strategy.
- There was a confidence that the proposals would not lead to further risk of flooding. The sum within the Section 106 would be sufficient to line the nearby culvert which would make it less prone to blockages.
- Design of the properties – some concern was expressed regarding blank walls facing into the site and it was asked if it could be considered to include windows on these walls. There would be further discussion with the Chair regarding the design of properties prior to the issuing of a formal decision.

RESOLVED – That the application be approved in principle as per the officer recommendation but deferred and delegated to the Chief Planning Officer subject to conditions and the Section 106 agreement.

(Councillor T Leadley voted against the decision to approve the application and requested that his vote be recorded)

69 Application 14/06825/OT - Land at Scott Lane, Morley

Draft minutes to be approved at the meeting
to be held on Thursday, 10th December, 2015

The report of the Chief Planning Officer presented an outline application for residential development on land at Scott Lane, Morley.

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 site was currently open land and the majority was occupied by the Highways Agency.
- Members were shown an indicative layout of 115 dwellings on the site.
- The site was currently used for employment purposes. The applicant had extensively marketed the site for continued employment use without success.
- Members were shown access arrangements off Scott Lane. Scott Lane would be resurfaced if the application was approved.
- Whilst the site was listed for employment use, it was no longer considered to be viable for that purpose and it was recommended to defer and delegate the application to the Chief Planning Officer for approval.

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

- The site was allocated for employment use and had been marketed during a period of economic recession. It was felt that it could still be used for employment purposes.
- Problems with access at the end of Scott Lane.
- Traffic problems on the A650 which were exacerbated when there were any motorway roadworks.

The applicant's representative addressed the Panel.

- The owners of the site had been marketing it as an employment for 15 years.
- The application had been submitted following a public consultation event.
- The site was no longer viable for employment purposes and was not in an area where there was an employment shortfall.
- Development of this site would assist with the prevention of further greenfield residential development.
- There would be significant economic benefits through the Section 106 agreement including highway and public transport improvements.

Members went into private session.

RESOLVED – That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The appendix to the main report referred to in Agenda Item 10, Application 14/06825/OT – Land at Scott Lane, Morley under Schedule 12 Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

Following the private session and in response to Members comments and questions the following was discussed:

- Environmental impact due to the close proximity of the motorway,
- Concern that a decision should be made whilst the site allocation process was ongoing – it was reported that a decision could not be suspended due to this.

RESOLVED – That the application be approved in principle as per the officer recommendation but deferred and delegated to the Chief Planning Officer subject to conditions and Section 106 agreement.

(Councillors C Campbell and T Leadley voted against the decision to approve the application and requested that their votes be recorded)

70 Date and time of next meeting

Thursday, 10 December 2015 at 1.30 p.m.



Originator: Victoria Hinchliff
Walker
Tel: 0113 2224409

Report of the Chief Planning Officer

SOUTH WEST PLANS PANEL

Date: 10th December 2015

Subject:

Application 15/05904/FU; Demolition of public house and erection of two storey restaurant, with drive through, and associated car parking and landscaping. Site of former White Bear public house, Dewsbury Road, Tingley, WF3 1JX.

APPLICANT	DATE VALID	TARGET DATE
McDonalds Restaurant Ltd	1 st October 2015	Original date 26/11/15. Ext: 15/12/15

Electoral Wards Affected:

Morley North

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and Delegate approval subject to the suggested conditions and the signing of a Section 106 agreement to cover the payment for bus stop upgrades in the vicinity of the site totaling £20,000

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

Conditions

1. Time limit on permission.
2. Compliance with approved plans.
3. Use to be as restaurant with ancillary drive through facility and not to be operated as A5 use.
4. Specified opening hours of 07.00hrs to 23.00hrs Monday to Friday, 0700 to 2200 Saturdays and 0900 to 2000 on Sundays and Bank Holidays.

5. Submission of demolition and construction management plan to include: specified operating hours during demolition and construction – 0800 to 1800 Mondays to Saturdays with no operations on Sundays and Bank Holidays; location of plant and equipment; location of parking for contractors and employees; wheel washing and prevention of mud; routing of vehicles involved in delivering materials to site.
6. Details of all fixed plant ,including noise data to be submitted and agreed
7. Noise level of mechanical services on the development not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level (LA90)
8. Noise level and details of the air conditioning unit to be submitted and agreed. Noise levels not to exceed at least 5dBA below the existing background noise level (L90) at the nearest noise sensitive premises.
9. Sound from the Food Tannoy ordering systems shall not be audible from any point on the site boundary.
10. Details of external lighting to be submitted and agreed.
11. Details of CCTV to be submitted and agreed.
12. Details of extract ventilation systems incorporating filter to be submitted and agreed.
13. Details of the provision of Grease Trap to be submitted and agreed.
14. Submission of a Delivery, Servicing and Car Management Plan to be submitted and agreed. This shall include number of deliveries per week, hours of delivery, types of vehicles used, delivery routes, signing within car park, control of delivery vehicles within site (use of chiller units, reversing alarms, parking etc.)
15. Offsite highway works to be completed before first occupation of the site.
16. Development not to be occupied until the cycle /motorcycle parking and facilities have been provided.
17. Vehicle spaces to be laid out prior to occupation.
18. Public pedestrian access to be maintained and available through the site from Dewsbury Road to Tingley Common and Dewsbury Road at all times for the lifetime of the development. Details of signage and monitoring of pedestrian route to be submitted.
19. Vehicular access from the A650 must be clearly signed as “In only” as shown on the submitted plans.
20. The access from the A653 shall not be brought into use until the works on the visibility splays and sightlines onto A653 have been undertaken.
21. Details of drainage and surface water drainage works to be submitted and agreed.
22. Phase 1 desk top study report to be submitted prior to commencement of development.
23. Phase II site investigation reports if required to be submitted and agreed.
24. Soil importation details to be submitted.
25. Verification reports to be submitted if required.
26. Hard and soft landscaping details, management plan and implementation timetable to be submitted and agreed.
27. Protection of existing trees.
28. Details of development in root protection zones to be agreed.
29. Replacement of trees/landscaping if any die.
30. Boundary treatment details to be submitted and agreed
31. Details of acoustic fencing along southern boundary to be submitted and approved, including location, height, materials, insulation levels.
32. Details of storage and disposal of litter to be submitted and agreed, to include number and siting of litter bins, and monitoring of site and environs by staff.

1 SUMMARY

- 1.1 This application is the fifth submitted by the applicant (McDonalds) during the period from 2011 to date. The applications to date have all been refused, and one appeal

has been dismissed, details of these are to be found in the Planning History section. Essentially the scheme was refused on the grounds of harm to highway safety, and harm to residential amenity.

- 1.2 Following this dismissal the applicants reconsidered the site, amended the scheme and resubmitted a new scheme (14/03390/FU). The Council took the view to refuse this one, and this is currently at appeal, awaiting a Public Inquiry in the New Year.
- 1.3 Since refusal of the 2014 application the applicants have sought to address concerns further through negotiations and council officers have reviewed their submissions together with colleagues from relevant teams. As a consequence of those discussions the decision was taken to invite a further application to be made to see how much ground could be agreed prior to the Inquiry being heard. Should agreement be reached and an approval be granted then the applicants would be likely to withdraw the appeal. If a further refusal is issued the appeal will continue on the same timetable.
- 1.4 This report then represents the latest position on the negotiations that have taken place and outlines current officer thinking based on the evidence to date. There has been significant level of opposition to this proposal with each application made, and the objections remain essentially as impact on amenity, and impact on highway safety, these are addressed in the appraisal section below. Members should note that the current Public Inquiry is scheduled for 15th March 2016, with proofs of evidence due for submission in mid-February.

2 INTRODUCTION

- 2.1 This application is presented to Plans Panel members owing to the number of objections received, local ward member concerns, local sensitivity to the proposed use and the fact that the previously refused application 14/03390/FU is the subject of a Public Inquiry scheduled for 15th March 2016.
- 2.2 Members should note that the deadline for determination has expired, however an extension of time has been agreed until 15th December 2015.

3 PROPOSAL

- 3.1 The application proposes the demolition of the existing pub building, the erection of a new, two storey restaurant building and the laying out of parking and a drive through facility. The restaurant building is to be positioned to the south eastern portion of the site, with car parking to the northern and western areas. Access and egress will come off Dewsbury Road, and a further ingress point will come off Bradford Road.
- 3.2 The existing pub building is approximately 800 sq m in footprint, the new building will provide 343.80 sq m of floorspace, along with the provision of 36 car parking spaces, 2 disabled spaces, 12 cycle spaces and 2 grill bays (waiting spaces for ordered food). The restaurant will have a drive through facility with two customer order display units.
- 3.3 The new building is proposed to be two storeys high (7.3m to flat roof), featuring the use of a mix of materials including contemporary grey block, dark grey aluminium frames, wooden Italian walnut cladding and vertical aluminium timber effect battens. The main entrance will be on the northern elevation, the drive through booth on the eastern elevation, and both of these elevations feature large curtain glazing looking onto Dewsbury Road and the roundabout. The submitted floor layout shows a dining

area to the northern part of the building, with serving areas on the ground floor. The southernmost portion of the building is indicated as a storage area for bins. The first floor has kitchen area, storage, toilets, staff facilities and a smaller dining area (located to the northern half).

- 3.4 The site has a number of mature trees which contribute positively to visual amenity, these are to be retained largely, with two groups to the northern and eastern roadside boundary providing screening, and smaller groupings providing screening along the southern boundaries. 2m high acoustic timber fences are proposed on the southern boundaries, either on the site boundary, or set in.
- 3.5 The customer order displays are canopied structures on a tapering support stand, with camera, microphone, screen and speaker incorporated into the structure. The canopy is a convex, triangular structure made out of GRP and will be illuminated from underneath. Canopy dimensions are approximately 3.5m long x 2.4m wide and 3m high.
- 3.6 Access points will have new white lining and anti-skid finishes and will be laid out to indicate direction of travel and restrictions. HGV's will be restricted to using the Dewsbury Road access point only, and will park up parallel to the old Dewsbury Road terminus whilst within the site. Pedestrian access is provided from Bradford Road, the old Dewsbury Road access and the access road off Dewsbury Road will have a footway.
- 3.7 Hours of opening are proposed from 0700 to 2300 Monday to Sunday, deliveries are expected to occur 3 times a week. The restaurant is expected to provide 45 full time equivalent jobs.

4 SITE AND SURROUNDINGS

- 4.1 The site area is located north west of Tingley Centre. The site accommodates the White Bear public house in the northern part of the site facing the Tingley A650 route. Towards the north of the site is the M62 Motorway, with the site adjacent to Bradford Road, Dewsbury Road and Tingley Common roundabout. Vehicular access to the site is both from Dewsbury Road and Tingley Common A650 route. There are a number of trees that line the edge of the site facing the roundabout and within the site adjacent to residential properties which are located to the south of the site. The closest residential properties are on Oban Close, 7m from site boundary, and 132 Dewsbury Road, 8m from site boundary, these are all two storey properties.
- 4.2 The existing pub building is two storey's high, with complex multiple pitched roof, part of the first floor is built out on a canopy. The building is brick and artificial stone to the ground floor, and white bargeboards to the upper floor. The car park area is largely tarmac, although large parts of it are overgrown with grass. Levels across the site are relatively level, although there are changes in level on the Dewsbury Road boundary, where there is a grassed embankment rising up from the road, resulting in a level change of between 1 and 1.5m. To the south of the site, on Dewsbury Road the embankment is much more overgrown with shrubs and trees. The level change tapers off towards the northern boundary of the site before rising again to the west.

5 RELEVANT PLANNING HISTORY

- 5.1 14/03390/FU: This application was essentially the same as the current one under consideration. This was refused on the following grounds on 25.09.2014 and is currently at appeal:
- The proposed use is considered unacceptable by reasons of the comings and goings of vehicles, light illuminated by car headlights, the closing and opening of car doors and the number of additional customer visits. This would generate an unacceptable level of activity, noise and general disturbance at unsociable hours. This would be detrimental to the general amenity of nearby residential occupants. As such the proposal is contrary to Leeds Unitary development Plan Review (2006) policy GP5, T2 and T24, along with Core Strategy Policies P10, T2 and T24.
 - The proposed restaurant is considered unacceptable by reason of its scale and massing and location of service delivery vehicles in close proximity to the rear gardens of dwellings on Dewsbury Road. This would result in loss of privacy and general noise and disturbance. This is considered detrimental to the residential amenities of nearby residents and thereby contrary to guidance contained within the National Planning Policy Framework (2012), policy GP5 of the Leeds Unitary Development Plan and policy P10 and T2 and T24 of the Core Strategy.
 - The proposed internal layout is considered unacceptable by reasons of inability to satisfactorily accommodate an articulated service vehicle, an inadequate level of forward visibility on the internal two-way access road and the location of the service vehicle. This would result in hindering customer vehicles as they exit the ordering point and turn right into the car park. These are all likely to vehicles queing back onto the highway. This is considered detrimental to highway and pedestrian safety and contrary to guidance contained within the National Planning Policy Framework (2012) and policy T2 of the Leeds Unitary Development Plan (Review 2006) and policy T24 of the Core Strategy.
 - The reasons for refusal, and how they relate to the current application are addressed in the appraisal section below.
- 5.2 12/02957/FU: As for 12/01072/FU but reducing the hours of operation from 24hrs to 0600hrs to midnight everyday with the aim to reduce the impact on neighbouring residents. In addition the Sequential Test questioned the need for a sequential approach as the existing building (White Bear) is a public house and restaurant and the lawful use of the site is A4. Given this use, permitted development rights exist to convert the property to either Class A3 (Restaurant), Class A2 (Financial or Professional) or Class A1 (shop use). The applicant claimed that this establishes the principle of retail use outside of an existing centre. The existing property could be used for example as a 24 hr local supermarket without the need for planning permission. Claiming that the impact of such a store would likely have more of an impact on local shopping patterns than the proposed McDonalds restaurant. Paragraph 27 of the NPPF (March 2012) states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused. As officers were not aware of other sites that were available and sequentially preferable for this development it was not recommended that planning permission be refused for this reason. The application was refused for the reasons of loss of residential amenities by reasons of overlooking and noise and disturbance to residents on Oban Close.
- 5.3 The applicant appealed the decision which was dismissed on 11th March 2014. The Inspector concluded that the introduction of an outdoor seating area and the siting of the main entrance in close proximity to the rear gardens of Oban Close properties

would introduce noise of a different character to that of the background traffic noise stating *“I consider that the noise emanating from patrons talking and laughing as they entered and exited the premises or used the seating area would be clearly audible to adjoining residents. It would result in a level of noise and disturbance over and above what is reasonably to be expected in this particular residential environment. The Inspector further acknowledged “that the obscure glazing to the first floor would have an impact on the rear gardens and dwellings of Oban Close”*

- 5.4 12/01072/FU demolished the Public House and proposed the construction of a two storey restaurant (within the same area of the Public House) with a drive through. The highway concerns could be addressed and much of the landscaping provision was retained. The two storey restaurant was brought closer to the rear gardens of Oban Close, further into the site than the location of the demolished Public House. This was refused on the grounds of proximity to residential dwellings (Oban Close) and the noise and disturbance this would cause. The sequential test again, did not justify why Government Policy should not apply in this instance.
- 5.5 11/02941/FU: Single storey restaurant, car parking and landscaping retaining the existing public house. This was refused for highway reasons of insufficient off street parking provision and lack of suitable servicing areas for both the existing public house and the proposed restaurant. The 24 hour operation would cause noise and disturbance at unsociable hours to nearby residents. Additionally a Town Centre Use was proposed out of the Town Centre and the sequential test submitted did not offer clear and convincing reasons why Government Planning Policy should not apply in this instance. The amount of development proposed limited the space for a suitable landscaping provision and proposed extensive tree removal.
- 5.6 The history before this date demonstrates use as a pub and restaurant (the two uses were within the same use class back then). There have also been a number of more recent advert applications in connection with McDonalds, which have all been refused as being premature as there was no permission for McDonalds to operate.

6 HISTORY OF NEGOTIATIONS

- 6.1 Previous application 14/03390/FU has been appealed with a Public Inquiry scheduled for 15th March 2016. Since submission of the appeal the LPA has been seeking to establish common ground with the applicant and narrow down the areas of disagreement before the Public Inquiry as required under Best Practice. This has involved the input of Environmental Health and Highways officers. This report addresses the amendments made to the scheme in the appraisal section below.

7 PUBLIC/LOCAL RESPONSE

- 7.1 Application advertised by site notice posted on site 9th October 2015 .The following representations have been received:-
- 7.2 Total number of 321 local representations received of which 317 are objections and 4 are in support.
- 7.3 Objections (summarised)
- Proposed use not suitable ,as not in a commercial centre
 - Highways concerns around safety of pedestrians and vehicles
 - Not in keeping with the area
 - Fast food outlet that will be close to schools – concern about healthy eating

- Litter that will be generated
- Emphasis on localism , local community have already said four times previously that they do not want this in their area.
- Part of the site is in the ownership of resident adjacent to the site.

7.4 Support (summarised)

- Local employment
- Local dining option
- No more a nuisance than the previous public house
- Better than being left derelict

7.5 Morley Town Council (comments summarised)

- Application similar to previous one
- Boundary to 132 Dewsbury Road is incorrect, if corrected would lessen the distance between the nearest part of the of 132 and the restaurant and its roadways
- 2m acoustic fence would be next to wall of same height, little effect.
- Appeal Inspector confirmed a 2m high acoustic fence would be too tall
- Notice on tree states that the site is breeding ground for lesser spotted woodpecker
- Highway concerns regarding access, not practical and would not be accepted by todays standards
- Highway concerns around number of parking spaces , not sufficient
- Concerns of noise and disturbance to residents regarding the hours of opening
- Noise and hours of extractor fans working
- The sequential search report is out of date and was always unconvincing
- Moving restaurant would not solve problem would move the problem elsewhere on the site
- No fundamental design objections

7.6 Local Ward members

- Concerns raised by local Morley Independent ward members around same issues as above

8 **CONSULTATION RESPONSES**

8.1 Forward planning and implementation

- Current objection as the sequential report (SA) is outdated and should be updated and revised. The SA was submitted as part of previous application 14/03390/FU and since it was originally written policy has changed and moved on. In particular:
- Reference is made to Circular 03/2005 which has been deleted and replaced with the NPPF.
- Fails to consider the policies of the up to date statutory development plan (P8d and e are relevant). (Core Strategy adopted since previous application).
- Should address the draft Site Allocations Plan – with reference to newly identified centres etc.
- Policy P8d requires the SA to be based on a catchment area of 5 minute inbound drive time, it is not clear if the SA has been carried out on this basis.
- New sites are likely to have come forward since previous SA written.

8.2 Environmental Health

- A noise impact assessment was submitted with the application. Background noise levels in the area are relatively high due to the proximity of the road network. The repositioning of the restaurant, along with reduced opening hours and provision of additional acoustic fencing will help mitigate the impact associated, in particular, with vehicles coming and going. Estimated that plant noise would be masked by existing background noise for most of the day, and other mitigation measures are suggested to deal with odour and litter. Recommend a suite of conditions regarding operating hours, noise levels, details of mechanical plant etc. as well as quite specific conditions relating to operation of refrigeration vehicles and customer order points.

8.3 Highways Agency (consulted due to proximity to motorway network)

- No objections.

8.4 Travelwise

- Development below threshold, a travel plan is therefore not required.

8.5 Flood Risk Management

- No objections subject to recommended drainage and surface water conditions.

8.6 West Yorkshire Combined Authority

- Several bus services running next to the development serving various locations including Bradford, Morley, East Ardsley etc. There are also more services nearby. Future visitors would benefit from improvements to bus stop numbers 10347 and 11459 at a cost of approximately £10,000 each.

8.7 Contaminated Land Team

- Phase I Desk Top Study required, depending on outcome of study, further reports maybe needed.

8.8 Public Rights of Way

- Developer should contact public rights of way for footpath diversion.

8.9 Air Quality Management

- No objections to the proposal on the grounds of local air quality.

8.10 Highways

- No objection to principle of development.
- The applicant has replicated the site accesses proposed safety improvements associated with the previous application 14/03390/FU, in order to mitigate the anticipated increase in vehicular trips. These include anti skid surfacing and white lining to reconfigure the junction layouts. A visibility splay is proposed at the access onto the A653 Dewsbury Road which is achievable with the foliage cutback. This submission addresses the previous highway concerns about vehicle manoeuvring, internal forward visibility and larger articulated vehicle servicing in relation to the likelihood of vehicles extending onto the highway. The location of the unloading bay position has been moved away from the residential dwellings on Dewsbury Road to be positioned against the wall at the head of the Dewsbury road. No further objections to the proposal.

9 PLANNING POLICIES:

Development Plan

- 9.1 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.
- 9.2 The site is unallocated in the Development Plan.

Relevant Policies from the Core Strategy are:

- SP1 – Location of development in main urban areas on previously developed land.
- P8 – Town Centres, sequential requirements.
- P10 – High quality design.
- P12 – Good landscaping.
- T2 – Accessibility.
- G8 – Biodiversity improvements.
- EN5 – Managing flood risk.
- ID2 – Planning obligations and developer contributions.

Relevant Saved Policies from the UDP are:

- GP5 – General planning considerations
- T5 – Safe access for pedestrians and cyclists.
- T6 – Safe access and provision for disabled.
- T7A – Secure cycle parking.
- T7B – Secure motorcycle parking.
- BD5 – General amenity issues.
- Car Parking Guidelines

Relevant DPD Policies are:

- GENERAL POLICY1 – Presumption in favour of sustainable development.
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER4 – Effect of proposed development on flood risk.
- WATER7 – No increase in surface water run-off, incorporate SUDs.
- LAND1 – Land contamination to be dealt with.
- LAND2 – Development should conserve trees and introduce new tree planting.

Supplementary Planning Documents

- Street Design Guide

National Planning Policy

- 9.3 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.
- 9.4 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Site Allocations Plan (Draft)

- Site is unallocated in this plan.

10 MAIN ISSUES

- Principle of Development
- Previous Refusal Reasons:
 - (i) Residential Amenity.
 - (ii) Highway Safety.
- Other Matters
- Representations received
- Community Infrastructure Levy/Developer Obligations.

11 APPRAISAL

Principle of Development

- 11.1 The site is currently classed as being an A4, public house, use and this operated until relatively recently. This included use of part of the building for restaurant purposes (restaurant use was previously in same use class as pubs). Under the General Permitted Development Order 2015 the property itself could be converted to any use falling within classes A4, A3 (café's), A2 (financial and professional) or A1 (retail) without requiring planning permission. The only matters requiring planning permission would be external alterations to existing building, new buildings, and any new laying out required (e.g. new car parking areas).
- 11.2 This then is the fallback position of the site, in that it could be put to one of these uses lawfully and commence operations straight away. The drive through element of the restaurant is considered to be ancillary to the main restaurant use which is allowed within the use classes order. At what point the drive through would step outside the boundaries of an "ancillary use" is a matter of fact and degree and would relate to issues such as amount of floorspace given over to it, percentage of sales etc. This issue can be controlled through planning legislation, or by means of conditions which would ensure that the main use of the site is as a restaurant.
- 11.3 Because of the fallback position planning officers have not pursued the objection of the local plans officer to the submitted sequential assessment. It is accepted that the assessment is out of date due to the policy changes that have occurred over the past year, however, to seek to refuse the application on these grounds would ignore

the fallback position and could be considered unreasonable. Furthermore the previous submitted planning application (2014) did not raise this as an issue and the application has not materially altered since that point.

- 11.4 Despite not being within a town centre, the site is located in an area that is both close to residential properties, and on a busy road junction, and consequently it is likely to attract both foot visitors, and road users. It is unlikely to be a destination in its own right due to the type of food and service provided; consequently it would be unlikely to negatively impact on existing restaurant services within centres. Notwithstanding this, it should be recognized that the existing building could provide for an 800 sq m restaurant, or retail unit, which would have a much larger impact but over which the Council would have little to no control.
- 11.5 Accepting then the principle of redevelopment of this site for a more limited scale restaurant provision the main issues then relate to matters of detail, amenity, highway safety etc. These are addressed below, set out to relate to previous refusal reasons which raised such concerns.

Previous Refusal Reasons:

Impact on Residential amenities

- 11.6 Refusal Reason 1: The proposed use is considered unacceptable by reasons of the comings and goings of vehicles, light illuminated by car headlights, the closing and opening of car doors and the number of additional customer visits. This would generate an unacceptable level of activity, noise and general disturbance at unsociable hours. This would be detrimental to the general amenity of nearby residential occupants. As such the proposal is contrary to Leeds Unitary development Plan Review (2006) policy GP5 , T2 and T24 , along with Core Strategy Policies P10 , T2 and T24.
- 11.7 These issues were raised by the Planning Inspector in the previous appeal decision. At that point the new restaurant was proposed on the western part of the site and was orientated with main entrance and glazed area facing in the direction of residential properties, approximately 9m from rear boundaries. The access road off Bradford Road would have passed around the western side of the restaurant and would travel along the rear boundaries of properties on Oban Close (leaving a 1m gap). This layout would have resulted in much more activity taking place close to these properties with very limited scope to provide mitigation, whether that was in the form of acoustic fencing or dense planting. The impact on these residents then was considered to be significantly detrimental.
- 11.8 To overcome these issues the restaurant is now located to the other side of the site, where it is positioned 13m away from the site boundary (21m from the side of no. 132). Furthermore the area closest is an enclosed storage area for bins and deliveries, with all customer activity taking place to the northern side of the building. This will reduce the amount of external noise that occurs in close proximity to residential properties, and reduces the amount of traffic that passes in close proximity to boundaries. It is accepted that there will still be an access road close to the side and rear of no. 132, however this is an existing access point and would have been used whilst the pub was trading, the impact is therefore not considered to be sufficiently different to merit refusal on these grounds alone.

- 11.9 A noise impact assessment has been submitted which is technically sound and complies with relevant Government guidance on such matters. This notes that the levels of background noise from existing roads, is such that the noise produced by the activity on site is unlikely to be harmful. Any additional noise can be adequately dealt with through mitigation and control of noise e.g. by provision of acoustic fencing, hours of use, control over deliveries etc. A 2m high timber acoustic fence is proposed to the southern boundary along the access road, adjacent to no. 132, and a further acoustic boundary could be placed within landscaping behind Oban Close – this type of boundary treatment not only protects from noise, but would also screen headlights and general activity from view.
- 11.10 Refusal Reason 2: The proposed restaurant is considered unacceptable by reason of its scale and massing and location of service delivery vehicles in close proximity to the rear gardens of dwellings on Dewsbury Road. This would result in loss of privacy and general noise and disturbance. This is considered detrimental to the residential amenities of nearby residents and thereby contrary to guidance contained within the National Planning Policy Framework (2012), policy GP5 of the Leeds Unitary Development Plan and policy P10 and T2 and T24 of the Core Strategy.
- 11.11 The proposed building is two storey's in height with a flat roof measuring just over 7m to the highest point. This has been located as far away from residential properties as can be achieved without impacting on protected trees around the boundaries of the site. The building will be 12m from the nearest residential property, and is tapered at the southernmost point which will further reduce impact. Being to the north the building will not cause any overshadowing of residential premises, and the trees along the southern boundary are to be retained which will provide suitable screening. Given the distances involved, the orientation and the shape it is not considered that the massing of the building is harmful to residential amenity.
- 11.12 The delivery vehicles have previously been proposed to park along the access road, in close proximity to no. 132. This would have caused noise if refrigeration units were left running whilst deliveries were made. To mitigate against this the delivery bay is now proposed along the dead end of Dewsbury Road, approximately 15m from the nearest property on Oban Close. It is not possible to put an acoustic fence up along this section of boundary as it is used to provide a pedestrian access. The applicant has indicated that deliveries will only happen 3 times a week, and hours can be controlled through condition. With these provisions in place it is considered that this would ensure that residential amenity is protected.

Highway Issues

- 11.13 Concerns have been raised by objectors regarding the impact of the restaurant on traffic levels on and around the Tingley roundabout. Highway officers have assessed the proposal and do not consider that the proposal would generate harmful levels of traffic. The nature of the restaurant is not as a final destination in its own right, rather a journey that is undertaken as part of other journeys, consequently it is not considered that the amount of traffic would increase significantly as a result of the proposal. The pub itself would have also generated traffic to and from it, and if the building were to be re-used as a retail unit this could generate significant traffic levels in its own right. As the highway network is considered to be able to cope with the traffic levels associated with the proposal there is no fundamental objection on highways grounds.

- 11.14 The previous application was refused on highway grounds for the following reason:
- 11.15 Refusal Reason 3: The proposed internal layout is considered unacceptable by reasons of inability to satisfactorily accommodate an articulated service vehicle, an inadequate level of forward visibility on the internal two-way access road and the location of the service vehicle. This would result in hindering customer vehicles as they exit the ordering point and turn right into the car park. These are all likely to vehicles queuing back onto the highway. This is considered detrimental to highway and pedestrian safety and contrary to guidance contained within the National Planning Policy Framework (2012) and policy T2 of the Leeds Unitary Development Plan (Review 2006) and policy T24 of the Core Strategy.
- 11.16 Highways officers have worked with the applicants to seek to overcome these issues, modifications to the internal layout, coupled with tracking diagrams have overcome concerns regarding vehicle movements, into, within and out of the site. The applicant is also proposing to provide a suitable visibility splay at the access onto the Dewsbury Road, this will require the cutting back of foliage to achieve it and this will need to be secured via condition. Further safety improvements include use of white lining and anti-skid surfacing at the access points. It is recognised that a number of local residents have concerns about road safety around the roundabout, however it needs to be noted that this is an existing site with an existing use, and the proposed use is unlikely to increase the numbers of vehicles around the site to a level that would cause harm. The functioning of the roundabout itself is a matter for the Highway Authority to address.

Other Matters:

Health:

- 11.17 Concerns have been raised regarding the impact of a fast food restaurant on the health of, in particular, local school children. Woodkirk Academy is located just to the south and west of the application site, at the bottom of the old Dewsbury Road, with playing fields stretching up to Bradford Road. School children are known to use the pub site as a route to the school in the morning and afternoons, crossing through the car park, onto old Dewsbury Road. There are concerns that by passing through a fast food outlet they will be tempted to eat there, raising concerns regarding health, obesity etc.
- 11.18 These concerns are very valid and there is an increasing body of evidence to suggest that there is a link between poor food choices and obesity. It is currently however unproven that there is a link between fast food restaurants such as these and poor health – this is not to suggest that it does not exist, however causality has not been proven. The Council has been looking into the possibility of having a policy that seeks to address such issues, particularly in relation to hot food takeaways, however this has not yet been formulated into a policy. Such a policy would probably restrict location of take-aways within a certain distance of sensitive locations e.g. schools. At the closest point the school field is approximately 230m from the site, to the main school buildings, (in a straight line), it is about 400m. This is still some distance, and given that the main use of the site is as a restaurant it would be unlikely to be affected by the type of policies that have been formulated by other Councils. The fact that the applicant is McDonalds should not colour the determination of this application, the site could be taken over and operated by any restaurant operator. On balance it is not considered that concerns over health have sufficient weight to justify a refusal reason in this instance.

Pedestrian Access:

- 11.19 Concerns are raised about the crossing of the site by school children, and how safe this will be once the car park and drive through is operational. At the moment there is no formally laid out pathway across the site (although a right of way does exist), and it should be borne in mind that this is a site that could recommence use at any time, thus raising similar safety concerns. It is important that it is addressed however as there is a recognized right of way across the site. The site layout does allow pedestrian access into the site and via marked road crossings across to old Dewsbury Road where there is a further pedestrian access onto the road itself. It is accepted that this route does not follow a straight line, and that it therefore is unlikely to be on a pedestrian desire line, however it has been designed as the safest route across the internal roads and avoids crossing the parking area. A condition requiring the applicant to consider and address concerns, through clear signing and monitoring, is suggested to ensure the applicant takes this issue seriously.

Trees:

- 11.20 Trees around the site are protected via TPO's and make a very valuable contribution to screening and pollution control. The site layout has sought to retain the main groupings of the protected trees, and on the whole this is achieved. The drive through access road does encroach onto root protection zones, and careful excavation and the use of appropriate technologies will be required to ensure roots are not crushed or damaged. Appropriate conditions are suggested to address this. Additional landscaping is suggested around the site, and this will help to further screen the site, as well as providing a buffer between the activity on site and residents. Conditions to ensure an appropriate scheme, management and maintenance are suggested.

Contamination and Flooding:

- 11.21 Subject to appropriate conditions it is not considered that matters of contamination and flooding cannot be overcome. The aim of the drainage system will be to ensure that there is no surface water run off onto the highway network, or into adjacent properties. McDonalds do incorporate sustainable technologies into their buildings, which will also include issues of water conservation and control.

Representations received

- 11.22 The representations raised the following concerns:-
- Not suitable and not in a commercial centre – These concerns are addressed above.
 - Highway concerns are raised – these concerns are addressed in the highways section of the report above.
 - Not in keeping within the area – the fall-back position as an alternative A1/A2/A3 or A4 use is established through the permitted development criteria, which would allow the site to operate without requiring planning permission.
 - Fast Food close to schools and the healthy eating agenda – This is addressed above.
 - Litter generated – to be addressed by conditions recommended by Environmental Health.
 - Emphasis on localism – the number of representations received express strongly the feelings of the local community. The Council recognises the

strength of local opinion, however it is considered that the planning matters have been satisfactorily addressed and as such there are no planning reasons to justify refusal.

- The validity of the redline boundary and the ownership of land adjacent to 123 Dewsbury Road has been raised- Officers have raised this with the applicant who has checked the land registry and confirms that the land will be within the deemed ownership of applicant.

Community Infrastructure Levy/Developer Obligations

11.23 Whilst the proposal would be liable for CIL contributions, due to the demolition of 800 sq m of floorspace, and replacement with half this amount the CIL contribution in this case would be zero.

11.24 West Yorkshire Combined Authority state that there are several bus services serving various locations and that future visitors would benefit from improvements to two specified bus stops with at a total cost of £20,000. These contributions will need to be secured via s106 agreement which has not been advanced yet; the recommendation to Members therefore is to delegate approval subject to completion of a s106.

Hours of Use

11.25 The applicants have requested hours of use of 0700 to 2300 daily. Officers are suggesting that Saturdays, Sundays and Bank Holidays should be more restricted and consequently the hours suggested to members under condition 3 above are 0700 to 2300 Monday to Fridays, 0800 to 2200 on Saturdays and 0900 to 2000 on Sundays and Bank Holidays. This is in recognition of the proximity of residential properties to the use, and seeks to provide additional protection at the most noise sensitive times when background noise levels may be lower.

12 CONCLUSION

12.1 The previous application 14/03390/FU is the subject of a Public Inquiry scheduled for 15th March 2016. Should this application be approved the appeal will be withdrawn, but will continue if the application is refused. As a result of the appeal the Council has been in contact with the applicants to establish common ground, as required in Best Practice, and it is considered that the matters raised previously have been sufficiently overcome, such that the refusal reasons would no longer be defensible. Consequently on the balance of planning issues the application is now recommended for approval subject to the conditions set out at the start of the report.

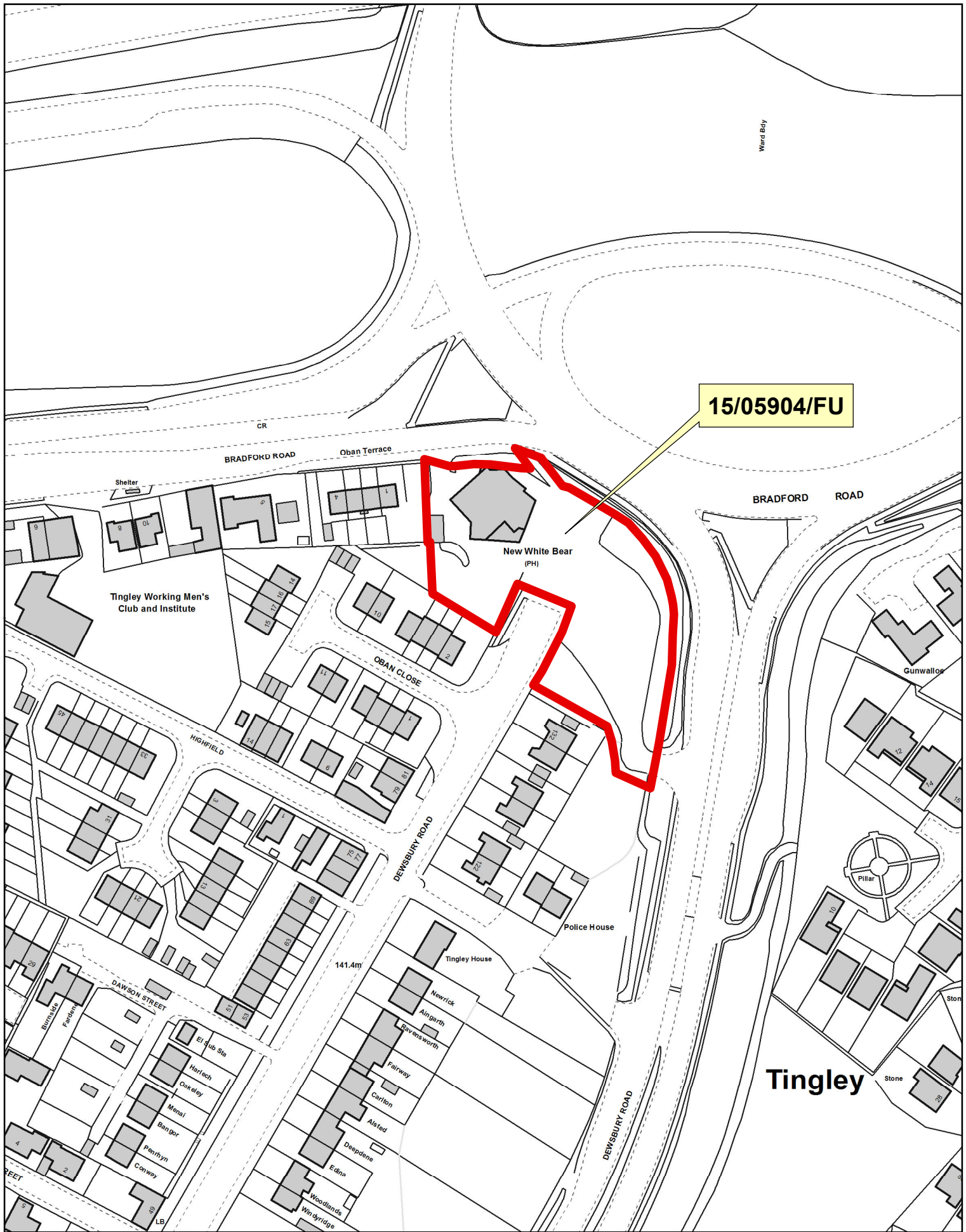
Background papers

Application File

Ownership Certificate: The applicant has served notice to the landowner on 22.09.2015

Notice served to:- Matterhorn Capitol, 10 Gloucester Place, London.

For appeal documentation please refer to appropriate planning application.



SOUTH AND WEST PLANS PANEL





Originator:	Amanda Stone
Tel:	0113 2478054

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10/12/2015

Subject: APPLICATION 15/03540/RM – Reserved matters application for 23 dwelling houses with landscaping and laying out of access roads and sewers at Nethertown Farm, Old Lane, Drighlington.

APPLICANT	DATE VALID	TARGET DATE
Mrs G Wood	25.06.2015	Extended to 21/12/2015

<p>Electoral Wards Affected:</p> <p>Morley North</p> <p><input checked="" type="checkbox"/> Yes Ward Members consulted (Referred to in report)</p>

<p>Specific Implications For:</p> <p><input type="checkbox"/></p> <p>Equality and Diversity <input type="checkbox"/></p> <p><input type="checkbox"/></p> <p>Community Cohesion</p>

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following conditions:

1. Development in accordance with approved plans;
2. Remove Permitted Development rights for extensions and outbuildings.
3. No piped discharge of surface water from the application site
4. Cycle/motorcycle facilities

The above conditions are in addition to the section 106 obligation and those conditions which were attached to outline planning consent reference 14/06917/OT which relates to:

(S106 Agreement)

1. 15% affordable housing contribution (50% sub market/Intermediate affordable units and 50% social rented affordable units);
2. Off-site greenspace contribution of £72,744.60;

3. Bus stop contribution of £10,000.00 and Residential Metrocard Scheme of 475.75 per dwelling.
4. Provision, management and maintenance of greenfield buffer

(Conditions)

Submission of feasibility study into use of infiltration drainage methods

1. Application for approval of all reserved matters with three years
2. Development in accordance with approved plans
3. Approval of the following details – Layout, scale, appearance and landscaping
4. Samples/Root Mats to be submitted
5. Details of both hard and soft landscape works
6. Submission of Management Plan for Landscape
7. Preservation of hedges/trees
8. Protection of Trees/Hedges/Shrubs
9. Replacement of Trees/Hedges/Shrubs
10. Method statement for stabilizing the embankment
11. Contaminated Land Information
12. Amended Remediation Statement
13. Verification Reports
14. Importing of soil
15. Provision nesting birds and bats.
16. Protection of nesting birds
17. Details of vehicular access
18. Maximum gradient to access
19. Maximum gradient to driveways
20. Construction Practice
21. Restriction on the developable area of the site
22. Specified off site highways works
23. Works to un-adopted length of Old Lane
24. Restrict on height and volume of properties
25. Drainage feasibility study
26. Shallow mining works
27. Highway survey

1.0 INTRODUCTION

This application is a Reserved Matters submission to consider the outstanding matters of layout, scale, appearance and landscaping in relation to the approval of outline planning permission (including details of access) for residential development on a brownfield site within the greenbelt at Nethertown livery stables, Old Lane, Drighlington in accordance with 14/06917/OT.

- 1.1 Outline planning permission for residential development was granted on this brownfield site in the greenbelt in March 2015, subject to a condition restricting the volume of the development to a maximum of 10,000m³ and the heights of the properties to be no greater than two storeys. The current application seeks detailed reserved matters approval for a scheme of 23 houses consisting of two bungalows and 21 two storey dwelling houses.
- 1.2 This application is reported to Plans Panel at the request of the Ward Councillor Leadley due to the number of dwellings exceeding the 19 dwellings shown on the indicative plans and the implications this may have on the openness of the greenbelt

by exceeding the volume restriction of 10,000m³ secured through condition 23 imposed to protect the impact of the development on the greenbelt.

2.0 PROPOSAL:

This is a Reserved Matters application to consider matters of layout, scale, appearance and landscaping for the provision of 23 houses at Nethertown. Access and the principle of residential development were both established by the previous outline planning permission 14/06917/OT approved on 02 April 2015.

2.1 The application proposes 23 dwellings, equating to the maximum volume and height permitted by the outline permission. All the properties are no greater than two storeys in height and the total volume (details of which can be found on plan ref: 054-PD-76 rev C) including garages is calculated at 9924m³.

2.2 In accordance with the requirements of the section 106 agreement which forms part of the outline permission, 15% of the proposed dwellings (3 houses) are proposed as affordable homes, a contribution towards off site greenspace provision has also been secured through S106 agreement and a third of the site is also proposed to be turned back to greenfield on the east side of the site. This land is to include a landscape buffer.

2.3 Following consultation there have been a series of revisions seeking to address concerns raised by consultee's and Members. These are detailed further below, but in summary they are as follows:

- Alterations to the scale, form and design of the properties in order to meet the design aspirations for the site;
- Alterations to the window detailing, inclusion of chimneys, architectural detailing, gates and timber framed carports;
- Alterations to the access road to create a more informal highway by reducing the dominance of the car within these spaces whilst improving the aesthetics of the development through the use of block paving and introduction of road narrowing's;
- Removal and repositioning of garages and detached carports to mitigate harm to openness and create a tighter grain to the development through linking of the properties by timber framed carports and mitigating impact on existing trees bordering the north side of the site;
- Materials – block paving, brick, stone and tiles (details of which are controlled through condition);
- Boundary treatments – dry stone wall to Old Lane;
- Landscaping and landscape buffer.
- Alterations to the scale, form and layout of the affordable units to increase floor space and outdoor amenity and reduce the amount of parking to front by moving these to the sides to allow a greater amount of soft landscaping.

2.4 Three affordable housing units are proposed to north east corner of the site. These comprise of three 2-bedroom, two storey terraced properties within a detached building, which the housing team have confirmed are acceptable in terms of housing requirements in the area. The properties are to be served by five parking spaces which are laid out to the front and sides of the building. Each property will be served by north facing gardens which are 10m in depth and are afforded between 45m² and 85m² of outdoor amenity and 70m² of internal floor space. Cycle and bin storage facilities are also provided on site.

- 2.5 Amendments have been made to the scale, form and layout of the affordable units in order to meet national space standards and increase outdoor amenity provision at the rear. Further revisions have also been made to the design of the building in order to achieve a more cohesive property which relates sympathetically with the rest of the development through the use of 'blind tenure'. The building now reads as a single detached house from the front with doors for the end properties being repositioned to the side. Parking has been moved to the sides of the property and one space to the front in order to facilitate greater amount of soft landscaping opposed to a car dominated frontage.
- 2.6 The remaining units consist of two three bedroom properties (plots 22 and 23) and 18 four-bedroom detached or semi-detached houses. The properties vary in terms of their appearance, scale, height and form. This is especially evident on the site frontage which consists of a chalet type bungalow to the left hand side of the access road and two storey properties located on the right side of the access road which are linked together by open carports. These properties front a courtyard area which serves 3 other dwellings to the northeast part of the site. The design ethos has been to create the appearance of a farmyard/agricultural cluster of buildings.
- 2.7 All the properties are to be constructed of a mix of stone and brick with tiled roofs. The properties are proposed to be two storeys in height; the bungalows incorporate rooms in the roof space and feature small pitched roof dormers and rooflights.
- 2.8 Each property is served by two parking spaces some including carports, and garages, albeit for plot 16 which has one. Cycle and bin storage facilities are also shown to be provided on each plot.
- 2.9 The development access was approved as part of the outline permission, which is situated centrally within the site. The properties are to be served by a T shaped access road which is designed to an adoptable standard. A smaller private road will lead to a courtyard which will serve five properties on the eastern part of the site. In response to design officer advice the internal road is now more angular in shape and is to be block paved throughout.
- 2.10 Off-site pedestrian footpath connections are proposed in order to improve connections to local amenities. This matter has been secured under the Outline permission.
- 2.11 Cumulatively the footprints of existing buildings (excluding temporary buildings, containers and plant etc.) equate to 2,276m² & 12,176m³ in volume. As discussed above on the 'schedule of areas and volume plan' the proposed footprints of the new properties would equate to 2600m² and volume 9924m³.

3.0 SITE AND SURROUNDINGS:

- 3.1 The historical use of the site was agricultural (pig farm) however this use ceased in 2001 following the onset of the foot and mouth disease. Alongside this use planning permission was granted under application ref: H23/235/90/ for change of use of some farm buildings to form livery stables and use of land to form an all-weather ménage riding area on 11/02/1991. Further consent was granted under application ref: 23/690/04/FU for demolition of stable and erection of equestrian lecture room on 29/12/2004. Planning records and aerial photos show caravan and storage use evident on site prior to 2005. Consequently, the caravan and storage use and associated buildings, albeit unauthorized are immune from enforcement action.

- 3.2 The site is a 'brownfield site' in the adopted greenbelt which extends to approximately one hectare. The site is L shaped, fairly level and lies on the northern edge of Drighlington village, approx. 9km to the south west of Leeds City Centre. Bordering the site to the south is Old Lane and to the north is the A58 (Whitehall Road) which run parallel to each other. Access to the site is provided off Old Lane. The site is elevated from Whitehall Road and separated by a steep wooded embankment. Across Whitehall Road to the northwest side of the A58 are a row of trees protected by a tree preservation order. Beyond these trees are open fields.
- 3.3 The site is now currently occupied by numerous buildings which are for the most part contained centrally in the site. These buildings appear to be used for the stabling of horses and are generally of a block and render construction and vary in scale albeit for a significantly larger portal frame building to the north side of the site.
- 3.4 Notably the west side of the site nearest the residential housing has retained a more open character consisting of a horse riding open arena, and land which is hard surfaced in part accommodates parked touring caravans and a number of trailers along the northern boundary. However, this area is contained on all four sides by built development - A58 to the north, residential dwellings to the south and west and stables to the east. The residential properties are varied in terms of age, styles and designs (a mix of single and two storey dwellings) as is the spatial character of the area. There is also a tree which is protected by a tree preservation order near to western boundary.
- 3.5 The east side of the site is predominantly occupied by trailers and shipping containers along with other plant and storage paraphernalia linked to the storage use. This part of the site is considered to be the most sensitive in relation to the greenbelt and is strewn with unsightly structures and containers along with plant, debris and other refuse which is evident from Old Lane and forms an unsightly blot on the landscape, adjacent to residential properties on the south side of Old Lane. Some relief is provided by a mature hedge row which runs along the eastern boundary and screens the site from the adjacent open fields. The large portal frame building to the north side of the site is the only visible structure interrupting public vistas directly to the east and further down Old Lane.
- 3.6 Old Lane descends on a gentle gradient towards the south east. This section of the road is bordered by open fields, agricultural buildings, a farmhouse and converted barn buildings. Further towards the east are a row of terraced properties and detached bungalows. Opposite is a public footpath which connects Old Lane with Whitehall Road. There is also an unmade footpath at the northern end of Old Lane which connects directly with New Lane

4.0 RELEVANT PLANNING HISTORY:

14/06917/OT: Outline application for residential development and means of access – Approved by committee on 02/04/2015

14/02539/OT: Outline application for residential development and means of access - Withdrawn on 06/11/2014

23/690/04/FU: Demolition of stable and erection of equestrian lecture room – Approved 29/12/2004

23/573/04/FU: Change of use of stable to equestrian lecture room – Refused 18/11/2004

23/274/92/FU: Location of 6 containers for use as pig rearing sheds – Refused 20/10/92

H23/235/90/: Change of use of some farm buildings to form livery stables and use of land to form an all-weather ménage riding area – Approved 11/02/1991

H23/236/90/: Nethertown Pig Farm Old Lane Drighlington Morley - Proposal: Change of use of farm to farm and transport business - Withdrawn: 14-SEP-90

H23/234/90/: Change of use of agricultural building to workshop – Approved 13/02/1991

H23/23/87: Outline application to layout access road and erect residential development to cleared site – Refused 13/04/87

Dismissed on appeal 22/02/1988

The inspector concluded that whilst the site is partly covered by concrete yards and buildings and is not a Green field; his view was that this was not a sufficient reason for granting consent. Many farms in the green belt could argue in a similar way and were consent to be granted for housing development in these cases the open rural character and appearance of the country side would be detrimentally affected to an unusual and unacceptable degree.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 Site notices were posted on 13 July 2015

5.2 Local ward members were notified through the Highways consultation process.

5.3 Ward members:

Councillor Leadley objects to the development for the following reasons:

- On policy grounds as the development would affect openness of the Greenbelt by allowing a suburban estate to be built, contrary to purposes of the Green Belt which is to restrict urban sprawl.
- Questions the existing lawful use of the site
- Scale of the development
- Ecological matters
- Flood issues
- Highways impact

5.4 Councillor Eastwood on behalf of Drighlington parish council has raised concerns in relation to flooding due to problems with sewers in the area; access during construction and the amount of traffic on Old Lane generated by 23 homes, contractor parking due to narrow road and lack of school place in the area.

5.5 Local representations: Twelve letters (9 identical) of representation have been received from the local public objecting on the following grounds:

- Impact on character of the area;
- Impact on highways through increase traffic, on-street parking and congestion;
- Applicant benefiting from poor land management;
- Impact on neighbouring land owned by applicant from re-location of containers

and storage use and highways implications of use in conjunction with proposed development;

- Sewage – Existing sewage pipes ability to cope with additional demand;
- Impact on infrastructure – schools, doctors etc.

6.0 CONSULTATION RESPONSES:

- 6.1 Highways: No objection subject to conditions imposed on outline planning permission.
- 6.2 Yorkshire Water: No objection subject to conditions imposed on outline planning permission.
- 6.3 Mains Drainage: No objection subject to conditions imposed on outline planning permission.
- 6.4 Coal Authority: No objection subject to conditions imposed on outline planning permission.
- 6.5 Contaminated Land: No objection subject to conditions imposed on outline planning permission.
- 6.6 Sustainability (Landscape Team): Concerns raised have been addressed through conditions secured at outline.
- 6.7 Design Team – Support the development.

7.0 PLANNING POLICIES:

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 consists of the Core Strategy (adopted November 2014); saved policies from the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste DPD along with relevant supplementary planning guidance and documents.

The site is allocated in the greenbelt in the UDP however this matter was addressed at outline stage. The policies listed below are relevant to the consideration of the Reserved Matters only.

- 7.1 **Core Strategy** - The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the
- P10 – High quality design
 - P12 – Good landscaping
 - T1/T2 – Accessibility
 - G8 – Biodiversity improvements.
 - H4: Housing Mix
 - H5/H8 – Affordable housing.

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

7.2 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

N23 – Incidental open space around development.

N24 – Development next to green belt/open countryside etc.

N25 – Landscaping

T7A – Secure cycle parking.

T7B – Secure motorcycle parking.

T24 – Parking provision (until adoption of parking SPD).

BD2 – Design and siting.

BD5 – General amenity issues.

LD1 – Landscaping

7.3 Relevant DPD Policies are:

WATER4 – Effect of proposed development on flood risk.

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

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

7.4 National Planning Policy:

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

7.5 Relevant supplementary guidance:

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

SPG25 Development next to countryside (Green Buffer SPG)

Distance to Trees

8.0 MAIN ISSUES

- Outline planning permission and the principle of the proposed use
- Volume – impact on openness of the greenbelt
- Design, Layout
- Amenity
- Highway matters
- Other planning matters
- Conclusion

9.0 APPRAISAL

Outline planning permission and the principle of the proposed use

- 9.1 Outline planning permission was granted at the site for a residential development under planning application reference 14/06917/OT. In granting outline consent the Local Planning Authority approved the principle of the proposed use and the detailed matter of access to the site. The reserved matters process aims to resolve those matters of detail which have been reserved. In this instance the reserved matters include layout, scale, appearance and landscaping. This report will not therefore assess the principle of the development or the detailed matter of the access to the site, as these have been previously established, but will instead look to assess the details of the scheme submitted in relation to those reserved matters noted above.
- 9.2 It should be noted that, notwithstanding any differences in the reserved matters scheme now submitted, the details submitted at the outline stage were indicative only and were not approved by the Local Planning Authority as part of the outline approval. It was clear at the outline stage that these details would need to be agreed as part of a future reserved matters application. The indicative details submitted at the outline stage should not therefore prejudice the outcome of the current reserved matters application.
- 9.3 Further to the above, in granting outline consent for the principle of the development the Local Planning Authority took into account the relevant section 106 requirements generated by the scheme. A section 106 agreement was agreed between the applicant and the Council and includes provision for (1) affordable housing, (2) off-site greenspace contribution, (3) residential travel card scheme for future residents and Bus stop improvements in the locality. As such it is not considered necessary to revisit these matters which are central to the principle of the development (which were established at the outline stage) as part of this appraisal. It is further noted that as the outline planning consent addressed these relevant matters through the section 106 agreement the reserved matters scheme is not liable to make any contributions through the Community Infrastructure Levy (CIL).

Assessment of impact on greenbelt purposes and openness

- 9.4 As established under the outline planning permission, the test to be applied under exception 6 is - if there is greater impact on openness and Green Belt purposes from a proposal to redevelop a brownfield site in the Green Belt then the development would be inappropriate and very special circumstances would need to be justified to approve it. In reaching a view on this it also needs to be recognised that the overall volume and site coverage of buildings on the site as well as scale, height and additional bulk and prominence of a development may adversely impact on openness and therefore be inappropriate.

- 9.5 Under the Outline planning permission the buildings (deemed as meeting the legal test) were noted to reside for the most part in a central location close to the existing site access, bordering Old Lane and Whitehall Road. These buildings range in scale and height and comprise of concrete block/render and stone built stables with corrugated sheet roofing and typical portal framed buildings. Some of the buildings have been extended over the years without the benefit of planning permission. These alterations appear to have increased their footprint and height in some instances.
- 9.6 Notably the west side of the site nearest the residential housing has retained a more open character consisting of a horse riding open arena, and land which is hard surfaced in part and accommodates the parked touring caravans and a number of trailers along the northern boundary. This part of the site is contained on all four sides by built development - A58 to the north, residential dwellings to the south and west and stables to the east.
- 9.7 The east side of the site is predominantly occupied by parked vehicles, storage containers and various types of plant which is currently well contained by mature planting to the east and a tree lined embankment to the north bordering A58. This part of the site is deemed to be the most sensitive in terms of openness as it borders Greenfield land. The large portal frame building to the north side of the site is the only visible structure interrupting public vistas to the east.
- 9.8 Turning to the proposed development this is different to the original scheme shown on the indicative plans at outline, in that there are now 23 smaller houses proposed opposed to 19 larger dwellings. However as discussed above the test to be applied under exception 6 is that the redevelopment of the brownfield site poses no greater impact on openness, character and Green Belt purposes. Volume and footprint calculations were undertaken and used to inform the overall density of the proposed development. Cumulatively the footprints of existing buildings (excluding temporary buildings containers and plant etc.) equate to 2,276m² footprint & 12,176m³ volumes.
- 9.9 As detailed on the 'schedule of areas and volume plan' submitted in support of the application the proposed footprints of the new properties equate to 2600m² and volume 9924m³. Notable is that the footprint of the new development exceeds the existing buildings by 324m². That said the volume of the buildings equates to 9924m³ which is less than 10,000m³ restricted by condition 23 and significantly less than the 12,176m³ calculated on existing buildings at outline. The volume of the building is therefore considered to comply with the requirements of condition 23 in this regard.
- 9.10 The access is positioned as previously approved at outline close to the main access in order to reduce impact on openness.
- 9.11 Also in accordance with plans and conditions imposed on the outline planning permission a third of the site to the east (accommodating some buildings but mostly strewn with storage/plant and containers) deemed to be the most sensitive in terms of impact on openness has been left undeveloped and is to be turned over from brownfield back into greenfield. This will leave a significant Greenfield buffer between residential curtilages and respective open green fields and enhance this area of the site. The retention of conifer hedging along the eastern boundary along with a landscape buffer (secured through condition) will also provide robust screening of the development from this view point.
- 9.12 Turning to the south west side of the site. This part of the site currently accommodates parked touring caravans and a ménage riding area with stable block.

As discussed at outline, whilst this part of the site is considered to be undeveloped in terms of buildings, it is however bordered by built development on all four sides. As such, at outline, 'infill development' of this part of the site was agreed subject to the clearance and turning over of brown field land back to greenfield on the east side of the site as discussed above. The proposed layout accords with the indicative plans in this regard.

- 9.13 Scale, design and layout also play an important role in mitigating harm to opens of the greenbelt. As discussed above the majority of the site is defined by low level buildings (stables and workshops etc.) but for the portal framed shed alongside the embankment bordering Whitehall Road. Mindful of this, condition 23 also restricts the height of the proposed buildings to two storeys. The properties although varied in height in order to meet the design aspirations for the site, consist of bungalows and two storey properties.
- 9.14 Spatial character, scale and massing have also influenced the layout in order to retain key public views through the site to the adjacent open land. This has been achieved through the position of the properties and access road in conjunction with the height of the properties and the use of open carports opposed to garages. Their scale and appearance also relates sympathetically to the scale and form of neighbouring dwellings, typically modest two storey dwellings, bungalows and barn conversions within the immediate locality.
- 9.15 With regard to properties bordering the northern side of the site the properties have been positioned so that they attain at least 12m to existing trees. This distance is considered sufficient to ensure the protection of trees and vegetation on the embankment during building construction and thereafter. The retention and safeguarding of these features along with the green field buffer will further mitigate the impact of the development on openness whilst also helping to assimilate the development into the rural landscape, in accordance with policy N24.
- 9.16 For all these reasons discussed above and subject to condition removing PD rights for extensions and outbuildings it is considered that the proposed development will not directly conflict with greenbelt purposes or openness of green belt any more than the existing buildings.

Design and layout

- 9.17 Design – the historical use of the site is a farm which is situated within and a semirural setting within the greenbelt. Following consultation with the design officer the development has been amended in order to achieve planning objectives both in terms of openness and design. The properties are considered to respect and relate sympathetically to the scale and form of neighbouring dwellings which are typically modest two storey dwellings, bungalows and barn conversions.
- 9.18 The layout and design seeks to reflect the local character and local vernacular without producing pastiche. The development is considered to have achieved a hierarchy of buildings, streets and spaces which reflects the design aspiration for the site in seeking to achieve a desirable and sustainable development in the long term. The materials of red brick and stone are considered complimentary and respond to the primary frontages with the forms of buildings, scale and proportions, as well as the integration of affordable housing as 'blind tenure' properties, being successfully integrated.

- 9.19 Through discussions with the applicant a more informal highway layout is now proposed that will reduce the dominance of the car within these spaces and will contribute to create spaces for all. The design aspirations was to create a 'farmyard aesthetic' whilst this has not been fully realised the dwellings do respond better to the tight grain of such forms and other features such as timber framed carports and farm gates which respond to the historical use of the site. Ultimately this proposal will improve the appearance of this site substantially so that it integrates effectively into the open aspect of the green belt. The resulting development is considered to read as a development that takes its inspiration from local character and distinctiveness and reinforces sense of place and historical use.
- 9.20 Taking the above into consideration it is considered that the proposed design and layout represents an acceptable design solution which is in-keeping with the wider aims of Leeds Core Strategy policies P10, P12, T2, G8 and G9, saved UDP policies GP5, BD5, N14, N19, LD1, LD2 and T24 and the guidance contained within the Neighbourhoods for Living SPG, Street Design Guide SPD, and the National Planning Policy Framework.

Amenity

- 9.21 All the properties accord with "Technical Housing Guidance - nationally described space standards." The properties are set back from the access road and afforded an open landscape buffer to the front which provides an acceptable level of separation and privacy whilst responding to the design aspirations of the development in creating the tight grain and spatial character needed to create a 'farmyard' aesthetic. This is further emphasised by properties fronting onto Old Lane which respond positively to neighbouring properties in terms of their scale and position adopting a similar relationship with Old Lane as existing properties, albeit for the applicant's bungalow which is set further back from Old Lane.
- 9.22 Plot 1 consists of a stone built chalet type bungalow which has living space within the roof. Pedestrian access is provided off Old Lane and vehicular access at the rear in the form of a driveway and garage. The property is one of three properties which will front Old Lane. The rear garden is northwest facing and would be 15m in width and 8m in depth (excluding the driveway and garage) which equates to 126m² of outdoor amenity 87% of the floor space which exceeds guidance (66%) in Neighbourhoods for Living for such provision. Windows are proposed to the front and rear elevations only and accord with guidance distances in neighbourhoods for Living in terms distances to boundaries and neighbouring sites.
- 9.23 Plots (18, 19, 20, 21, 22 and 23) these properties form a courtyard development to the eastern corner of the site. Plots 21, 22 and 23 front onto Old Lane and are linked by wooden framed carports which provide open aspect parking spaces between plots 21 and 22. Parking for plot 23 (two spaces) is provided at the rear and reached via the shared courtyard. The courtyard also provides vehicular access to car parking spaces for plots 19 and 20. Plot 18 is to be served by two parking spaces to the side which is accessed off the new access road. Plot's 19 and 20 back onto the side elevation of plot 18 attaining a distance of 13m to its side elevation and rear garden. The depths of gardens at the rear (not including parking spaces, carports or garages) are between 8 and 10 metres. These distances meet guidance in terms of the relationship of windows to boundaries and buildings in Neighbourhoods for Living SPG.
- 9.24 With regard to plots 20, 22 and 23 outdoor amenity provision falls short of guidance (66% of internal floor space) being 49%, 45% and 53%. That said the properties have access to a shared courtyard area to the rear which is bordered by three other properties on the south east corner of the site. This part of the development has been

designed to create a tighter grain of development which screens car parking spaces from the public domain whilst also seeking to meet design objectives. As such this shortfall is considered acceptable in this instance for reasons discussed above.

- 9.25 Plots 2 to 6 – These properties back onto the rear gardens of existing properties on Old Lane and benefit from south facing gardens. Their rear gardens are wide and between 9 and 14m in depth. Outdoor amenity represents between 92% and 179% of the internal floor space for each dwelling. Entrances to properties on plots 2 and 3 are located to the side with dining and lounge areas located at the rear of the property. Kitchen, hall and w/c windows are located to the front in order to create a greater degree of privacy for future occupants.
- 9.26 Plot 5 and 6 – These properties reside in a corner location at the end of the access road creating an L shape building.
- 9.27 Plot 6 fronts onto the access road and benefits from both side and rear gardens. The layout of this property looks to make best use of this site in terms of providing an acceptable level of outlook and light for future occupants. Main aspect windows are provided at the rear overlooking the garden (approx. 10m in depth) and kitchen and dining windows to the side. Revisions have been made to the windows serving the dining and kitchen area in order to provide additional light and outlook. These include enlargement of the glazing serving the lounge room on the south elevation to provide more through light and the insertion of a window on the north elevation over the drive. The car ports have also been pushed further back into the site. In addition to this and in order to safeguard neighbouring amenity from overlooking the bedroom window has been moved from the west elevation to the north elevation and as such now meets the required distances in terms of bedroom windows to boundaries of 7.5m.
- 9.28 Turning to plot 5 – This property sits adjacent to the side elevation of the two storey property on plot 7 separated by driveways and attaining a distance of approx. 13m to the side elevation. This distance complies with guidance in Neighbourhoods for Living as does outdoor amenity provision.
- 9.29 Plots 7 and 8 – Are located at the end of the access road in the North West corner of the site. Plot 8 is to serve a detached bungalow which is afforded gardens to the side and rear. Of note is that this property fronts onto the side elevation of plot 7 attaining a distance of 6.6m. That said the bungalow has been designed to mitigate a harmful impact on future occupants and neighbouring private amenity through its scale, form and layout. Windows directly opposite plot 7 at ground floor are to serve an en-suite, office and w/c and the lounge window would sit for the most part directly opposite the open frontage of plot 7. The first floor windows consist of high level rooflights on the front roof scape. These windows, subject to boundary screening are therefore unlikely to pose a threat to neighbouring private amenity. Furthermore the layout of the property with main aspect windows being positioned at the rear and front adjacent to the access road is also considered unlikely to compromise amenity of future occupants.
- 9.30 Plots 9 to 14 – These properties back onto a tree lined embankment which borders the north side of the site. All the properties are two storey in height and each are served by two parking spaces at the sides. Carports serve plots 8, 9 13 and 14. Their rear gardens are between 10 and 13m in depth and their outdoor amenity represents between 91 to 126% of the internal floor space of the properties which far exceeds guidance contained in Neighbourhoods for Living of 66%. This additional provision is to mitigate the impact of the trees on gardens and outlook as well as safeguarding the future health of the trees and their retention. The relationship is considered

acceptable and subject to conditions imposed at outline the properties would be served by an acceptable level of outlook light and amenity.

- 9.31 Plots 15, 16 and 17 (Affordable units) – These properties are proposed to north east corner of the site adjacent to the landscape buffer and open fields. These comprise of three 2-bedroom two storey terraced properties within a detached building, which the housing team have confirmed are acceptable in terms of housing requirements in the area. The properties are to be served by five parking spaces which are laid out to the front and sides of the building. Each property will be served by north facing gardens which are 10m in depth and are afforded between 45m² and 85m² of outdoor amenity space to the rear and 70m² of internal floor space which accords with national space standards and guidance contained in Neighbourhoods for Living SPG.
- 9.32 Taking the above into consideration it is considered that the proposed layout affords an acceptable level of amenity for future occupants whilst also safeguarding neighbouring residential amenity in accordance with policy GP5 of the UDP and guidance contained in Neighbourhoods for Living SPG.

Highways matters

- 9.33 The general layout of vehicular and pedestrian routes through the site are considered acceptable and will allow for the necessary servicing and refuse vehicles to access and exit the site safely. The level of car parking provision, in providing 2 off street spaces per dwelling, is in keeping with the local planning policy requirements and is sufficient to serve the development. As such it is considered that the necessary highway matters have been sufficiently addressed.

Landscaping

- 9.34 Landscaping includes the treatment of private and public space to enhance or protect a site's amenity. As is noted above the proposal will include a strong green edge to all boundaries of the site with landscaped gardens situated along the northern boundary. A third of the site adjacent to the eastern boundary is to turn over to greenfield and will include a landscape buffer to soften the built edge of the development along this boundary in accordance with policy N24. The existing mature conifer hedge is also to be retained along the eastern boundary and will play an important role in screening the development from the east.
- 9.35 Trees which are considered to be of benefit to the site and area in terms of visual amenity and the stability of the embankment are to be retained and protected with new landscaping proposed to supplement existing planting and secured through conditions attached to the outline permission
- 9.36 The boundary treatments proposed around and within the site are also important to achieving a positive design solution. It is noted that the outline consent included a condition which requires further details of proposed boundary treatments to be agreed with the Local Planning Authority. It is considered that these details should be appropriate to local character through the appropriate use of walling, railings, fencing and planting.
- 9.37 Taking the above into consideration it is considered that the proposed landscaping represents an acceptable design solution which is in-keeping with the wider aims of Leeds Core Strategy policies P10, P11, P12, G8 and G9, saved UDP policies GP5, N14, N19, N24, N25 and LD1 and the guidance contained within the Neighbourhoods for Living SPG, and the National Planning Policy Framework.

Other Material Planning Considerations

- 9.38 The main planning considerations are outlined in detail above. A number of further matters are considered relevant to the determination of the proposal, including those raised by representations, and are addressed below.
- 9.39 Housing mix - Policy H4 aims to ensure that new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the Plan Period, taking account of SHMA preferences and difference in demand in different parts of the City, and changing demand.
- 9.40 The reserved matters proposal is for 23 family sized properties which consist of a mix of 3 x 2 bed terraced dwellings (13%), two x 3 bedroom properties (9%) and 18 x 4 bedroom properties (78%). The housing mix falls short of guidance contained in policy H4 in that the three and two bed properties do not achieve the minimum of 30% and 20%. Also the four bedroom properties exceed the maximum of 50%. However on smaller developments policy H4 advises that an appropriate mix to meet long term needs is not overriding and as such a degree of flexibility is considered acceptable in this case.
- 9.41 A number of representations have been received which raise matters relating to the initial consideration of the site against Green Belt policy, traffic impact and use of the site. These matters were addressed at the Outline stage and cannot be revisited as part of this application. Other matters relating to volume and layout are addressed in the appraisal sections above.

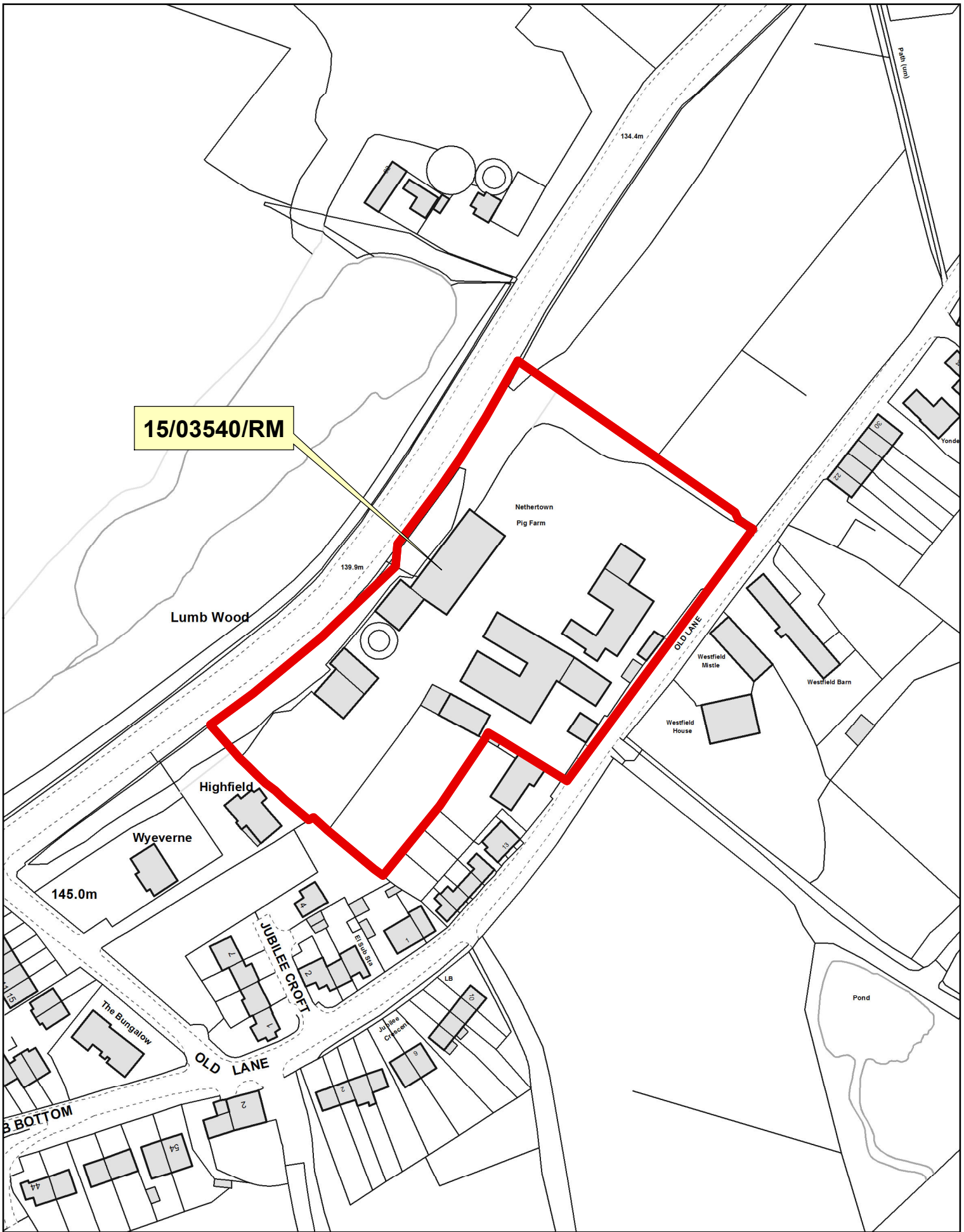
CONCLUSION:

- 9.42 The principle of the development and the detailed matter of the access to the site have already been established under outline planning consent reference 14/06917/OT. As such the relevant considerations to the determination of the Reserved Matters application relate to the layout, scale, appearance and landscaping of the detailed proposal now put forward, alongside any other relevant material planning considerations.
- 9.43 The proposal is considered to represent an appropriate quantity of development in a layout which responds to the character and urban grain of the locality. The strong green edge provided by rear gardens along the northern boundary and turning over of a third of the site from brownfield back to greenfield incorporating a landscape buffer to the east of the site is considered to be a key benefit of the proposal. The development will provide for a good level of amenity for future occupiers and protect the amenity of existing residents in the locality.
- 9.44 The layout, scale and appearance of the buildings proposed is also considered to respond positively to local context with red brick and stone detached and semidetached properties which reflect the density, housing type and rhythm of neighbouring streetscapes as well as its historical use.
- 9.45 The proposal is considered to be making a positive contribution to the local housing and population imbalance and will help to contribute to the wider sustainable communities objectives of the Council and local community. The comments of ward members, local residents and other representatives have been taken into account.
- 9.46 Taking the above and all other material planning considerations put forward into account it is considered that the proposal should be recommended for a planning approval.

Background Papers:

Application file; 14/03540/RM

Certificate of Ownership signed as applicant.



SOUTH AND WEST PLANS PANEL



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