



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 3rd November, 2016
at 1.30 pm

MEMBERSHIP

Councillors

R Grahame
S McKenna
N Walshaw
(Chair)
S Arif
C Dobson
S Hamilton
K Ritchie

B Cleasby

J Procter
G Wilkinson
P Wadsworth

**Agenda compiled by:
Debbie Oldham
Governance Services
Civic Hall
Tel: 0113 39 51712**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <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>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To confirm as a correct record the minutes of meetings held on:</p> <p style="padding-left: 40px;">A) 29th September 2016 (minutes attached) B) 13th October 2016 (minutes to follow)</p>	3 - 12
7	Harewood		<p>APPLICATION 16/02799/FU DIVISION OF EXISTING DETACHED HOUSE INTO TWO DWELLINGS AT THE CLOSE, SCARSDALE RIDGE, BARDSEY, LEEDS</p> <p>To consider the report of the Chief Planning Officer for the division of existing detached house into two dwellings at The Close, Scarsdale Ridge, Bardsey, Leeds.</p> <p>(Report attached)</p>	13 - 22

Item No	Ward	Item Not Open		Page No
8	Harewood		<p>PREAPP/15/00882 RESIDENTIAL DEVELOPMENT OF LAND NORTH OF WETHERBY ROAD, BARDSEY, LEEDS, LS17 9BD</p> <p>To consider the report of the Chief Planning Officer for a pre-application for the residential development of land North of Wetherby Road, Bardsey, Leeds, LS17 9BD.</p> <p>(Report attached)</p>	23 - 36
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting of the North and East Plans Panel will be Thursday 1st December 2016 at 1:30pm</p>	

Third Party Recording

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.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of North and East
Plans Panel

Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: David Newbury
Tel: 0113 247 8056
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: October 2016

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 3rd November 2016

Prior to the meeting of the North and East Plans Panel on Thursday 3rd November 2016 the following site visits will take place:

Time	Ward	
9.45am		Depart Civic Hall
10.10am	Harewood	PREAPP/15/00882 – Wetherby Road, Bardsey, LS17 9BD
10.15am	Harewood	16/02799/FU – The Close, Scarsdale Ridge, LS17 9BP
10.40am	Wetherby	PREAPP/15/00882 – Wetherby Road, Bardsey (viewing of listed buildings and grounds at Bramham Park, Wetherby, LS23 6ND)
12.00 noon		Return to the Civic

For those Members requiring transport, a minibus will leave the Civic Hall at 9.45am. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at 9.40am.

Yours sincerely

David Newbury
Group Manager

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NORTH AND EAST PLANS PANEL

THURSDAY, 29TH SEPTEMBER, 2016

PRESENT: Councillor N Walshaw in the Chair

Councillors R Grahame, J Procter,
G Wilkinson, B Cleasby, S McKenna,
P Wadsworth, S Arif, C Dobson,
S Hamilton and K Ritchie

There were Member site visits on the morning of the Panel to application references 16/02196/FU, 16/05502/FU, 15/06569/FU, 16/00015/FU and 16/00064/FU and these were attended by Councillors Walshaw, Grahame, Hamilton and Wilkinson.

CHAIRS COMMENTS

The Chair welcomed all those attending the meeting of North and East Plans Panel and invited the members of the Panel to introduce themselves.

59 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection documents.

60 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information on this occasion.

61 Late Items

There were no late items.

62 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

The Legal Officer clarified Cllr. Hamilton's position with regard to Item 7 Application 16/02196/FU 82A Allerton Grange Rise that she would be allowed to speak and vote on the application. Minute 67 refers

63 Apologies for Absence

No apologies were received.

Draft minutes to be approved at the meeting
to be held on Thursday, 13th October, 2016

64 Minutes

RESOLVED - The minutes of the North and East Plans Panel meeting held on 1st September 2016 were approved as a correct record.

65 Matters arising

Members were updated on 56 The Drive. Members noted that a letter had been sent to the Building Inspector with regard to works referred to and that Legal Services had also written to the applicant and his representatives with regard to the completion certificate and were awaiting replies.

66 Application 15/06569/FU Change of use of dwelling, land and out buildings used for fish farm to use as a single dwelling with garden and domestic out buildings, including removal of condition 3 of approval 33/336/03/FU

Members were requested to agree to a withdrawal of the report to seek further legal advice on the application of the Green Belt planning policy in relation to the case.

RESOLVED – That the Panel agree to the withdrawal of this item for further legal advice to be sought on Green Belt planning policy in relation to this case.

67 Application 16/02196/FU Detached Bungalow with integral garage; detached garage; landscaping and associated works to garden land at 82A Allerton Grange Rise, Moor Allerton, Leeds, LS17 6LH

The Chief Planning Officer submitted a report asking Members to consider an application which sought permission to construct a detached bungalow to garden land currently associated to No. 82A Allerton Grange Rise.

The application was brought to Panel at the request of Councillor Sharon Hamilton as it was her view that the comments raised by Highways were not sufficient reason to withhold planning permission. The Councillor stated that there was no difficulty at this present time as this was a private driveway and that two cars currently enter and exit without any problems.

Members heard that Officers had concerns that the driveway had a 'pinch point' where 2 vehicles would not be able to access the drive, the corner of the drive does not allow a clear view forward. Members were also informed of a gate with pedestrian access leading on to a blind junction.

Mr Bonner the applicant's son attended the meeting he explained that his mother had been paralysed in a car accident with her mobility becoming less over the years. The bungalow in which she currently lives is not suitable for the adaptations that she requires. She had lived at the property a number of

years and wishes to stay in the area as she attends the local church and also helps with after school provision of her grandchildren.

David Cook the agent was also at the meeting and he informed the Panel that the drive was compliant with policy and had ample provision for vehicles to pass. He said that at its narrowest point it was 3.8 metres wide but was mostly 4 metres wide.

Members were informed that agreement had been made with the owners of 82 Allerton Grange Rise for work and access to the driveway.

Members heard that the larger property was required to allow an integral garage so that Mrs Bonner would not have to travel from the car to the house in an outside wheelchair to then transfer to an indoor wheelchair. Members also noted that the current property did not allow Mrs Bonner access to all areas and that the ramps were sub-standard and not within current guidelines.

In response to Members questions the Panel were informed of the following;

- that it was not the proposal to knock down the current house
- that the refuse bins were taken down the driveway for 82A and 84 Allerton Grange Rise
- That the gate onto the drive was not used it was put there only for security and that it was an elderly lady who lived at that property

Mr Crossley and Mr Smickersgill attended the meeting to speak for the recommendations. Mr Bonner informed the Panel that he was aware of the Bonner's as they were a family who attended his church and was aware that Mrs Bonner required a wheelchair.

He informed the Members of his concerns in relation to the speed of the road in the area and that this junction was of permanent concern for both pedestrians and road users. He highlighted the fact that the junction was blind from the left of the driveway. Mr Crossley spoke of his experiences of near incidents at the junction.

Cllr. Cleasby informed the Panel that he recognised Mr Crossley as someone who he had worked with in the past.

Members were informed that there was no signage on the junction and no speed control as there was no record of accidents at the junction in the last 5 years.

Members discussed the following points:

- The removal of the lamppost at access to driveway
- Removal of the hedge along the driveway
- Use of signage on the junction
- Speed limit on the approach to the footway

RESOLVED – That the Panel resolved not to accept the officer recommendation to refuse permission and resolved to defer and delegate to

the Chief Planning Officer for approval on the detailed conditions including a condition for the provision of a speed bump on the driveway.

68 Application 15/05502/FU Demolish existing dwelling and replace with 3 flats with underground parking at 33 Sandmoor Drive, Alwoodley, Leeds, LS17 7DF

The Chief Planning Officer submitted a report seeking permission to demolish the existing dwelling that occupies the site and to construct a three storey block of flats.

The application was brought to Panel at the request of Councillors Peter Harrand and Neil Buckley as they raised objections to the principle of apartments in this location, the impact on immediate character of Sandmoor Drive, the traffic levels and highway safety and wished the matters to be considered by Members.

A site visit had taken place earlier in the day, photos and plans were displayed at the meeting.

Members were informed that the proposal was for 3 unique apartments with 1 apartment per floor. The development would be within a generous area of land with a significant copse of trees to one side of the development. It was noted that 50% of the parking would be located underground. The ramp to the parking area to be well screened by screen and the 'lid' to be grassed so that it was better to look and would alleviate noise for the neighbours.

Members were informed that a previous plan had proposed more glazing to the rear of the property this had now been reduced to allow privacy for neighbours. There was considerable distance between the proposed property and neighbouring properties although there would be an increase in bulk and massing it was still in keeping with properties on that road.

The Panel heard from Ian Green and Simon Walton who lived in neighbouring properties who spoke against the recommendations for the following reasons:

- The properties in the area are unique 1920s and 1930s family homes
- Flats and apartments would spoil the character of the area
- If the application was granted it could cause a floodgate of applications for flats in the area
- The proposed development sits on a busy road and junction with traffic heading towards Harrogate Road

Members were informed that the developers had spent time with planning officers for the design of the property and the surrounding site. There was a 40mph traffic scheme on Alwoodley Lane but there was no control on parking in the area. The underground parking would have 8 spaces with 4 parking spaces above ground for visitors. The ramp to the underground parking space would be usable in winter as it would have a heated ramp and that the building would be highly energy efficient.

Councillor S McKenna left the room during this item.

In response to questions from the Panel, Members were informed;

- The trees within the grounds were of mixed varieties but were mainly deciduous.
- The proposed dwelling would be approximately 1 metre higher than neighbouring properties.
- Only limited weight could be given to the representations from the Parish Council.
- The balconies would not have a significant impact on neighbouring properties due to the distance between properties or screening facilities
- There were no flats on Sandmoor Road only knowledge of one other in area on Alwoodley Lane which had been won on appeal.

Members discussed the need for all types of housing in the city but raised concerns on the scale of the proposed development and the impact of flats in this area. Members also discussed the emerging Neighbourhood Plan.

At the conclusion of the discussion, Council J Procter moved a motion to reject the recommendations as detailed within the submitted report, so that the application be refused. The motion was seconded by Councillor Wadsworth. On being put to the vote, Councillor J Procter's motion was passed, and it was

RESOLVED – That:-

- a) The officer recommendations as detailed within the submitted report be rejected, and as such, the application be refused due to the overall scale and massing of the proposal and that the proposal was not within the character of the area.
- b) Members approved to defer and delegate to officers that appropriate wording be provided within the letter setting out the reasons for refusing the application.

69 Application 16/00015/FU Two storey and single storey rear extension and single storey side extensions with balconies above ; canopy to front; replacement chimney at Beechings, Station Lane, Thorner, Leeds

Further to minute 44 of the meeting held on the 4th August 2016. The Chief Planning Officer submitted a report seeking approval for a part two storey part single storey rear extension and a single storey side extension. A canopy was proposed to the front of the dwelling with a number of outbuildings to be demolished as part of the scheme.

The dwelling is a detached brick building located within a streetscene of detached and semi-detached dwellings. The property features a large garden

area to the side and rear enclosed by hedging with some trees. The site is located within the Green Belt.

Members heard that planning officers had met with the applicant to seek a reduction in the size of the house. However the applicant had decided to go ahead with the build size as applied for. Under permitted development the applicant would be allowed to increase the cubic volume of the property to 110%. However, the proposal is for 86% net increase in cubic volume.

Members were informed that conditions to restrict development could be placed in curtilage of the large garden.

Members noted the improved design of the proposed property which would be in keeping with the area.

Members attention was drawn to 1.6 of the submitted report with regards to the pre-application advice given.

Members were informed that the materials for the dwelling would be stonework and render with a zinc roof and aluminium windows and doors.

During consideration of this item Cllr. C. Dobson left the meeting at 15:10 and returned at 15:15

RESOLVED- That permission be granted subject to the specified conditions set out in the report.

70 Application 16/03555/FU Rebuilding and extension of dwelling (part retrospective) Lofthouse Lodge, Harrogate Road, Harewood, Leeds

Councillor S McKenna re-joined the meeting at the start of this item.

Further to minute 54 of the meeting held on 1st September 2016 the Chief Planning Officer submitted a report in respect of this application.

The Conservation Officer was present at the meeting to answer questions and offer advice.

Members were informed that the building recently demolished was not the original gatehouse and was re-built around 1968. The property sits on the edge of the Harewood estate, the lodge is not listed however the gates and pillars are grade II listed.

Members heard that extension works had been previously approved under a recent Certificate of Lawfulness and a Prior Approval application. Structural problems with the 1960s building were discovered and the building was part demolished as the Council issued a Stop Notice with only a single storey element of the building being retained to the rear.

Members were informed of negotiations that had taken place with the applicant and along with suggestions from the Conservation Officer as a way to improve the design and in keeping with the Harewood Estate. The changes were listed at 2.1 of the submitted report and included;

- The roof of the dwelling on the northern side to be altered from a hipped roof to a gable to match the gable on the opposite side
- The removal of the glazed dormer window
- Window proportions with heads and cills in keeping with the Georgian period
- Landscaping to front and rear

The Panel were shown photographs, plans and 3D plans.

Members noted the following points:-

- Parking would be through the existing access
- Parking would be located at the bottom of the site
- There would be no increase in roof height
- The design and materials were much improved
- Harewood House cannot be viewed from the site
- Highways had not raised any objections
- The chimney was design only there would be no working fire
- In Green Belt area but there were special circumstances to replace the dwelling and needed to be mindful of Permitted Development fallback position
- A reduction of almost 50 cubic metres had been negotiated on what could be implemented under permitted development rights and the certificate of lawfulness granted.

Members were advised of the following:-

- At 8.4 of the submitted report the reference to section 16 should have been Section 66
- That both left and right curtilage of the Lodge were listed structures as part of Harewood Estate
- That the single storey extension to the rear was within permitted development of no more than 8 metres of the boundary

Members discussed the proposed design of the dwelling and materials to be used. Concerns were raised that the dwelling would impact on the Grade I listed estate with visitors to the area being able to view the property from the estate.

Mr White the Architect was at the meeting and provided answers to the Panel's questions:

- The applicants had wanted to avoid the long application process so had opted for Permitted Development
- The applicants had been willing to make improvements suggested to the design and build of the dwelling

- The applicants had spent a large amount of money getting the design to this stage
- The fall-back position remained and the Council could either rebuild the 1960s dwelling or permitted development could come back into play
- The design of the windows with blanked out sections and arches were at the suggestion of the Conservation Officer
- The design was not balanced but because of the design was now increased in volume which was mainly in the roof space.

Members noted that the Conservation Officer was experienced in design of graded buildings.

Cllr. J Procter moved a motion to defer this report for one cycle to look at the scheme and the design this was seconded by Cllr. Wilkinson. However, when put to the vote this motion was rejected by the Panel and it was;

RESOLVED – That permission be granted subject to the specified conditions as set out in the submitted report.

71 Application 16/00064/FU Demolition of out buildings, garage and extension to existing house and construction of detached dwelling at 2 Sandhill Villas, Sandhills, Thorner, Leeds

The Chief Planning Officer submitted a report setting out an application that sought permission to demolish kennels, garaging and extensions and erect a new dwelling to the side of no. 2 Sandhill Villas.

Members heard that the application was brought to Panel as the construction of a new dwelling would constitute inappropriate development in the Green Belt and would therefore be a departure from the development plan. Members were also advised of the history associated with this site of previous applications which had been refused in 2012 and 2013 due to conflict with Green Belt policy.

Members were informed of the proposals for demolition as being that of an existing two storey extension with a flat roof to the side of the property, a double garage and kennels. The new dwelling would be built on the site of the double garage and would be larger than the garage. The proposed dwelling would have parking spaces for 2 vehicles with the existing dwelling retaining sufficient parking.

The proposed dwelling would be of two storeys but because of a difference in gradient the dwelling would look as one level from the front whilst being two storey to the rear. The new dwelling had been reduced in size and would be of a design in keeping with the existing Victorian villas which included a chimney.

The proposal for the existing dwelling was to add a dormer similar to that of the adjoining property and a balcony as per the previous planning application.

These would not be implemented until Section 106 obligations had been fulfilled.

Members were informed that the kennels and the cattery were currently run as a business for up to 20 dogs and 20 cats. Members noted that the business was to cease therefore the noise associated with kennels would no longer be an issue. Also with the cessation of the business highway safety would be better.

Following legal advice Members were requested to defer and delegate to officers that the Section 106 Agreement should also include an obligation to cease the use of the site as use as boarding kennels rather than through a planning condition.

Members were advised of an additional condition for the gradient of the driveways to be a maximum of 1 in 12.5 (8%)

Members had visited the site earlier in the day and were shown photographs and plans at the meeting.

RESOLVED – That permission be granted;

- a) Subject to the specified conditions as set out in the report with the deletion of condition 4 relating to the cessation of the current use for boarding of animals
- b) Subject to the completion of a Section 106 Agreement with the addition of a clause to require the cessation of the current use for boarding of animals
- c) Subject to an additional condition that the gradient of the driveways be a maximum of 1 in 12.5 (8%)

72 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be held on 13th October 2016 at 2pm.

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Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 3rd November 2016

Subject: 16/02799/FU – Conversion of existing detached house into two dwellings at The Close, Scarsdale Ridge, Bardsey, Leeds, LS17 9BP

APPLICANT	DATE VALID	TARGET DATE
Mr P Beaumont	4 th May 2016	29 June 2016

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

The Local Planning Authority considers that the proposed new dwelling on the site would lead to the intensification in vehicle movement along Scarsdale Ridge, where the visibility at the junction with Wetherby Road is severally substandard. Due to the substandard visibility, it is considered that the proposal would result in unsafe vehicle movements at the junction causing harm to highway safety and the safe and free flow of vehicular traffic. As a consequence the proposed use of the access would be contrary to Policy T2 of the Core Strategy, saved Policy GP5 of the Leeds UDP (Review 2006) and with the advice given in the NPPF.

1.0 INTRODUCTION:

1.1 The application seeks permission to subdivide a single dwelling to form two dwellings. The key issue in this case is highway safety and the intensification of use of the junction of Scarsdale Ridge with the A58. This junction has limited visibility that falls significantly below local and national standards. The site is located in the Green Belt and it is considered that the proposal complies with planning policies and guidance in all other respects.

- 1.2 It is understood that the applicant is seeking to sub-divide the house to provide accommodation for his son and young family. The applicant and his wife will remain in one of the units whilst his son and family will occupy the other part. Whilst there is some sympathy for the applicant's intentions and circumstances it is a long established planning principle that the personal circumstances of any individual will rarely outweigh adopted planning policy or guidance.
- 1.3 The application is reported to Plans Panel at the request of Cllr Stephenson and Cllr R Procter. The Councillors consider that the highways comments fail to recognise that the Scarsdale Ridge already provides access to a significant number of properties and that new dwellings have been approved off the street over the years. Whilst the Councillors acknowledge that planning policy relating to highway safety has recently changed, it is highlighted that the highway itself hasn't changed nor has the visibility at the junction. Ward Members also consider that over the years there have been a number of new housing schemes approved off the private road, which contradicts the advice that Highways have provided for this scheme.
- 1.4 In relation to the concern raised by Ward Councillors relating to the previous housing developments approved off this private road, history searches have revealed that there are three refusals for new housing on the application site (app ref's: 31/220/05, 31/270/83 and 31/446/77). The first two involved an access reason for refusal. There are also a number of refusals for new dwellings on the other plots on the street. Recently, a housing development was approved at Rigton Gardens (app ref: 13/03451/FU) proposing the demolition of existing house and erection of 3 detached houses and associated work. Access for two of the dwellings was proposed off Scarsdale Lane with the existing access for the replacement dwelling being retained. Therefore, the scheme did not propose any new dwellings being served off Scarsdale Ridge.
- 1.5 Within the last 20 years the only example that could be said to be inconsistent, is at Rigton Hill Farm (31/310/97/FU, 31/429/03 and 31/382/03). The new housing development within the Farm was judged on the basis that the established agricultural use would have generated some vehicle activity. However, the application created an access onto Scarsdale Ridge rather than use the established access onto the A58. Therefore, extra traffic will have been introduced to Scarsdale Ridge. However, there appears to be some highway benefit in allowing the new access off Scarsdale Ridge, as it would have been considered to be an improvement from the established access via the A58 where the visibility was much more substandard.

2.0 PROPOSAL:

- 2.1 The proposal is to convert a large detached dwelling to form two dwellings, within this Green Belt location. The site will be subdivided with one of the dwellings being allocated a triangular shaped garden to the front. Each dwelling will have a separate access with a new door being inserted in the side elevation of the building. The site features two access points and these will be allocated to each of the dwellings.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a large dwelling located on a large landscape domestic plot within the Green Belt. The dwellings on the street are varied in size, scale and design. Scarsdale Ridge is a narrow private drive that serves around 20 other dwellings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 ENQ/11/00744- Outbuilding to rear. Permitted Development
- 4.2 H31/247/87/- Detached rendered concrete block double garage, to side of detached house. Approved
- 4.3 H31/258/86/- Laying out of access road, alterations, including new stair case and to form family room, utility room, entrance. Approved
- 4.4 31/220/05/OT - Outline application for one detached dwelling house to garden site. Refused
- 4.5 H31/446/77/ - Outline application to erect detached house, to garden of existing detached house (site area 0.17ha (0.42acres)). Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Cllr Stephenson asked for a senior officer review of the application in light of the objections to the development raised by Highway officers (see paragraph 7.1 below). The conclusion reached in the review was that there are good planning reasons to offset the concerns raised in respect the road not being lit, not having footways and there being limited opportunities for two way passing. With regard to the latter there appeared to be scope to provide an additional passing place in the grass verge that belongs to the application property. It was also observed that due to the nature of Scarsdale Ridge vehicles move at slow speeds along the road and with the generous grass verges there is plenty of space for vehicles and pedestrians to pass each other safely. However, it was noted that the junction of Scarsdale Ridge and the A58 had very limited visibility to the north east that would particularly affect vehicles turning right on to the A58. It was also clear that traffic often travels at significant speeds along this section of road. This was an area of significant concern and it was concluded that the Highway objection to this aspect could not be set aside or mitigated. It was requested that the opinion be sought from a senior Highways officer who confirmed that visibility at the junction was significantly sub-standard and that the technical highway objection to the grant of planning permission remains. The senior Highways officer also confirmed that there were no measures that could be reasonably put in place on the A58 to overcome this concern.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site Notice Posted on 27.05.2016/ Neighbour Notification Letters Posted 13.05.2016
- 6.2 The Parish Council raises no significant issues with the division of the dwelling, but comments that the new dwelling within the green belt could be deemed as an inappropriate form of development.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways Officer raises the following concern;
 - The visibility at the junction where Scarsdale Ridge meets Wetherby Road is significantly substandard conflicting with both local policy and guidance and national guidance. There have been a number of personal accidents recorded on Wetherby Road in the vicinity of Scarsdale Ridge.

- Scarsdale Ridge does not have any footways, is not lit and doesn't have two way passing for much of its width. Therefore, in line with the guidance contained within the street design guide, the street is not suitable for accommodating any further development. The gradient of Scarsdale Ridge is quite steep especially on approach to the application site which is situated on a 90 degree bend.
- In addition to the above Scarsdale Ridge is a private drive. The council's Street Design Guide SPD states that 'Any development serving more than 5 dwellings (or an existing Private Street or Drive which does or will serve more than 5 dwellings after completion of the development) should be designed to adoptable standards and offered for adoption'.

As a result of the above the application is considered to be in conflict with local policies GP5 and T2 and the NPPF, and the guidance in the Street Design Guide and Manual for Streets.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

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

- 8.3 The following Core Strategy policies are relevant:

General Policy – Presumption in favour of sustainable development
 SP1 – Location of development in main urban areas on previously developed land
 P10 – High quality design
 P12 – Good landscaping
 H2 – New housing on non-allocated sites
 T2 – Accessibility

- 8.4 The following saved UDP policies are relevant:

GP5 – development proposals should resolve detailed planning considerations.
 N32 – Areas designated as Green Belt within the Proposals Map
 N33 – development in the Green Belt.
 N37 – development in Special Landscape Areas should not seriously harm the character and appearance of the landscape.
 N37A – development in Special Landscape Areas should have regard to the character of the landscape in which it is set.
 BD6 – alterations and extensions should respect the scale, form, detailing and materials of the original building.
 GB4 of the Leeds UDPR states that planning permission for change of use of a building in the Green Belt will not be granted unless, amongst others, the following criteria are met;

1. *The physical changes to the building and its curtilage would maintain and enhance the openness, character and appearance of the Green Belt.*
2. *The building can be shown to be in a generally sound physical condition and is of a size, structural form and materials suitable for the intended after use without needs of substantial re-building or extension.*
3. *Safe access for the building without harming the character and appearance of the countryside.*
4. *No significant additional expense to public utilities.*
5. *Withdrawal of permitted development rights.*
6. *The building not of a scale which would produce a hamlet in the Green Belt.*
7. *Residential use would not seriously harm the local economy.*

Supplementary Planning Guidance/Documents

8.5 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)
- Street Design Guide SPD

National Planning Policy

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

8.7 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.8 Paragraph 89 of the NPPF states that the Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, exceptions to this are:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.9 Paragraph 90 of the National Planning Policy Framework states that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These developments are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

8.10 The NPPF also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

DCLG – National Minimum Space Standards

8.11 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

9.0 MAIN ISSUES:

- Principle of Development/ Impact on the Green Belt
- Amenity of the Occupiers
- Highway Safety

10.0 APPRAISAL:

Principle of Development/ Impact on the Green Belt

- 10.1 The proposal is to re-use this single dwelling as two dwelling within this Green Belt location. The key policy guidance in terms of change of use of buildings within the Green Belt is contained within National Planning Policy Guidelines (NPPF). Paragraph 89 of the NPPF states that Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, Paragraph 89 and 90 of the NPPF goes on to set out the categories of development which are not inappropriate in the Green Belt. The types of development acceptable in the Green Belt include the re-use of buildings provided that the buildings are of permanent and substantial construction and also that they preserve the openness and the character of the Green Belt.
- 10.2 In light of the guidance provided by the NPPF, consideration needs to be given to whether the building to be re-used is of a permanent and substantial construction. In this regard, judging by the nature of the building and its construction, the building is undoubtedly of a permanent and substantial construction.
- 10.3 The other question that needs to be answered is whether the change of use of the site would harm the openness and the character of the building. There are no additional extensions proposed to the building and the building itself is currently used as a dwelling. Therefore, it is not considered that the dwelling itself will be harmful to the openness of the dwelling. The garden space allocated for the new dwelling is already

used as a garden. Therefore, there will be no additional land that needs to be domesticated. There will however be a threat of additional outbuilding, fences and garages that may be erected on site to serve the new dwelling, which will have an impact on openness. To overcome these concerns, conditions can be imposed to restrict these types of developments.

Amenity of Occupiers

- 10.4 The proposed scheme offers a good standard of amenity for the future occupants of the two dwellings, with separate access into the site for vehicles and to both dwellings. Each internal room will be of a good size served with windows with good outlook. The garden areas will also be of a sufficient size with areas that are private. Ample parking spaces have also been provided for both dwellings.

Highway Safety

- 10.5 The proposed dwelling would be served off a private road which comes off the busy A58 Wetherby Road. The Highways Officer has assessed the scheme and has raised a number of concerns. Highways have objected to the proposal on the basis that Scarsdale Ridge does not have any footways, is not lit and doesn't have two-way passing for much of its width. It was also noted that the gradient of Scarsdale Ridge is quite steep especially on approach to the application site which is situated on a 90 degree bend. It is also noted that the number of properties served by Scarsdale Ridge is greater than 5 which is the threshold required by the Street Design Guide. Finally there is a 50mph speed limit on this section of Wetherby Road and in such circumstances a visibility splay of 2.4m by 160m would be required at the junction of Scarsdale Ridge and Wetherby Road.
- 10.6 Whilst it is noted that the private road is not built to adoptable standard, it was observed by Planning Officer that traffic movement on the private road is relatively slow and that there were ample passing places for vehicles moving through the private road and also grass verges for people to use if they came across a car. The applicant has also indicated that there is potential to create additional passing places to the front of the site if required. In light of the observations made on site by Officer's and the offer of providing a vehicle passing place to the front of the site by way of improvement to the quality of private road and that only one additional dwelling is being proposed, it is considered that the highway concerns relating to the private road itself can be set aside in this instance.
- 10.7 However, it is considered that the issues with regards to the visibility at the junction cannot be overlooked particularly as there have been some personal injury accidents on Wetherby Road in the vicinity of Scarsdale Ridge. Highways colleagues have visited the site and have estimated that the visibility length at the junction, to the north east, is in order of 70m. This falls significantly short of the required distance of 160m which is the recognised local and national standard. Therefore, it is considered that the intensification use of this junction highway safety issues and would pose a risk to vehicle users. It is therefore considered that the proposal conflicts with Core Strategy Policy T2, with saved UDP Policy GP5 and with the NPPF.

11.0 CONCLUSION:

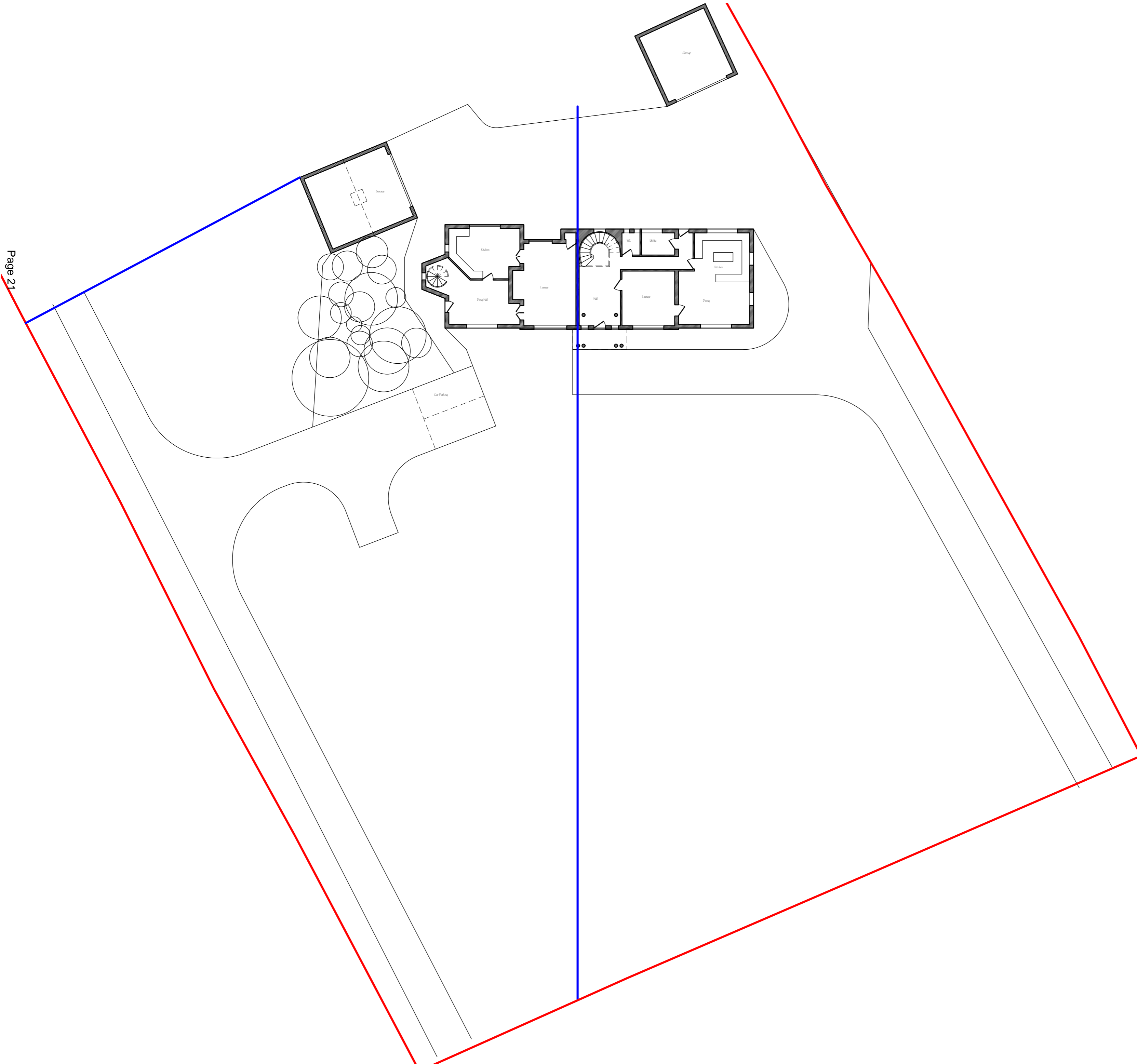
- 11.1 It is considered that the principle of dividing the plot to form two dwellings is acceptable in this Green Belt location. However, it is considered that the access to the private road from Wetherby Road is substandard and causes highway safety issues. The personal circumstances of the applicant's family are noted, and whilst there is some

sympathy for them, these matters are not such weight and importance to outweigh the genuine concerns about highway safety. Therefore, it is recommended that the application should be refused.

Background Papers:

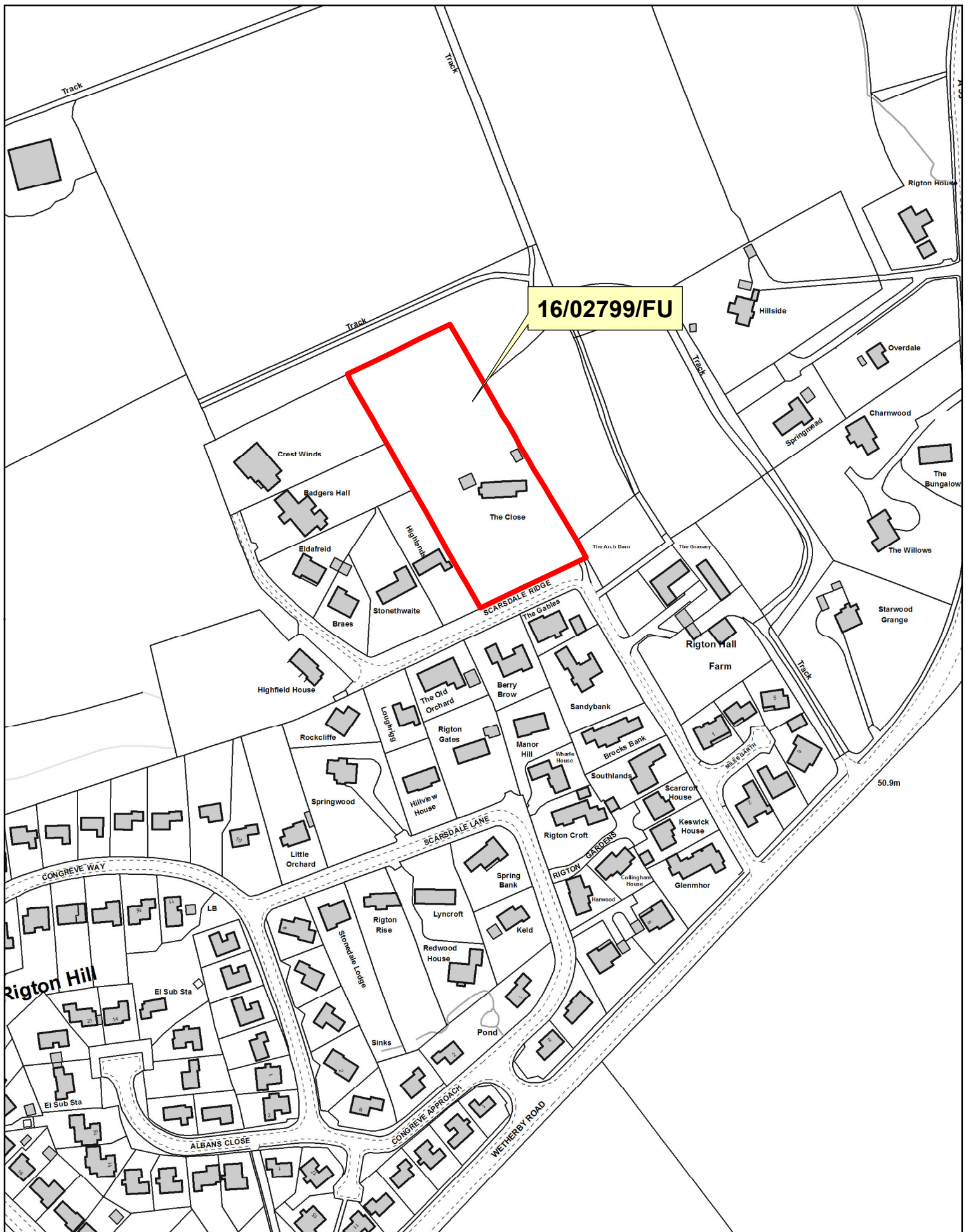
Application files: 16/02799/FU

Certificate of ownership: Signed by Agent on behalf of Applicant



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 The Close, Scarsdale Ridge, Bardsey
 Proposed Block Plan scale 1:200 2-05-2016 drwg. no.2359-04-02

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NORTH AND EAST PLANS PANEL





Originator: Adam Ward
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Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 3rd November 2016

Subject: PREAPP/15/00882 - Pre-application presentation for a residential development of up to 150 dwellings and public open space at land at Wetherby Road, Bardsey, LS17 9BD

Electoral Wards Affected:

Harewood & Wetherby

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The landowner's representatives will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

- 1.1 The landowner The Bramham Park Estate and their representatives will present the emerging scheme for the residential development of a Green Belt site in Bardsey.
- 1.2 The development site is located within the Green Belt and sits between the residential area know as The Congreves and The Drive within the village of Bardsey and forms the western extremity of the Bramham Park Estate. Whilst the promoter of the scheme fully acknowledges that the proposed development constitutes inappropriate development within the Green Belt, they have put forward a case for demonstrating very special circumstances to try and overcome the in principle objection to new housing at this site. In summary, these are the significant heritage benefits which comprise numerous restoration and refurbishment works to a number of Grade I, Grade II* and Grade II listed buildings located within the Bramham Park Estate, which is itself a Grade I Registered Park and Garden and is recognised as one of the finest examples of its kind in the country.
- 1.3 The proposals for the site are still emerging and consequently many of the policy and technical issues are not resolved and are likely to be the subject of ongoing

discussions. The purpose of the pre-application presentation is to allow the landowners to present and explain their proposals to the Panel and for Panel Members to ask questions and to consider and comment on them. At this point in time Members are not being asked to comment on the acceptability of the principle of the development. It is clear that the proposal to build dwellings on this Green Belt site is contrary to planning policy. To offset this policy objection to the principle of development it will need to be shown that very special circumstances exist and this presentation offers Members an opportunity to consider and ask for information in order to help the Panel's consideration of this issued and to reach an informed decision. A local community group of Ward Member will also be afforded a similar opportunity to put their views forward on the proposals. Officers also reserve their position in terms of the very special circumstances relating to the heritage matters pending further consideration and advice from Legal Officers.

2.0 SITE AND SURROUNDINGS:

- 2.1 The development site is an agricultural land located adjacent to the west of the A58 between the established residential areas of a housing development known as The Congreves to the north east and The Drive to the south west within the village of Bardsey. Overall the site measures 12 hectares, although only 6 hectares is developable. The topography of the site means that the site slopes down from the A58 towards the beck to the rear. Part of the land nearest the beck is included within Flood Zones 2 & 3, with the Environment Agency's 1 in 100 year flood extent covering approximately half of the site.
- 2.2 The site is designated as Green Belt and as a Special Landscape Area within the Unitary Development (Review 2006). The site is within the ownership of the ownership of the Bramham Park Estate and forms the north western most extremity of their land holding.
- 2.3 The Bramham Park Estate is located to the south east and contains a rich and diverse range of buildings set within a Grade I Registered Park and Garden defined as being 'of exceptional importance'. The Estate contains a total of 27 listed buildings and structures considered to be of special architectural or historic interest. The buildings and structures which are listed are:

Buildings

- The House (Grade I)
- The Stable Blocks to the House (Grades I and II)
- The Rotunda (Grade I)
- Open Temple (Grade I)
- Gothic Temple (Grade I)
- The Biggin (Grade II*)
- Terry Lug (Grade II)
- Wothersome Grange Farmhouse (Grade II)
- Stable Block to Wellhill Farmhouse (Grade II)
- East Lodge Cottages (Grade II)
- North Lodge (Grade II)
- Gothic Summer House (Grade II)

Structures

- The T Pond (Grade I)
- Stone surround to the T Pond (Grade I)
- Retaining wall to the South Terrace (Grade I)

- Gate piers at the entrance to the Forecourt (Grade I)
- Parterre to the West of the House and T Pond (Grade I)
- The obelisk Pond (Grade I)
- The Obelisk in the Black Fen (Grade II*)
- Temple of Leod Lud (Grade II*)
- Four obelisks at corners of the lawn (Grade II)
- Sundial in the centre of the Parterre (Grade II)
- Ha Ha forming boundary to North Terrace (Grade II)
- Stone Nymph (Grade II)
- Vase with four faces (Grade II)
- Monument to Jet (Grade II)
- The Circular Pond (Grade II)

3.0 PROPOSED DEVELOPMENT

- 3.1 Proposals involve the development of the site in Bardsey for up to 150 houses. This will include a mix of 2, 3, 4 and 5 bedroom dwellings. Towards the rear of the site a 7 hectare public park is proposed with improved pedestrian connections, including a new footbridge over beck. The proposal would be in the form of an outline application with vehicular access from the A58. An emergency access is shown from The Drive. The scheme would deliver the full s106 obligations and as such, in these respects, will be policy compliant.
- 3.2 The proposed dwellings would be mainly 2 storey with some properties being 3 storeys. It is envisaged that the design approach would be traditional with the use of natural stone and slate, with some elements of render. The scheme seeks to use sustainable urban drainage (SuDS) features owing to the site topography and location adjacent to beck. Compensatory flood storage would also be created on the park area given its position close to the beck.
- 2.4 There remains a pressing need for major capital expenditure on buildings, structures, monuments and the landscape within the Estate. A number of buildings and structures are in need of repairs and restoration works which requires significant financial input. The Estate have sought funding from a variety of sources but this is now limited to the extent that all areas have been exhausted. The whole of the capital receipt (minus fees) from the Bardsey site will be utilised in full at Bramham Estate and controlled through a carefully worded s106 Agreement.

4.0 PLANNING HISTORY & ENGAGEMENT

- 4.1 There is no planning history relating to the site in terms of the submission of any planning application. However, a pre-application enquiry was received at the end of 2015 and officers have had a number of discussions with the land owner and their representatives concerning the nature of the proposed development and the scope of any information to be submitted as part of any application. Discussions have also taken place and visits undertaken to the Bramham Estate which have involved colleagues from Conservation and Historic England.
- 4.2 The applicant has also held a consultation event which took place on 19th October 2016 at Bardsey Village Hall. Copies of the presentation boards were copied to officers for information. The event was attended by approximately 220 local residents. Including some Ward Members and Parish Councillors. The results of the consultation event are currently being analysed by the developers and will be considered and taken into account in the formulation of more detailed proposals

which are likely to lead to the submission of an outline planning application. However, the key concerns were as follows:

- Flooding; (most of the comments) doubt that the development is outside of the flood plain, what impact would this development have locally in The Drive and downstream at Collingham (a number of Collingham residents attended). General disbelief that flooding matters could be properly addressed.
- Traffic impact; impact of 150 cars on the road network generally and increasing queues specifically at the traffic lights/East Keswick Junction. Support for reducing speed limit to 30mph along the Congreves, support for improving bus stops and safer crossing to the stop on the south side of Wetherby Road.
- Impact on local services - doctors, schools described as both 'full'. One of the school governors who attended advised that the number on roll at Bardsey Primary is 191 and their capacity is 210. There was also a comment that a number of pupils at the school are not from Bardsey but outside villages. New children in Bardsey might assist in reducing the catchment area.
- Need for new homes; objections that this is too many dwellings in this location; conversely support for the 55x 2 bed units, lots of questions about what type of affordable housing, what prices would they be.
- Green Belt - objections in principle against loss of the land and loss of views of an open field.
- Public Park generally supported, and support for footpath links across the site from Congreves to sports ground. However, it came out at the meeting that the link may not be able to be delivered into the Park Lane Homes development at the Congreves as one of the new residents has purchased the field to the rear. However, an alternative link diagonally across the site to The Drive maybe an option and also look to cross the Beck so there will still be a link.
- A large number did not accept the case to support Bramham Park and there was a lack of understanding generally about the need to protect heritage assets.

5.0 RELEVANT PLANNING POLICIES

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents. The site in Bardsey is designated as Green Belt and Special Landscape Area within the UDP. In terms of the site at Bramham, the Bramham Park Estate is a Registered Park and Garden (Grade I), with a total of 27 Grade I, Grade II* and Grade II listed buildings.

5.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development
 Spatial policy 6 Housing requirement and allocation of housing land
 Spatial policy 7 Distribution of housing land and allocations
 Spatial policy 8 Economic Development Priorities
 Policy H1 Managed release of sites
 Policy H3 Density of residential development
 Policy H4 Housing mix
 Policy H5 Affordable housing
 Policy P9 Community facilities and other services
 Policy P10 Design
 Policy P11 Heritage
 Policy P12 Landscape
 Policy T1 Transport Management
 Policy T2 Accessibility requirements and new development
 Policy G1: Enhancing and extending green infrastructure
 Policy G4 New Greenspace provision
 Policy G8 Protection of species and habitats
 Policy G9 Biodiversity improvements
 Policy EN2 Sustainable design and construction
 Policy EN5 Managing flood risk
 Policy ID2 Planning obligations and developer contributions

- 5.3 The CS sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the CS. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area.
- 5.4 The emerging Site Allocation Plan (SAP) does not identify the site for housing purposes.
- 5.5 Unitary Development Plan (UDP) policies of relevance are listed, as follows:
- GP5: General planning considerations.
 - N23/N25: Landscape design and boundary treatment.
 - N24: Development proposals abutting the Green Belt.
 - N29: Archaeology.
 - N33: Green Belt.
 - N37: Special Landscape Area.
 - BD5: Design considerations for new build.
 - T7A: Cycle parking.
 - H3: Delivery of housing on allocated sites.
 - LD1: Landscape schemes.
- 5.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant.

SPG4 Greenspace relating to new housing development (adopted).
SPG10 Sustainable Development Design Guide (adopted).
SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living and Addendum (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG Greening the Built Edge
SPG Bardsey-cum-Rigton Conservation Area Appraisal and Management Plan
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (adopted).
SPD Sustainable Design and Construction (adopted).

- 5.7 The Bardsey Community Forum are in the process of drafting a Neighbourhood Plan. The current status is a pre-submission draft which has been the subject of public consultation between 17th June – 29th July 2016. All comments submitted in response to the formal consultation will be considered by the Steering Committee, and final amendments will be made to the Pre Submission Draft if appropriate, before it goes forward for inspection. As the plan is in its early stages in moving towards adoption only limited weight can be applied to this document at this time.

National Planning Policy Framework (NPPF)

- 5.8 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.
- 5.9 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It identifies 12 core planning principles (para 17) which include that planning should:
- Proactively drive and support sustainable economic development to deliver homes;
 - Seek high quality design and a good standard of amenity for existing and future occupants;
 - Protecting the Green Belts around main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - Conserve and enhance the natural environment;
 - Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
 - Promote mixed use developments and encourage multiple benefits from the use of land in urban areas;
 - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for the contribution to the quality of life of this and future generations;

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.

- 5.10 The Government attaches great importance to the design of the built environment. Section 7 (paras 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.
- 5.11 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 Part 9 relates to the protection of the Green Belt. The five purposes of Green Belt land are to set out this: to check unrestricted urban sprawl; to prevent town coalescing; to safeguard the countryside from encroachment; to preserve the setting and character of historic towns; and to assist in urban regeneration. Planning Authorities are required to ensure substantial weight is given to any harm to the Green Belt, with 'very special circumstances' required to clearly outweigh potential harm to the Green Belt, and any other harm which may result.
- 5.13 Part 10 relates to the climate change and flooding and notes that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimizing vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy.
- 5.14 Part 11 relates to conserving and enhancing the natural environment and notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 5.15 At paragraphs 111, 113 and 118 the NPPF gives guidance relevant to this proposal in respect of ecological and related matters.
- 5.16 Part 12 relates to the conservation and enhancement of the historic environment. In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.17 Paragraph 140 states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with

planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

- 5.18 Paragraph 188 notes that early pre-application engagement has significant potential to improve efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Planning Practice Guidance

- 5.19 In respect of planning obligations (including Sec.106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

- 5.20 Bramham Park Estate Strategy (October 2014) – This document was produced by the Estate as an estate wide strategy to review the special qualities of Bramham Park as a whole and to provide an overview of the various elements that make up an historic estate of the size and complexity of Bramham so that key issues can be understood and conservation priorities identified. The document also seeks to provide a broader view of the Estates assets, in order to look at ways to generate new sources of income which might address the significant heritage deficit that exists. The Estate hopes that this Strategy will act as a framework to inform and guide future decisions across the Estate. This document is not adopted by the LPA in the formal decision making process and therefore whilst it provides useful background information, it can be afforded limited weight. However, it is worth highlighting that a supporting statement from the Council as follows:

“The Council is supportive of the preparation of an Estate Strategy on the basis that this provides a focus for the delivery and priority of conservation projects across the estate and in planning terms provides the context and broader understanding of the wider estate functions and aspirations.”

Planning (Listed Buildings and Conservation Areas) Act 1990

- 5.21 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.0 KEY ISSUES

Principle of Residential Development

- (i) Inappropriate development in the Green Belt:

- 6.1 The site is located within the Green Belt and as such the erection of new dwellings in this location would constitute inappropriate development. Furthermore, the proposal would also cause harm to the character and openness of the Green Belt by its very scale and nature. Therefore, it is for the applicant to put forward and demonstrate the very special circumstances for setting aside Green Belt policy in this instance. The very special circumstances put forward by the Estate are set out

below, and will no doubt be referred to by the Estate in their presentation to Members.

- 6.2 Another key factor will be whether the applicant can demonstrate that a sustainable form of development can be achieved. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. In reaching a view on this regard will have to be had to the range of facilities in the local area and what contribution that they make to reducing the need to travel by private car, public transport provision. The sustainability credentials of the development can also be enhanced through the design and construction of the buildings and matters such as drainage provision. It should be noted that there are limited facilities within Bardsey and the local primary school has limited additional capacity.
- 6.3 Whilst this is not a determining factor regard should be had to the potential contribution this site could have towards housing delivery. This proposal is set against a context of central government placing an imperative on the delivery of new housing, of achieving sustainable development and at a local level emerging policy in the Core Strategy that seeks to set a housing target of the delivery of circa 70,000 new dwellings (gross) by 2028 across the city and with an indicative target of 5,000 within the outer north east area. This development provides an opportunity to deliver a limited proportion of the housing requirement for the outer north east area. The scheme would also deliver
- (ii) The Very Special Circumstances:
- 6.4 The applicant's very special circumstances are the significant improvements that the capital receipt of the site at Bardsey will deliver to a number of key heritage assets which include a number of Grade I, Grade II* and Grade II listed buildings which include Bramham House itself and The Biggin. Improvements will also be made to the historic landscape to which the Grade I Registered Park and Garden is designated as.
- 6.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.6 The applicant in their submission will need to set out sensitively what the finances are of the Estate in terms of income generation and outgoings (confidential), which will be independently assessed. The applicant will also set out the historical, cultural and architectural significance of the heritage assets and will describe the problems associated with them in terms of maintenance and deterioration. The applicant will also set out what works are required in priority order and their estimated repair costs.
- 6.7 Furthermore, the Estate A will identify other sources of income streams and funding resources and confirm that the development of the Bardsey site is the only solution for addressing the heritage deficit. The Estate will also set out that this is not an enabling development argument/justification and is based solely on demonstrating the very special circumstances.

- 6.8 The applicants will also set out that no alternative sites exist that could accommodate a development of this site in a more suitable and sustainable location within their land holding and that the site in Bardsey is the preferred option.
- 6.9 Both Officers and Members will need to weigh up all the necessary factors and come to a balanced view in the decision making process. There will be a need to take into account all material considerations in assessment of the site at Bardsey (detailed issues set out below).

Is there particular information that Members would like to see provided to help them assess whether very special circumstances exist in this case?

Layout and Form of Development

- 6.10 The submitted draft masterplan shows an indicative layout which proposes up to 150 dwellings.
- 6.11 The detailed form and design of the dwellings will be addressed through an agreed set of design parameters. This would cover matters such as the scale of buildings, use of architectural detailing and form, spatial setting and external materials. In the event of planning permission being granted the terms of the permission would require the detailed design of the development to meet the requirements of the agreed design code when any subsequent reserved matters application is submitted.

Do Members have any comments on the approach outlined to the design of the dwellings and the layout and form of the development?

Composition of the development

- 6.12 The applicant intends to provide a range of housing options for the local community which has been informed by survey data compiled as evidence relating to the draft Bardsey Neighbourhood Plan. A range of house sizes are proposed, which comprise a mix of 2, 3, 4 and 5 bedroom homes. 55 of these would be 2 bedroom properties which is understood what the community of Bardsey seek. The proposals also deliver a substantial new public park, improved pedestrian connections including a new footbridge over the beck, improvements to flood storage capacity and affordable housing.
- 6.13 The information provided states that up to 150 dwellings will be offered at the following (indicative) mix:

	Policy H4 Min %	Policy H4 Max %	Policy H4 Target %	Bardsey Site Housing Mix %
1 Bed	0	50	10	0
2 Bed	30	80	50	55
3 Bed	20	70	30	32
4 Bed+	0	50	10	54
5 Bed	-	-	-	9

- 6.14 The indicative mix broadly complies with the requirements of Policy H4. The affordable housing policy requirement for this area is 35% and the applicants have confirmed that the proposal will be policy compliant which will deliver 53 new affordable homes on site.

- 6.15 The proposed new public park is located to the rear of the proposed housing and measures 7 hectares. This is twice the size of the nearby Bardsey Cricket Club. The park would be accessible for new residents as well as existing residents of Bardsey with improved connectivity through the provision of new footpaths and a new footbridge over the beck. This area of land would also double up as an area of flood compensatory storage from the adjacent beck.

Do Members have any comments on the composition of the development?

Highways and Transportation

- 6.16 The proposed access is taken from the A58 and is considered to be satisfactory, subject to sightlines and gradient. There will be a need to address a number of technical matters.

Should a vehicular access be taken through The Drive to serve a limited number of dwellings, in order to avoid having all 150 properties from being accessed from a single point on the A58?

Flooding and Drainage

- 6.17 Rear of site in Flood Zone and therefore no development of housing on this part, save for a small section where levels will be increased slightly. The park area will deliver improved flood storage compensation and will be of benefit.

Landscape

- 6.18 The impact on trees and the visual impact of the proposed development will be an important consideration, not least from views from East Keswick and East Rigton. Due to site location and topography, views of the development site would not break the skyline and tree line from these villages.
- 6.19 However, landscape issues are also important in creating an attractive environment for the new residents and in having regard to the established character of the area, and thus the applicant seeks to retain most trees on site and provide additional landscaping across the site.
- 6.20 The illustrative masterplan also shows areas of new planting in various locations.

Other Matters

- 6.21 At the time of writing this report the heads of terms of any Sec. 106 Agreement had not been discussed. In addition to the point raised in the paragraph below the main aspects of the Sec.106 Agreement are likely to include affordable housing, public transport provision, the delivery and management of the park and other areas of open space and local employment and training clauses. However, the applicant has indicated that the proposal will be policy compliant in these respects.
- 6.22 A key aspect within the Sec.106 will be the requirement that the capital receipt for the Bardsey site funds the schedule to works to the heritage assets at Bramham as identified on an agreed schedule. A draft Sec.106 setting out how this will take place has been submitted.

- 6.23 The development will be CIL liable and the applicants estimate that the scheme could generate a total levy of £960,000. 25% of this (£240,000) could be directed towards the Bardsey parish if a Neighbourhood Plan is adopted.
- 6.24 There will also be the need to ensure that the living conditions of neighbours are not harmed as a result of the proposed development. Further consideration will be given to this aspect once the layout evolves at a detailed stage.

In light of the advice set out at 5.20 above are there any other matters that should form part of discussions on the heads of terms of any Sec. 106 Agreement?

7.0 CONCLUSION

- 7.1 Members will be advised of the details of this emerging scheme and are asked to consider the content of this report and presentation. Members are also asked to consider the following questions:

Is there particular information that Members would like to see provided to help them assess whether very special circumstances exist in this case?

Do Members have any comments on the approach outlined to the design of the dwellings and the layout and form of the development?

Do Members have any comments on the composition of the development?

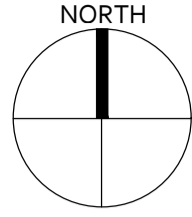
Should a vehicular access be taken through The Drive to serve a limited number of dwellings, in order to avoid having all 150 properties from being accessed from a single point on the A58?

In light of the advice set out at 5.20 above are there any other matters that should form part of discussions on the heads of terms of any Sec. 106 Agreement?

Background Papers:

Pre-application file: PREAPP/15/00882

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Client	Sandy Ltd.	Rev. Description.	By. Date.
Project	New Residential Development at Wetherby Road Bardsey cum Rigton	Drawing Title	Scale @ size
		2403 (PL)20	1:1000@A1
		Job No. Dwg No.	Revision
		September 2020	MW MW
		Date drawn Status	Drawn by Checked
		September 2020	MW MW

