



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 22nd September, 2016
at 1.30 pm
n.b. There are no site visits prior to the meeting**

MEMBERSHIP

Councillors

J Akhtar	J Bentley	B Anderson	R Finnigan
D Congreve		R Wood	
M Coulson			
C Gruen (Chair)			
E Nash			
A Smart			
C Towler			

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

A G E N D A

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

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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 - 25 AUGUST 2016</p> <p>To confirm as a correct record, the minutes of the meeting held on 25 August 2016.</p>	1 - 10
7	Headingley		<p>APPLICATION 15/02489/FU - FORMER ELINOR LUPTON CENTRE, RICHMOND ROAD, HEADINGLEY, LEEDS, LS6 1BX - APPEAL DECISION</p> <p>To note the attached report of the Chief Planning Officer regarding an appeal decision following the refusal of an application for the change of use of educational facility (D1) to (A4) Public House, external alterations and creation of outdoor areas to the front of the building and car parking to the rear.</p>	11 - 26
8	Middleton Park		<p>APPLICATION 16/03861/FU - LAND TO WEST OF TOWCESTER AVENUE, MIDDLETON</p> <p>To receive and consider the attached report of the Chief Planning officer regarding an application for the erection of 93 houses, new public open space, new roads including link from Throstle Road to Towcester Avenue and associated works.</p>	27 - 54

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9	Middleton Park		<p>APPLICATION 16/01656/FU - 43 MOOR FLATTS AVENUE, MIDDLETON, LEEDS, LS10 3SS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a part two storey, part single storey side extension and single storey rear extension.</p>	55 - 66

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.

SOUTH AND WEST PLANS PANEL

THURSDAY, 25TH AUGUST, 2016

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, J Bentley,
M Coulson, R Finnigan, P Gruen, E Nash,
A Smart, C Towler and R Wood

10 Late Items

There were no late items. Supplementary information was submitted for the following items:

- Application 16/03011/FU – 18 Welton Grove, Hyde Park, Leeds
- Application 16/03208/FU – Unit 2, Ledgard Way, Armley, Leeds
- Application 15/04285/FU – Billing Dam, Billing View, Rawdon, Leeds

11 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

12 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Akhtar and D Congreve.

Councillor P Gruen was in attendance as a substitute Member.

13 Minutes - 23 JUNE 2016

RESOLVED – That the minutes of the meeting held on 23 June 2016 be confirmed as a correct record.

14 Appeal Decision

The Panel was informed of the outcome of an appeal regarding Application 15/02489/FU for the change of use from an educational establishment to a public house and associated alterations at the former Elinor Lupton Centre, Richmond Road, Headingley.

The Panel considered the application in October 2015 and refused it on the grounds of harm to amenity and impact on local residents. The Inspector overturned this decision and granted planning permission subject to conditions. Weight was given to the restoration of a heritage asset.

A full report would be brought to the next meeting of the Panel.

Draft minutes to be approved at the meeting
to be held on Thursday, 22nd September, 2016

15 Application No. 16/03861/FU - POSITION STATEMENT FOR Erection of 93 houses, new public open space, new roads including link from Throstle Road to Towcester Avenue, and associated works at Land to West of Towcester Avenue, Middleton, LS10 4HF.

The report of the Chief Planning Officer presented a position statement with regards to an application for the erection of 93 houses, new public open space, new roads including link road from Throstle Road to Towcester Avenue and associated works at land to the west of Towcester Avenue, Middleton.

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

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

- The properties would consist of 2 or 3 bedroom dwellings.
- All properties would have 2 off street parking spaces including some with garages.
- There would be 18 affordable housing units.
- The existing carriageway would be widened due to the increase in vehicle movements.
- Drainage management scheme.
- There would be an off-site greenspace contribution of £327k.
- Garden areas all met minimum size requirements with many exceeding requirements.
- Internal space of properties met with emerging space standards.
- Reference was made to concerns from local residents which included the potential for rat running, drainage and lack of GP provision in the area.
- Existing public rights of way across the site would be retained.
- The sites to be used formed part of the brownfield land and were allocated housing land.

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

- The proposals complied with national and local policy.
- The benefits of the proposals included the following:
 - Development of a regeneration site.
 - Provision of a new link road.
 - Provision of traffic calming measures.
 - Provision of open space and off-site greenspace contribution.
 - Local employment opportunities during the construction phase.
 - Full Community Infrastructure Levy contribution.
 - Improvements to drainage.

- There were still some ongoing design issues and it was hoped to bring a full application for determination in September.

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

- Concern regarding properties having adjacent front doors – it was reported that this would be referred to the developer.
- Concern regarding the lack of school places in the area.
- Concern regarding the lack of proposals for bungalows when there was a demand particularly for older and disabled people.
- With regard to the new link road, there would not be sufficient traffic or pedestrian movement to justify the inclusion of traffic signals or a crossing.
- Ward Councillors had in general been favourable towards the proposals but had expressed some concern with regards to traffic matters.
- Support for improved road linkages across the site.
- Further design details on the proposed properties was requested.
- Support for the commuted sum for off-site greenspace and the development of brownfield land.

RESOLVED – That the report be noted.

16 Application No. 16/01656/FU: Part two storey, part single storey side extension and single storey rear extension at 43 Moor Flatts Avenue, Middleton, LS10 3SS.

The report of the Chief Planning Officer presented an application for a part two storey, part single storey side extension and single storey extension at 43 Moor Flatts Avenue, Middleton, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- The application had been referred to the Panel at the request of local Ward Members who had expressed concern that this could set a precedent for similar extensions.
- The proposed extension would be part two storey and single storey at the side and single storey to the rear of the property.
- Reference was made to representations that had been received which included impact on the streetscene and the impact on a neighbouring property.
- The proposed extension would cause some shadowing and loss of light to the neighbouring property but the majority of this overshadowing would be on the driveway and not on the garden.

- The single storey element of the extensions could be done under permitted development rights.
- It was recommended that the application be approved subject to conditions outlined in the report.

The owner of the neighbouring property addressed the Panel with objections and concerns regarding the application. These included the following:

- It was felt that the displayed plans were misleading and did not show that the extension was only 2.5 metres from their kitchen window.
- The extension would affect quality of life by causing darkness and compromising views.
- The revision to the original proposals only affected the first story part of the extension.
- There was a covenant that stated there should be no building within 6 feet of boundaries.
- In response to questions, the following was discussed:
 - The applicant had informed of plans to extend but not to the extent applied for.
 - There were smaller extensions elsewhere on the street.

The applicant addressed the Panel. The following was raised:

- The applicant had tried compromising and did not feel that the proposed extension would affect the neighbour's driveway.
- The proposed utility room that overlooked the neighbours' property would have frosted glass.
- The proposed extension would not cause the applicant problems with access to the rear of their property.

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

- Under permitted development rights, the applicant could build to the boundary at ground floor level. The wrap around part to the rear and any first floor extensions would require planning permission.
- Concern that neighbouring extensions could cause a terracing effect.
- The application met housing design guidelines and met other current guidance.
- It was requested that a report be brought to Joint Plans Panel on the issue of building on party boundaries.
- There would be overshadowing caused by the proposals even from the single storey parts that would be allowed by permitted development.
- Concern regarding parking arrangements due to the slope at the front of the property. It was reported that this could be raised to reduce the gradient and be conditioned as part of the application if necessary.
- It was proposed that the application be deferred for one cycle to allow for further negotiation with the applicant to see if further compromise could be reached.

RESOLVED – That the application be deferred for negotiation with the applicant regarding setting the extension in from the boundary by one metre at ground floor and reducing it in size.

17 Application No. 16/04334/FU - Single storey extension to side and rear at 3 Lea Farm Crescent, Kirkstall, LS5 3QQ

The report of the chief Planning Officer presented an application for a single storey extension to side and rear at 3 Lea Farm Crescent, Kirkstall, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- The application had been referred to the Panel as it had been made by the wife of a Leeds City Councillor.
- There had not been any objections to the application.
- The only part of the proposed extension that was not covered by permitted development was where the garage currently stood.
- The proposals were of a contemporary design and not considered to have a harmful impact. The rear was not visible from the street scene.
- The application was recommended for approval.

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

- There would not be access to the rear from the front of the property,
- There was no space within the properties boundaries to move the extension.
- As there was no objection to the application, it was proposed to approve.

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

18 APPLICATION No. 16/03011/FU – Change of use of dwelling (C3) to House in Multiple Occupation (C4) at 18 Welton Grove, Hyde Park, Leeds. LS6 1ES

The report of the Chief Planning Officer presented an application for the change of use of dwelling (C3) to House in Multiple Occupation (C4) at 18 Welton Grove, Hyde Park, Leeds.

Photographs of the property and surrounding area 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 for a Class C4 House in Multiple Occupation that would house between 3 and 6 tenants.
- Reference was made to policy which did not allow the conversion of properties to HMOs in certain areas.
- It was reported that two thirds of the street currently consisted of HMOs with the rest being family housing.
- The son of the current owner had requested the change of use to make the property more attractive for sale.
- It was recommended to refuse the application and it had been referred to Panel at the request of a local Ward Councillor.

The applicant addressed the Panel. He raised the following issues:

- The property had been in the family for the previous forty years. Due to his father's ill health, the applicant wished to sell the property to fund the purchase a property that was more suitable for the provision of his father's care.
- Due to the high density of HMOs in the area, the sale as a family property was undesirable and the property would not attract the necessary funds to purchase a property suitable for his father's needs.
- The property was not suitable for the necessary adaptations for his father's needs and Adult Social Care had suggested re-housing. The change to a HMO would allow a sale that would enable the purchase of a suitable property and remove the burden of the Council having to rehouse his father.

Further to questions from Members, it was reported that it had been established through previous cases and appeals that due to policy and planning case law, similar decisions based on an individual circumstances do not form the basis for a change in use of a dwelling.

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

19 Application No. 16/03208/FU. Change of use of retail warehouse unit (sui generis) to private adult members club (sui generis) at Unit2, Ledgard Way, Armley, LS12 2ND.

The report of the Chief Planning Officer presented an application for the change of use of a retail warehouse unit (sui generis) to a private adult members club (sui generis) at Unit 2, Ledgard Way, Armley, Leeds.

Members visited the site prior to the meeting and site photographs and proposed internal layouts were displayed and referred to throughout the discussion on the application.

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

- The application had been brought to the Panel at the request of local Ward Councillors due to a high level of public interest.

- The Panel was informed of the access and parking arrangements at the site and details of other properties in the area including distances to residential properties which were at least 70 metres away.
- Members were informed of representations received from local residents.
- It was not felt that the change of use of the premises would cause any conflict to residents or any anti-social behaviour. Similar premises had operated elsewhere in the City without complaints.
- Members were shown the proposed layout and the outdoor smoking area for the premises would only be accessible from within.
- There would only be minimal outdoor signage.
- The premises did not require a Sexual Entertainment Licence as there would be no charge for services. There would not be other licensable activity as there was no sale of alcohol.
- The application was recommended for approval.

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

- The bar area at the premises would only serve soft drinks. Customers could bring their own alcohol.
- The premises had been closed for approximately 6 months.
- Only discreet signage would be permitted outside the premises and this could be conditioned.
- It was not felt that there would be a noise nuisance as the Stanningley bypass ran between the premises and nearby residential properties.
- Concern was expressed due to the proximity of residential properties, schools and Armley Town Centre. It was felt that this application went against the efforts of the Council and other partners in the regeneration of Armley Town Centre.
- Sympathy was expressed to the concern of Ward Members and local residents but there was not sufficient planning grounds to refuse the application.

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

20 Application No. 16/01979/FU – Change of use from existing retail showroom to form assembly and leisure (D2) at 14 Crawshaw Hill, Pudsey, LS28 7BA

The report of the Chief Planning Officer presented an application for the change of use from existing retail showroom to form assembly and leisure (D2) at 14 Crawshaw Hill, Pudsey, Leeds

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

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

- The premises fell within the Pudsey Conservation Area.
- The application had been referred to Panel at the request of a local Ward Councillor due to concerns regarding highway safety and car parking.
- Members were shown proposed internal layouts for the premises and the application would cover both floors of the building.
- There had not been any highways objections to the application.
- It was recommended to approve the application subject to conditions outlined in the report.

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

- The premises had been empty approximately 18 months.
- The business would initially be family run but it was hoped that once established there would be job opportunities for local people.
- Car parking arrangements in the local area were explained and there had been no objections in relation to this.
- Concern was expressed regarding the double yellow lines on Crawshaw Hill and concern that people would park where the lines were discontinued. It was agreed to investigate as to why the lines were discontinued and that whether a traffic regulation order would be required to resolve this and prevent parking on Crawshaw Hill.

RESOLVED – That the application be approved in principle but deferred and delegated for approval to the Chief Planning Officer subject to clarification of the extent of double yellow lining on Crawshaw Hill and the relocation of the bin store to a more suitable place.

21 Application No. 15/04285/FU - Erection of dwelling with angling facility, car parking and retaining wall, Billing Dam Fishery, Billing Dam, Billing View, Rawdon, Leeds LS19 6PR.

The report of the Chief Planning Officer presented an application for the erection of a dwelling with angling facility, car parking and retaining wall, Billing Dam Fishery, Billing Dam, Billing View, Rawdon, Leeds.

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

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

- The application had previously been considered at the meetings held in October 2015 and March 2016 where it had been deferred to give the applicant opportunity to demonstrate the very special circumstances for development in the greenbelt and to demonstrate the viability of the proposed angling business.

- The proposed fishing business relied heavily on income from schools.
- A survey regarding the business proposals had only received three responses and it was not felt that this supported the demonstration of a viable business.
- It was recommended that the application be refused.

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

- Concern that if the fishing centre failed as a viable business that a dwelling would be left in the greenbelt.
- It was felt that the applicant had been given opportunity to demonstrate the viability of the business but had not been able to provide a convincing business case.
- Further to a query to regarding allowances for development in the greenbelt for small businesses it was reported that this was more towards the re-use of abandoned buildings.

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

22 Date and Time of Next Meeting

Thursday, 22 September 2016 at 1.30 p.m.

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Originator: Tony Clegg

Tel: 0113 2478020

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22 September 2016

Subject: Appeal Decision – 15/02489/FU - Change of use of educational facility (D1 use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear at the Elinor Lupton Centre, Richmond Road, Headingley

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

That Members note the contents of the report.

1.0 INTRODUCTION

- 1.1 At the meeting of the 25 August 2016 The Panel was informed of the outcome of an appeal regarding Application 15/02489/FU for the change of use from an educational establishment to a public house and associated alterations at the former Elinor Lupton Centre, Richmond Road, Headingley.
- 1.2 The Panel considered the application in October 2015 and refused it on the grounds of harm to amenity and impact on local residents. The Inspector overturned this decision and granted planning permission subject to conditions. The following is a brief summary of the Inspector's findings and the full decision letter is included with the agenda papers.
- 1.3 The Inspector noted that appeal property is a grade II listed building and is located within the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. He also noted that it has been vacant for several years and is currently boarded up.

2.0 IMPACT ON THE LIVING CONDITIONS OF NEARBY RESIDENTS OF A PUBLIC HOUSE

2.1 The Inspector considered this to be the main issue and gave this matter close and detailed examination, concluding that, subject to appropriate conditions, that the proposal "...whilst likely to increase activity within the immediate area, would not result in such a level of noise and disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed". The Inspector imposed conditions including a restriction on opening hours to 08.30 to 23.00 Sunday to Thursday and 08.00 to 23.30 on Fridays and Saturdays, restricting the volume of amplified music/televisions, restricting areas outside of the building where food and drink can be consumed, provision of acoustic fencing and hours of servicing and deliveries.

2.2 The Inspector noted that the property is situated in a predominantly residential area and that Headingley Lane, part of the A660, is a busy arterial route. It was noted that there is significant pedestrian traffic both night and day and the main area for the council's concern arises from possible disturbance late at night. The Inspector had regard to the fact that the outside drinking/eating area would be to the front of the premises and that acoustic fencing would be provided to the yard to the south. The Inspector accepted that there might be some additional noise and disturbance from cars parking on neighbouring streets but the evidence suggested that would be likely to be earlier in the evening and not significant. The Inspector accepted the council's and local resident's point that it is likely to be frequented by students but concluded:

"Surveys of existing pedestrian flows indicate that there are substantial pedestrian movements along Headingley Lane in the late evening in the vicinity of the appeal site, particularly on Friday and Saturday nights. Assessment also shows that Headingley Lane in the vicinity of the appeal site has a substantially high ambient noise level resulting mainly from road traffic. As a result, any additional noise that might be associated with customers coming and going, congregating or using the outside area with seating to the front of the building, is likely to be subsumed within this high level of ambient noise and would be unlikely to produce a material worsening of the noise environment for nearby residents." (para 21)

2.3 The Inspector noted the concerns, raised particularly by local residents, about disturbance arising from spikes in noise arising from shouting, singing etc.. In light of that and the particular characteristics of this location the Inspector imposed a condition restricting opening hours that he considered would safeguard the amenity of local residents.

3.0 THE LISTED BUILDING

3.1 The Inspector attached "...considerable importance and weight to the desirability of preserving this listed building and its setting together with that attached to preserving and enhancing the character and appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area². It was noted that the building had been empty for a considerable time and that the property had been extensively marketed. Reference was also made to the considerable sum proposed to be invested by the applicant in converting the building and bringing it back into use.

4.0 CONCLUSION

4.1 The appeal was allowed as the Inspector concluded that there would be no significant harm to amenity and that it would bring back into beneficial use a heritage

asset of some significance. There are no specific implications that arise from this decision for the council.

Appeal Decision

Site visit made on 2 August 2016

by **Philip Asquith MA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2016

Appeal Ref: APP/N4720/W/16/3147594

Former Elinor Lupton Centre, Richmond Road, Headingley, Leeds, LS6 1BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J D Wetherspoon PLC against the decision of Leeds City Council.
 - The application Ref. 15/02489/FU, dated 29 April 2015, was refused by notice dated 29 October 2015.
 - The development proposed is described as the change of use of the Elinor Lupton Centre from educational facility (D1 use) to A4 public house together with minor external alterations. Listed building application for internal and external alterations to the Elinor Lupton Centre.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the Elinor Lupton Centre from educational facility (D1 use) to A4 (public house) together with minor external alterations at the former Elinor Lupton Centre, Richmond Road, Headingley, Leeds, LS6 1BX in accordance with the terms of the application Ref. 15/02489/FU, dated 29 April 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The proposal was described on the application form as in the banner above. As the building to which the application relates is a listed building, an additional listed building consent application was submitted to the Council, which determined this separately. Consequently, the proposal subject to the planning application, and now this appeal, relates to the change of use from an educational facility (D1 use) to an A4 (public house) together with minor external alterations.

Background

3. The appeal property is an imposing grade II listed building dating from the early 20th century and having been extended in 1932. It is built of Portland stone in Egyptian/Classical style originally as a church, then passing to Leeds Girls High School in 1986 to provide a theatre and concert hall in association with the school's requirements. The property, which is also in the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area, is vacant having been so for the several years and is currently boarded up and fenced for security reasons.
-

4. The external works to convert the building to its proposed use are relatively limited with windows and doorways in the principal façades being reused, the only substantive external alterations being to the rear (southern) elevation. As noted above, listed building consent for the works has been separately granted by the Council. There would also be reuse of an existing rear car parking area.
5. Fronting onto Headingley Lane, the appeal site is situated roughly mid-way between the defined centres of Hyde Park Corner and Headingley. A public house use is a form of development that would normally be located in a defined centre as a Main Town Centre Use. To protect the vitality and viability of town centres, Policy P8 of the adopted Leeds Core Strategy (2014) requires a proposed change of use to a public house over a specified size to be accompanied by sequential and impact assessments. Given the size of the proposal, such assessments were carried out within a Retail Statement accompanying the application.
6. The officer's report on the application to the relevant committee suggested that because of the proximity to surrounding centres there could be a considerable number of sites that could potentially emerge that might be more sequentially preferable to the application site. However, it was noted that the applicant's business model was one whereby frequently unusual, characterful and challenging historic buildings often requiring considerable investment are sought, of which the appeal premises is an example, and which clearly couldn't be moved to a more sequentially preferable site. The report concluded that the proposal does not accord with the aims of Policy P8 but that positive aspects of the scheme mitigated any breach, notably the substantial weight that is required to be afforded to the re-use and restoration of an important heritage asset. Despite the officer's views, the sequential assessment concluded that there were no sequentially preferable premises suitable for the proposed use within town centres within a reasonably defined catchment area. I consider the assessment to have been sufficiently robust to accept this conclusion.
7. The conclusion of the impact assessment was that there would be no unacceptable effect on existing town centre businesses, a view with which the Council's planning officer concurred in his report to the relevant committee.
8. In refusing permission the Council has not made reference to conflict with Policy P8. Having considered the detailed assessments carried out, I am of the view that the proposal would not materially conflict with the aims of Policy P8.

Main Issue

9. From the foregoing and all I have read and seen, I consider the main issue in this case is the impact on the living conditions of nearby residential occupiers as a result of the proposed use as a public house.

Reasons

10. The appeal property is a substantial building that would provide a floor area for eating and drinking of over 1,500 sq m. The Council has not expressed concern about the impact of noise and disturbance from operation and use within the building itself. Its concern, and that expressed by nearby residents, relates to the potentially disturbing impacts of the comings and goings by patrons on foot and by vehicle that would be associated with the use. In this regard I have carefully considered the large number of representations received both at the

- application and appeal stages including those from residents, the local MP, and various local residents', community and neighbourhood organisations.
11. The property is situated within a predominantly residential area. It is flanked to its western side by Richmond Road to the opposite side of which are the tightly-knit terraces of 'the Manors' running at right angles. To the immediate south within Richmond Road is a detached dwelling, with semi-detached houses beyond. To the east is the substantial, stone-built, grade II listed Buckingham House, now divided into apartments, whilst opposite the front of the property and running perpendicular to Headingley Lane, are the residential culs de sac of The Poplars and Orville Gardens.
 12. Headingley Lane, part of the A660, is a busy arterial road to and from the city centre. The Council acknowledges that it is perhaps difficult to fully quantify any disturbance that could be directly attributed to the public house use given the appeal site's location on such a main road and in an area where there is already significant pedestrian traffic both day and night. It further acknowledges that patronage of the premises would be unlikely to result in harm for large parts of the day, its concerns arising from possible noise and disturbance late at night.
 13. Plans as originally submitted included the provision of a 'container bar' and external garden area within the present rear surfaced yard. Before determination by the Council these were deleted from the proposals in light of concerns regarding noise and disturbance that could result from their use. This rear area would now be solely used as a 17-space parking area and for access by service vehicles. The only outside eating/drinking area would be that to the immediate front of the premises facing onto Headingley Lane.
 14. The adjoining dwelling to the south is set at a lower level and is separated by substantial walling. In addition, it is proposed that acoustic fencing would be provided within the yard and parallel to this wall. As part of the application a Noise Impact Assessment was carried out, considering noise generated from plant, customers within the proposed outside areas and also noise emanating from within the premises when rear opening doors might be open in warmer weather. The assessment concluded that, even before the omission of the container bar and rear garden area, noise from these sources would not be likely to adversely impact on residential amenity. The officer's committee report notes that the Council's environmental health officers accepted this conclusion. An updated assessment to take account of these changes to the scheme reaffirms the initial assessment.
 15. Noise would result from the to-ing and fro-ing of vehicles to the premises, including the delivery and pick-up of patrons by taxis, and manoeuvring within the proposed rear car park, an area which has previously been used for parking purposes. It is also possible that, because of the limited parking available compared with the floor area of the premises, some vehicle parking may take place within the nearby residential streets to the west and south. Parking is unrestricted here and because of the largely terraced nature of the housing there are few off-street facilities so parking is a commonplace. I accept that the proposed use may result in some additional noise and general disturbance in certain circumstances when patrons have to search for spaces and manoeuvre on-street. However, it is proposed that opening hours in the late evening are restricted (discussed in more detail below) such that the likely volume and

- incidence of any disturbance then would not be significant. The appellant's evidence suggests that, based on experience of their public house operations elsewhere, peak times for vehicular traffic generation would anyway be earlier in the evenings.
16. I have also borne in mind that it is probable that access to the car parking area is likely to be taken in large part directly off Headingley Lane into Richmond Road thereby avoiding the more residential streets to the south. Reference has been made to the New Generation Transport trolleybus system (NGT) which, if were to go ahead in its present form, would prevent access between Headingley Lane and Richmond Road. In such an eventuality concern has been expressed that this would result in more vehicular use of the nearby residential streets. However, from the evidence presented, it is apparent that the relevant Secretary of State has rejected the present NGT scheme so there must be a degree of uncertainty as to whether this would be progressed and, if so, in what form. Should an NGT scheme go ahead in which access to Richmond Road from Headingley Lane was restricted, the appellant has put forward an option to create an 'in-out' to the rear car park. This would be through use of the existing eastern access to the premises for vehicles turning off Headingley Lane, although egress would still be necessary to the south on Richmond Road.
 17. The appellant's Noise Impact Assessment considered the context of vehicle activity into which extra traffic associated with the proposed use would be added, the degree of increase and the noise level change that would arise. It concluded that additional vehicular traffic resulting from the proposal would not lead to such an increase in noise above that existing such that there would be a significant impact on residential amenity, even if the NGT scheme was to result. The Council does not dispute the technical findings of either the original or the updated noise impact reports. The Council's Transport Development Services section has indicated that it has no objections to the proposal subject to the imposition of various conditions regarding parking, access and funding for potential Traffic Regulation Orders in connection with access to the proposed car parking area.
 18. From the evidence provided it is apparent that the immediate residential area has a large student population and as an eating and drinking establishment the proposal would be likely to draw significant custom from the area on foot. Particular concern has been expressed about exuberant behaviour fuelled by alcohol and the noise, disturbance and anti-social behaviour that can be associated with this. The appellant states that the aim would be for the establishment to be a family-orientated establishment where the majority of spending would be on food rather than drink.
 19. Nonetheless, the Council notes that the public house might function not only as a destination in its own right but also as a stop-off venue for revellers between drinking establishments in Headingley town centre and Hyde Park and the city centre beyond. It acknowledges that Headingley Lane is on a popular and well-known route used by students and others for drinking and entertainment¹. Despite the appellant's contention, I consider it likely that, given the site's location and the demographic make up of the area, the establishment would be likely to be attractive to a large student element.

¹ Known locally as the 'Otley Run'.

20. The appeal premises are freestanding. The nearest residential properties to the west on the opposite side of Richmond Road in Norville Terrace, Back Manor Terrace, Manor Terrace and Manor View have predominantly blank gables facing the site. As already noted, the nearest property to the south, No.3 Richmond Road, is set at a lower level and is screened by a tall and substantial solid wall. Buckingham House is set back from Headingley Lane behind the frontage of the appeal building and the residential properties to the north are set back across Headingley Lane and do not principally face the site.
21. Surveys of existing pedestrian flows indicate that there are substantial pedestrian movements along Headingley Lane in the late evening in the vicinity of the appeal site, particularly on Friday and Saturday nights. Assessment also shows that Headingley Lane in the vicinity of the appeal site has a substantially high ambient noise level resulting mainly from road traffic. As a result, any additional noise that might be associated with customers coming and going, congregating or using the outside area with seating to the front of the building, is likely to be subsumed within this high level of ambient noise and would be unlikely to produce a material worsening of the noise environment for nearby residents.
22. Control over late night opening hours can be exercised through the imposition of an appropriate condition. Those initially suggested by the Council were more restrictive than the appellant's standard opening hours². In reporting the application to committee with a favourable recommendation, the suggested hours were still more restrictive (Sunday – Thursday 08.00- 23.00 and Friday and Saturday, and including public holidays, 08.00-23.30). The appellant has indicated that the Council's originally suggested opening hours would be acceptable.
23. I have some sympathy with the notion expressed by certain objectors that the sounds of raised conversations, shouting, singing, and vehicle doors slamming would represent spikes in noise which would be distinctive elements from the general traffic noise within Headingley Lane and which some nearby residents may find disturbing. I am also mindful of the particular circumstances and characteristics of this location based on the evidence submitted. To safeguard residential amenity, particularly in the late evening when potential disturbance could be greatest, and when residents might reasonably expect a greater degree of quietude, I consider the Council's suggested greater restrictive opening hours regime to be more appropriate.
24. In combination with restrictions on opening hours the appellant submitted a Management Plan indicating what measures would be put in place to control activity on the premises. These would include not only opening hours but also delivery hours, restrictions on music, and the outside consumption of food and drink. The appellant has suggested that the operation of a Management Plan could be secured through the imposition of a condition on a planning permission. However, I also note that in recommending approval of the proposal the officer's report to committee included a list of suggested planning conditions many of which covered matters that would be included within a Management Plan. This is addressed below.

² Sunday to Thursday 08.00 to 23.00, Fridays and Saturdays 08.00 to 00.30 compared with the appellant's Sunday – Wednesday 07.00-00.30, Thursday to Saturday 07.00-01.30.

25. Reference has been made to the Council's Cumulative Impact Policy. This is a licensing rather than a planning policy which applies to the Headingley/Hyde Park area. Within this area further licences for A4 drinking establishments will not be granted by the Council unless it can be demonstrated that they will not contribute to or exacerbate amenity issues locally.
26. It would be for an applicant for a licence to demonstrate that its operation would not impact on the prevention of crime and disorder, the prevention of public nuisance, public safety or the protection of children from harm. I have had regard to this as a material consideration. However, I have accorded it only limited weight as it is not a development plan policy that has been subject to consultation or sustainability appraisal testing that is required for a development plan document. Nevertheless, in the event of planning permission being granted, the appellant would need to satisfy the four licensable objectives referred to above under the Licensing Act 2003. This operates as a separate regime to that of planning and which should provide concerned residents with a degree of extra assurance as to the management of the proposal.
27. Overall, through the imposition of appropriate conditions I am satisfied that the proposed development, whilst likely to increase activity within the immediate area, would not result in such a level of noise and disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed. As such, there would be no conflict with the thrust of saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006). This notes that development proposals should seek to resolve detailed planning considerations and avoid problems including environmental intrusion and loss of amenity.

Other matters

28. Paragraph 131 of the National Planning Policy Framework (the Framework) notes that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. As set out in Framework paragraph 132, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
29. The listing of the Elinor Lupton Centre underlines its significance as a heritage asset. In addition, the building makes an important positive contribution to the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area as a distinctive local landmark in a prominent location on a principal thoroughfare. This contribution is currently somewhat diminished by the building's empty, vandalised and deteriorating condition stemming from around a decade of being unused. The building is on Leeds Civic Trust's 'At risk register'.
30. The Officer's report to committee on the scheme notes the assessment that the proposed works to the building are sensitive and well thought out. There would be minimal alterations required to create the public house use in terms of subdivision or significant changes to the building's existing internal spatial qualities. I have no reason to disagree with this assessment.
31. The Council's acceptance of the impact of works on the special architectural and historic interest of the building is underlined by its granting of listed building consent. The proposed scheme would result in the building's reuse and

- refurbishment together with management of its external areas. I consider, however, that the proposed outdoor seating to the front of the principal element of the Headingley Lane façade would, to some degree, detract from the setting of the building. Nevertheless, the Council has suggested that, in the event of permission being granted, a condition should be imposed restricting external seating to the north-western area of the Headingley Road frontage, which is partially screened by existing hedging. I agree that this would be beneficial in maintaining the building's setting, revealing the imposing character of the façade and avoiding clutter that could result from outdoor furniture. The appellant has not expressed an objection to such a restriction.
32. From the evidence presented, it is clear that the property has been actively marketed over a prolonged period. A marketing report indicates that several options for reuse had been considered but all of which foundered for varying reasons as either not viable or practicable given the size and physical constraints of this listed building. The appellant has purchased the building and is clearly willing to invest a considerable sum in converting it and bringing it back into active use, a use which could result in providing the equivalent of 50 full-time jobs. In considering the application, the Council's conservation team accepted that the current proposal represents an optimum viable use which would justify any less than substantial harm to the building. On the basis of the evidence submitted, I have no reason to come to a contrary view.
33. I attach considerable importance and weight to the desirability of preserving this listed building and its setting together with that attached to preserving and enhancing the character and appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. In my view the proposals would further these aims. They would accord with Core Strategy Policy P11, which seeks to conserve and enhance the historic environment and buildings, as well as according with a core principle of the Framework which is to conserve heritage assets in a manner appropriate to their significance.

Conditions and obligations

34. In the event of planning permission being granted the Council has suggested the imposition of numerous conditions. Other than a condition relating to opening hours, which is discussed above, the appellant has not queried these. I have used the Council's suggestions as the basis of my consideration as to what conditions are required having regard to the tests for such as set out in paragraph 206 of the Framework, modifying them where necessary for clarity, consistency and enforceability.
35. Standard conditions are required relating to the commencement of development, and the specification of plans, for the avoidance of doubt and in the interests of proper planning. In order to ensure a satisfactory appearance, conditions are required relating to materials, landscaping and the protection of retained hedging (I am not aware of any trees within the site worthy of retention).
36. To safeguard living conditions of neighbouring occupiers, conditions are necessary relating to control over hours of opening, deliveries, construction hours, use and location of the outside seating area, opening of rear doors into the main public area, amplified music and televisions, plant and mechanical equipment, use of bottle refuse facilities, bin storage and the provision of acoustic fencing. For the same reason, and in the interests of highway safety, a

condition is required relating to access arrangements in the event of the NGT scheme occurring and involving the closure of Richmond Road from Headingley Lane.

37. In the interests of the free and safe use of neighbouring highways I shall impose conditions relating to the provision of cycle and motorcycle parking, provision for contractors during construction and the need for agreement of a car parking and servicing management plan. A condition is necessary to ensure the site is adequately drained.
38. I have also imposed the Council's suggested condition which would restrict the permitted change of use from a public house. This is in light of the building's location and the need to protect the vitality and viability of Headingley Town Centre, which might be affected if the property was to change to Class A1 (shops) or A2 (financial and professional services) uses.
39. It is apparent that discussion between the appellant and the Council took place regarding the necessity or otherwise of a pedestrian crossing or an upgraded pedestrian refuge within Headingley Lane close to the appeal site. The Council suggested this could be made subject to a 'Grampian' style condition which would secure such provision before the proposed public house use commenced. The Council has not put forward a suggested condition along these lines. I have noted certain residents' expressed concerns about pedestrian safety. Nevertheless, given uncertainties as to how Headingley Lane might be affected if an NGT scheme were to go ahead, I am not persuaded that the imposition of such a condition would be either necessary or reasonable.
40. Following discussions with the Council, the appellant has provided a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended). This provides for the payment to the Council of sums towards the cost of highway improvements and towards bus shelter improvements. The £20,000 sum for highway improvements is said to be towards the cost of a Traffic Regulation Order. This would be used to secure the protection of various road junctions and ensure that delivery vehicles could satisfactorily manoeuvre within nearby streets where there is on-street parking. I consider that such an obligation meets the tests of Framework paragraph 204 in being necessary, directly related to the development and being fairly and reasonably related in scale and kind to it.
41. The appellant has suggested that whilst the executed Undertaking provides for a contribution toward bus shelter improvements, this is not reasonably related to the proposed development. This is in light of uncertainty surrounding the NGT scheme and the possible rationalisation and upgrade of shelters within the area which might make such a payment unnecessary. I agree that on this basis such a payment is not necessary to make the development acceptable or would be directly related to it. As such, I have not taken this latter obligation into account in determining this appeal.

Overall conclusion

42. It is therefore my overall conclusion that, with the imposition of the suggested conditions, the proposal would not be likely to result in such levels of noise and general disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed. What impact there would be is in my view outweighed by the benefits of the proposal in securing the reuse and

refurbishment of an important designated heritage asset. I consider there would be no conflict with the development plan, taken as a whole, or with the thrust of guidance within the Framework, which presumes in favour of sustainable development.

43. I have taken all other matters into consideration but there are none that are sufficient to deflect from my conclusion above.

P J Asquith

INSPECTOR

Schedule of conditions

General

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 2014-051-023; proposed floor plans 2014-051-003 (P) and 2014-051-021; proposed elevations 2014-051-006 (D); proposed sections 2014-051-18 (A); block plan/layout plan (pre-NGT) 2014-051-500; and block plan/layout plan (post-NGT) 2014-051-501.
3. Prior to the commencement of development, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. Bin store provision shall be carried out in accordance with the approved details.
4. No amplified music or televisions shall be audible outside of the premises at any time.
5. There shall be no food or drink consumed outside of the building except in the area defined in condition No. 17.
6. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of the use hereby permitted.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) the use shall be limited to Class A4. There shall be no change of use of the premises to any other use class as defined in the Town & Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order with or without modification) without the express planning permission of the Local Planning Authority.

Materials

8. No building works shall take place until details and samples of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. The building works shall be constructed from the approved materials.

Landscaping

9. Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme.
- 10.a) No development shall commence until all existing hedges and planting shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained for the duration of the approved development.
- b) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.
- c) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to commencement of the approved development, to allow inspection and approval of the works.

Parking, access and deliveries

11. Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.
12. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
13. Deliveries shall be carried out in accordance with a delivery management plan which describes the routes for delivery pre- and post-New Generation Transport (if constructed) and which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby permitted.

14. The use hereby permitted shall not commence until a car park and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. Car parking and servicing shall be carried out in accordance with the approved plan.
15. Only in the event that the New Generation Transport (NGT) system is constructed and Richmond Road is closed to traffic from Headingley Lane shall the existing eastern access into the site from Headingley Lane be opened to cars and light goods vehicles as an 'in' only access. A scheme for signage and physical barriers, including details of their implementation, to prevent access out onto Headingley Lane via this eastern access, shall be submitted to and approved in writing before the NGT is constructed and the approved signage and/or physical barriers erected in accordance with the approved scheme.

Hours restrictions

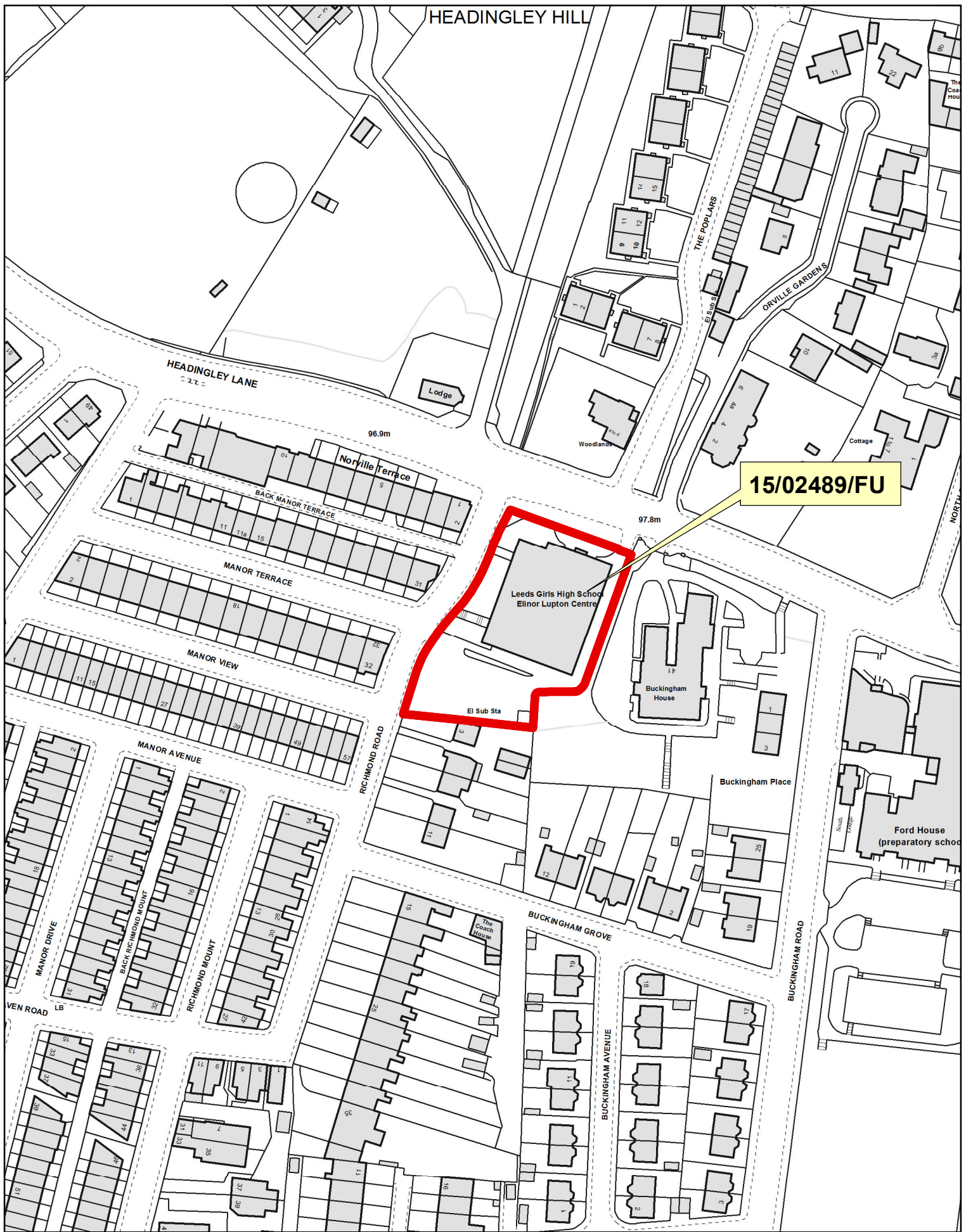
16. Hours of opening of the public house use hereby permitted shall be restricted to Sunday to Thursday 08.00 – 23.00 and Friday & Saturday 08.00am – 23.30am including public holidays. Last orders shall be 30 minutes before the closing times specified in this condition.
17. The outside area to the Headingley Lane frontage of the building shall not be used for the consumption of food or drink before 09.00 or after 22.00 on any day. Notwithstanding the details shown on the approved plans there shall be no tables and chairs located beyond the external seating area which is shown on plan ref. 2014-051-501 to the front and north-western side of the proposed store and dry store.
18. The rear glass doors of the building shall be closed no later than 22.00 each night.
19. Bottles shall not be placed in any outside receptacles between the hours of 20.00 and 09.00.
20. There shall be no deliveries to the site before 08.00 or after 18.00 Monday to Saturday and not before 09.00 or after 13.00 on Sundays and public holidays.
21. Hours of construction shall be limited to 08.00-18.00 weekdays and 09.00-14.00 Saturdays. There shall be no construction or other operations on Sundays or Bank Holidays.

Noise control

22. The use hereby permitted shall not commence until a scheme for noise control for plant and mechanical equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and any necessary noise control and attenuation shall thereafter be retained at all times.
23. Details of the proposed acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be

erected prior to the commencement of the use hereby permitted and shall thereafter be retained.

(End of the schedule of conditions)



SOUTH AND WEST PLANS PANEL





Originator:	Jill Rann
Tel:	0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 22nd September 2016

Subject: Application 16/03861/FU – Erection of 93 houses, new public open space, new roads including link from Throstle Road to Towcester Avenue, and associated works at Land at Towcester Avenue, Throstle Road and Thorpe Road, Middleton, LS10 4HF.

APPLICANT
Keepmoat Homes Ltd

DATE VALID
23rd June 2016

TARGET DATE
22nd September 2016

Electoral Wards Affected:

The site is in Middleton Park Ward but adjacent to the boundary with Ardsley and Robin Hood Ward to the south.

Yes Ward Members consulted
(Both Wards - referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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

1. Affordable housing – 15% (14 units) on-site in accordance with Core Strategy policy H5;
2. Commuted sum *in lieu* of on-site greenspace – £327,551;
3. Travel plan including monitoring fee – £2500;
4. Sustainable Travel Fund (to be used for the provision of Residential Metrocards) - £44,756.25;
5. Local employment.

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Section 106 agreement.
4. Wall and roofing materials to be submitted and approved.
5. Levels.
6. Details of traffic calming on link road from Throstle Road to Towcester Avenue to be submitted and approved, and works carried out prior to occupation.
7. Off-site highway works to replace chicanes on Towcester Avenue with speed table to be carried out prior to occupation.
8. Vehicle areas laid out prior to occupation.
9. Drive gradients.
10. Cycle parking.
11. Provision for contractors during construction.
12. Provision of electric vehicle charging points.
13. Development to be carried out in accordance with submitted sustainability statement.
14. Water efficiency – to comply with optional Building Regulations requirement of 110 litres per person per day.
15. Landscaping (including surfacing and boundary treatments).
16. Method statement for protection of retained trees during construction
17. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
18. Submission of a remediation statement.
19. Amended remediation statement in the event of unexpected contamination.
20. Verification reports following remediation.
21. Full details of works to extend swale within greenspace to the east, including landscaping.
22. Surface water drainage scheme.
23. No building over water main within the site or its easement.

1.0 INTRODUCTION:

- 1.1 This application relates to three sites in Middleton which have been identified for disposal by the Council as part of its Brownfield Land Programme, a strategic programme which seeks to secure the development of new homes in areas of the city which are more marginal from a viability perspective. As this is a key strategic regeneration project within the Middleton area, it was considered appropriate to report the scheme to Plans Panel rather than determining the application under delegated powers in this instance.
- 1.2 A position statement report was presented to South and West Plans Panel on 25th August 2016, setting out the details of the proposals and highlighting the key points for consideration as part of the application. Members expressed support for the proposals in principle, but requested additional information on a number of matters. The following specific points were discussed:
- Concern regarding properties having adjacent front doors.
 - Concern regarding the lack of school places in the area.
 - Concern regarding the lack of proposals for bungalows when there was a demand particularly for older and disabled people.
 - With regard to the new link road, there would not be sufficient traffic or pedestrian movement to justify the inclusion of traffic signals or a crossing.
 - Ward Councillors had in general been favourable towards the proposals but had expressed some concern with regards to traffic matters.

- Support for improved road linkages across the site.
- Further design details on the proposed properties were requested.
- Support for the commuted sum for off-site greenspace and the development of brownfield land.

2.0 PROPOSAL

2.1 The application 'site' boundary consists of three separate parcels of land, referred to below as sites A, B and C for ease of reference, as follows:

- Site A – A large triangular area of land immediately to the west of Towcester Avenue, together with a smaller L-shaped area of adjoining land to the west, between Throstle Road and Throstle Terrace.
- Site B – A vacant area of land to the south east of the junction of Thorpe Road and Thorpe View.
- Site C – A smaller, almost triangular area of land at the eastern end of Thorpe Road.

Unless otherwise specified, any reference in the report below to the application 'site' refers to the entire development area encompassing all three of these areas of land.

- 2.2 Permission is sought for the development of 93 new 2-bedroom and 3-bedroom houses across the three sites. The majority of the new housing is proposed to be 2 storey in design, including all of the properties on sites B and C, which are smaller 'infill' areas within the existing traditional Middleton estate. However, on the eastern part of Site A, which sits alongside more recent housing on the New Forest Village development to the north and east, a small number of 2½ storey properties are proposed.
- 2.3 All of the new houses are proposed to be constructed of brick with grey tiled pitched roofs, and would be relatively simple in their design approach, with interest added to the elevations through the incorporation of features such as string courses and canopies. A number of the larger properties on Site A would have gable features to the front, and chimneys have been proposed to selected properties across all three of the sites. The houses have been designed with reference to the principles established in the Middleton Masterplan, which is incorporated into the Belle Isle and Middleton Neighbourhood Framework as a guide for housing design in the area.
- 2.4 Two off-street parking spaces are proposed to each property. With the exception of two plots which would have garages, all parking spaces would be open, surface parking areas.
- 2.5 In accordance with core strategy policy H5, 14 affordable units (15% of the total) are proposed as part of the development. These comprise eight 2-bedroom units and six 3-bedroom units, which are proposed in two groups, one on site C in the north western part of the wider site, and one group in the southern part of Site A. The developer has advised that all of the affordable units would be constructed to meet Lifetime Homes standards.

- 2.6 As part of the scheme a new road link is proposed across Site A between Throstle Road (currently a cul-de-sac) and Towcester Avenue. The inclusion of this new link reflects an aspiration in the Belle Isle and Middleton Neighbourhood Framework which seeks to enhance connectivity across the wider area. The creation of this link has also been identified as an opportunity to facilitate improved public transport connections across the Middleton and Belle Isle area in the future, and although the services themselves are not something which is proposed as part of the current application, the width and layout of the new road link have been designed to a specification which would allow its use as a bus route in the future, should the opportunity arise.
- 2.7 In the light of concerns identified through the *Neighbourhood Framework* process regarding the potential for speeding and rat running that may arise from the creation of this new link, particularly in view of the width required to allow it to serve as a bus route, it is proposed to incorporate traffic calming measures along this stretch. These would take the form of speed cushions, continuing from the existing layout of speed cushions along Throstle Road to the west of the site.
- 2.8 As part of the application, it is also proposed to remove the existing chicane features on Towcester Avenue to the south of the site boundary and replace these with a raised speed table feature. This requirement has been identified by highways and traffic officers in the light of concerns that the existing chicane currently operates close to or above capacity at present, causing congestion and queuing on Towcester Avenue at certain times. As the new development would contribute additional vehicle movements onto the local network, and in the light of the concerns regarding the existing feature, the developer has agreed to fund its replacement as part of the development.
- 2.9 At the position statement meeting, Members sought further details regarding the proposed replacement speed table feature. Discussions regarding the exact design, length, materials etc are still ongoing between the developer and highways design officers, and the final design solution would be subject to approval as part of a Section 278 agreement, but it is understood that this would be situated between the positions of the chicanes that are to be removed and would be at least 6m long, allowing its use by buses, and constructed in tarmac.
- 2.10 It is proposed to extend Throstle Terrace (currently a cul-de-sac) to create an access drive that would ultimately connect to the new link road to the north east and which would serve the new houses on the Towcester Avenue site frontage, allowing them to be served from within the site instead of taking access directly from Towcester Avenue. In the light of concerns about the potential for rat running around this new 'loop', it has been designed with a narrower width, a footway on only one side, and as an elevated, block-paved surface with ramps at both ends to differentiate it from the main through routes, and discourage its use by through traffic.
- 2.11 A new cul-de-sac is proposed from Thorpe Road into site B to provide access into the eastern part of this site, and slight alterations are proposed to the existing turning area at the end of Thorpe Road to provide access to the 5 new properties that are proposed on site C.

- 2.12 The existing public right of way (PROW) that runs north-south through the middle of the site would be unaffected by the proposals. A second PROW that currently runs east-west across the southern part of site A is proposed to be directed slightly to run along the initial stretch of the new access drive at the end of Throstle Terrace, then continuing onto Towcester Avenue via a pedestrian-only link in the south eastern corner of the site.
- 2.13 There are relatively few trees within the site, but there are greater numbers around some parts of the boundaries and a small group along the southern part of the PROW in the southern part of the site. Following pre-application discussions in which concerns were raised regarding the loss of these trees, which are considered a positive feature on a site with relatively low tree cover, the layout has been revised to allow for their retention. New tree planting is also proposed within the site, including along the Towcester Avenue site frontage.
- 2.14 As part of the drainage proposals for the site, and following discussions between the developer and the Flood Risk Management section, it is proposed to extend the existing swale within the New Forest Plantations to the east to provide surface water balancing for the development.
- 2.15 With the exception of a small area of public open space to the south of the new link road junction with Towcester Avenue at the entrance to the site, no greenspace is proposed on-site as part of the development. The developer has instead agreed to provide a commuted sum *in lieu* of on-site provision in this instance, to be used towards the improvement of existing greenspace in the area. A sum of £327,551 has been calculated based on the number of dwellings and taking account of the area of public open space that is proposed on site.
- 2.16 It is expected that the application will be supported by a legal agreement covering the following obligations:
- Affordable housing – 15% (14 units) in accordance with Core Strategy policy H5.
 - Commuted sum *in lieu* of on-site greenspace - £327,551
 - Travel Plan including monitoring fee
 - Sustainable Transport Fund of £44,756.25 – to be used for the provision of residential Metrocards.
 - Local employment.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to three parcels of land to the west of Towcester Avenue in Middleton. The largest of these, 'site A', comprises a large triangular area of land immediately to the west of Towcester Avenue, together with an adjoining L-shaped section of land between Throstle Road and Throstle Terrace further to the west. This western section sits within the traditional Middleton estate development, while the eastern part of the site sits alongside the more recently-constructed housing within the New Forest Village development to the north and east and other new housing to the south east, and adjacent to the New Forest Plantations, a large area of open space extending eastwards on the opposite side of Towcester Avenue.

- 3.2 Although the western part of site A is relatively level, with a very gradual slope downhill from west to east, the eastern part is much more uneven, with steeper slopes downhill towards Towcester Avenue and uphill towards the new housing on Waggon Lane to the north, and various dips and level changes across the site. A public right of way runs north-south through the central part of the site, and there are a number of existing trees alongside this and around the boundaries of this southern part of the site.
- 3.3 Site B, at the junction of Thorpe View and Thorpe Road, is relatively level, with trees along the southern and part of the western boundaries. It is situated within the traditional Middleton estate, with terraced and semi-detached housing typical of the area to the north, east and south, but with more recently constructed semi-detached housing to the west.
- 3.4 Site C is a smaller area of land at the end of Thorpe Road, which is relatively level with trees along its southern boundary. The site sits at the edge of the Middleton estate development, with more traditional housing to the west and south, and newer housing on the New Forest Village development on the opposite side of the public right of way to the east.
- 3.5 At present, Throstle Road, Thorpe Road and Throstle Crescent are all cul-de-sacs, and although there are pedestrian access routes across the eastern part of the site, there is no vehicular access from this part of the Middleton estate directly onto Towcester Avenue at present. Access by car or public transport to areas east of the estate, including areas such as Middleton District Centre and the Asda supermarket to the north east and Middleton Road towards the M1 and Wakefield to the south east, is therefore quite limited at present, involving travel westwards and/or northwards back through the estate to reach other connecting routes.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The stretch of Towcester Avenue adjacent to the site was laid out as a connecting route as part of the New Forest Village development to the north, and the eastern part of site A, adjacent to Towcester Avenue, was within the application site boundary for the original outline permissions for New Forest Village (22/52/01/OT and 22/182/03/FU). However, it is understood that this land was previously being considered as a site for a school and it was therefore not developed at that time. A different site has now been identified for the proposed school on the northern side of Thorpe Road, close to site B. Further details of this are provided below.
- 4.2 A pre-application enquiry relating to the proposed development was submitted in February 2016 (PREAPP/16/00082). This is discussed in more detail in section 5.0 below.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application enquiry was submitted by the developer in February 2016 for 105 houses, and meetings were held between the developer and planning, highways and design officers in March and May 2016 to discuss the proposals. The Middleton Park Ward Members were also notified of and briefed on the proposals at that time, and comments were fed back into the meetings with the developers.

- 5.2 In considering the pre-application proposals, which included the proposed new link road from Throstle Road to Towcester Avenue, highways officers identified the opportunity for this to provide a new bus route and enhance public transport connectivity across the area towards, including to the district centre and Asda supermarket to the north east. In response to this, this layout of this new 'link' section of road was revised in discussion with highways to a width and layout which would allow its use by buses in the future, should the demand and/or desire arise.
- 5.3 Concerns were also raised at pre-application stage about a number of issues including very close spacing of buildings and prevalence of vehicular parking to site frontages in some parts of the site, and about deficiencies in the size and area of garden areas across the development. In response, the plans have subsequently been revised to reduce the number of units from 105 to the 93 that are now proposed, to allow greater separation between buildings and the incorporation of more driveways to the sides of houses rather than parking spaces to the front. In addition, the garden areas to all plots would exceed the 2/3 floor area recommended in *Neighbourhoods for Living*.
- 5.4 The layout has also been revised following pre-application discussions to allow the retention of the group of trees alongside the public right of way in the southern part of the site, and to provide appropriate levels of separation between the proposed houses and other trees around the site boundaries.
- 5.5 Following the position statement report to Members in August, further clarification and information has been received from the developer in relation to certain points, including the design of the houses and the provision of Lifetime Homes properties as part of the scheme.

6.0 PUBLIC/LOCAL RESPONSE:

Pre-application consultation by the developer

- 6.1 Before submitting the application, the developers met the Middleton Park Ward Members on 29th April, and held two public consultation events for Ward Members and members of the public at St George's One Stop Centre, next to Middleton district centre, one on 25th May and one on 7th July.

Ward Members

- 6.2 The site is within Middleton Park Ward but the southern parts of the site are adjacent to the boundary with Ardsley and Robin Hood Ward. Both groups of Ward Members have been notified of the proposals and briefings have been held with most of them.
- 6.3 A briefing was held with the Middleton Park Ward Members on 8th July. The following points were discussed:
- Concerns raised by residents to the east about the new road linking Throstle Road to Towcester Avenue, and the potential for speeding, rat running and additional traffic on St George's Road and Towcester Avenue.
 - Further information was sought by Members regarding traffic calming on the new link road, and whether its junction with Towcester Avenue could be signalled with pedestrian crossings, particularly in view of the proposals currently being developed for a new school on Thorpe Road to the north.
 - The replacement of the chicane on Towcester Avenue to the south with a raised plateau feature. Members sought assurances that, if done, the plateau would be high enough to slow vehicle speeds sufficiently, and that its construction would

withstand the amount of traffic that would pass over it, as others further north had started to deteriorate.

- The potential for speeding and rat-running along the new 'loop' proposed in the eastern part of the site, connecting the new link road to the end of Throstle Terrace. Could this be a cul-de-sac instead?
- New tree planting along Throstle Road should be mature/semi-mature.
- Members were supportive of the developer providing a commuted sum towards improving existing greenspace instead of further greenspace on-site, subject to agreeing an appropriate project. Suggested schemes include improvements at Throstle Recreation Ground to the west, and tree planting along Throstle Road.

6.4 Briefings have also been held with Councillor Dunn and Councillor Renshaw from the neighbouring Ardsley and Robin Hood Ward, and a briefing note was sent by email to Councillor Mulherin. The following points have been raised in discussions and responses:

- Concerns regarding the proposed creation of a new link road from Throstle Road to Towcester Avenue and additional traffic that this would create on Towcester Avenue, which already suffers from congestion south of the site.
- Concerns regarding existing volumes of traffic within the Heritage Village to the south of the site, and impact of the proposed development on this.
- Possibility of some of the greenspace commuted sum to be used towards improvements or provision of equipment on New Forest Plantations to the east of the site.
- Lack of pedestrian crossing facilities of Towcester Avenue and on Middleton Avenue south of the site, particularly a concern as these routes are used by children walking to local schools.
- Speeding on Middleton Lane and Thorpe Lane further to the south, at the southern end of Towcester Avenue.
- Replacement of chicane with plateau feature. Ok in principle.
- Could the mini-roundabout further south on Towcester Avenue be removed?
- Concern that housing to the south might not benefit from future public transport improvements.

6.5 The Ward Members from both Middleton Park and Ardsley and Robin Hood Wards have been updated following the position statement report. Councillor Truswell (Middleton Park) reiterated the serious concerns regarding the potential traffic issues that have been raised by Members and local residents, and the need to address these concerns as fully as possible through robust traffic calming and other measures. Councillor Groves (Middleton Park) has also reiterated her concerns regarding the road in the light of other recent developments in the area. Councillor Dunn (Ardsley and Robin Hood) has advised that he still has concerns regarding the proposal for a new through road from Throstle Road to Towcester Avenue.

Other public response

6.6 The application was originally advertised as a major application and as affecting a public right of way by site notices, posted 8th July 2016, and by press notice in the Yorkshire Evening Post, published 1st July 2016. Changes were subsequently made to the red line site boundary to incorporate an area of land within the New Forest Plantations greenspace to the east, which is proposed to form part of the surface water balancing area for the development (as agreed by the Council's Flood Risk Management section). Replacement site notices were posted advertising the receipt of this revised plan on 5th August 2016, extending the period for public comments by a further 14 days.

6.7 To date, 38 letters of objection have been received. Many of those who have commented have advised that they don't object to the principle of new housing development on the sites, but that they have concerns about particular aspects of the proposal details, including the creation of the new link road between Throstle Road and Towcester Avenue. The following concerns have been raised:

- St George's Road and Towcester Avenue are already used as a rat run.
- Additional traffic on already crowded local road network.
- Existing problems with illegal/antisocial driving and joyriding of cars and motorcycles on Throstle Road and St George's Rd/Towcester Ave, and unlicensed motorcycles on New Forest Plantations. Opening up link will provide an extended circuit and worsen this problem and create dangers for residents.
- New link road itself would be used as a rat run – affecting those who live on it.
- Additional traffic would route along Throstle Road, which is a narrow street where children play, and is not suitable as a link.
- There should only be pedestrian and cycle access between Throstle Road and Towcester Avenue, not vehicular.
- Will proposed traffic calming measures on new bus route be sufficient to prevent speeding and rat running?
- Existing traffic calming features don't work and are deteriorating. This appears to be recognised by LCC highways in their requirement for the replacement of the chicane on Towcester Avenue.
- Towcester Ave/St George's Road dangerous to cross because of vehicle speeds.
- Visibility between the new link road junction and Towcester Avenue would be obscured when there are buses at the existing bus stop. As the link is designed as a bus route, likely this would worsen.
- No surveys of existing traffic on the roads around the development appear to have been undertaken.
- Queries regarding methodology of Transport Assessment.
- Chicane on Towcester Avenue is dangerous at present as vehicles don't wait when it's busy and risk accidents.
- Existing problems with Asda roundabout and mini roundabout at southern end of Towcester Avenue.
- Additional traffic on Thorpe Lane into Tingley, together with 170 houses already proposed there, will make Thorpe Lane/A650 junction worse.
- Adequate parking should be provided.
- Overdevelopment.
- Loss of a greenspace in a built up area. One of the areas of land is identified as designated greenspace – small area proposed is not sufficient to replace this.
- Neighbourhood Framework refers to creation of a link but this is not a statutory plan as it has not been subject to examination.
- Air quality – additional vehicles.
- More public space should be included, such as a playground or park for new and existing residents.
- Additional pressures on schools, police and GP services.
- Pressures on existing drainage system.
- Insufficient public consultation – lack of publicity, not held at suitable times, no representation from developer at 2nd event.
- Are any public amenities, such as a shop, proposed?
- What will the S106 contributions be used to fund?
- In favour of housing as the land is an eyesore and poorly maintained at present.

- 6.8 One letter of comment has been received, commenting that there is a need for housing in the area and that the parking seems reasonable and the plans well thought out, but raising concerns about additional traffic on Towcester Avenue/St George's Road, the impact on local schools and GPs, and drainage.
- 6.9 Two letters of support have been received from residents within the original Middleton estate, raising the following points:
- The merging of the old and new estates will be of great benefit to the community, and the opening up of the road will provide another access route through the estates.
 - Proposals will improve the area – nothing has been done with these plots since the former housing was demolished and some suffer from fly tipping.
 - Proposals seem to be in keeping with the character of the area, but seem to be quite closely-spaced in some areas.
 - The new link road won't become a rat run, especially if traffic-calming measures are installed, don't think the link road will increase traffic up St George's Road, but might divert some traffic from Middleton Park Avenue to the new link road, with the knock-on effect of making getting to Middleton Primary school safer.
 - Public right of way diversion will make it more usable. Some improvements to other sections of the public right of way would be welcomed.

7.0 CONSULTATION RESPONSES:

Statutory

Coal Authority

- 7.1 No objection.

Non-statutory

Highways

- 7.2 The proposed link road between Throstle Road and Towcester Avenue is considered acceptable. Following the receipt of revised plans addressing a number of comments regarding the site layout, no objections subject to conditions.

Contaminated Land

- 7.3 No objections, subject to conditions.

Police Architectural Liaison Officer (ALO)

- 7.4 The area has experienced higher than average recorded crime figures, with burglary and vehicle crime the two most recorded. Having reviewed the plans the layout looks good from a crime prevention point of view. The following recommendations are made:

- In view of the level of calls received by the police and the Council in relation to speeding and parking complaints, adequate visitor parking and traffic calming measures are recommended.
- Alley ways and ginnels should be avoided.
- Rear boundaries should be secure with appropriate boundary treatments, particularly where these adjoin public rights of way.
- Advice is provided in relation to locks, boundary treatments, alarm systems and boundary treatments.

7.5 In the light of the concerns raised by residents in relation to joyriding and antisocial driving of motorcycles in the area and the potential implications of the proposed new access link in this respect, further advice has been sought from the ALO on this matter. Having reviewed the crime statistics for the area in the vicinity of the site and the new link road, he has advised that the number of reported incidents of antisocial behaviour and vehicle-related crime over the last 18 months is very low based on the population density of the area. It is acknowledged that there may be some degree of under-reporting, however having considered the proposals in the light of the information available, the ALO has not raised significant concerns regarding the implications of the proposals in this respect.

Flood Risk Management

7.6 No objection, subject to conditions.

Yorkshire Water

7.7 No objections subject to conditions.

Public Rights of Way

7.8 A minor diversion order is required in relation to the footpath in the southern part of the site. The developer is aware of this.

Travelwise

7.9 Comments were provided in relation to the originally-submitted travel plan, and a revised travel plan has now been submitted which seeks to address these. This is currently under consideration and, once finalised, will be incorporated into the legal agreement for the application.

West Yorkshire Combined Authority

7.10 It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking/cycling promotion and or further infrastructure enhancements. The contribution appropriate for this development would be £44,756.25. [The developer has agreed this contribution, and that they wish to use the sum to provide MetroCards in this instance. A separate obligation to this effect is proposed to form part of the legal agreement].

8.0 PLANNING POLICIES:

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

Development Plan

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

8.3 The western part of site A is included in the UDP housing allocation for the Sharp Lane (now New Forest Village) development to the north. The remainder of site A, and sites B and C, are unallocated in the development plan.

Relevant Policies from the Core Strategy are:

GENERAL POLICY – Presumption in favour of sustainable development
SP1 – Location of development in main urban areas on previously developed land.
H2 – Housing development on non-allocated sites.
H3 – Housing density
H4 – Housing mix
H5 – Affordable housing
H8 – Provision for independent living on schemes of 50+ units
P10 – High quality design.
P12 – Good landscaping.
T2 – Accessibility.
G4 – Greenspace
G8 – Biodiversity improvements.
EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.
EN5 – Managing flood risk.
EN7 – Protection of mineral resources (coal, sand, gravel).
ID2 – Planning obligations and developer contributions.

Relevant Saved Policies from the UDP are:

GP5 – General planning considerations
N23 – Incidental open space around development.
N25 – Landscaping
BD5 – General amenity issues.
LD1 – Landscaping

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.
MINERALS3 – Surface Coal resources
AIR1 – Major development proposals to incorporate low emission measures.
WATER1 – Water efficiency, including incorporation of sustainable drainage
WATER4 – Effect of proposed development on flood risk.
WATER6 – Provision of Flood Risk Assessment.
WATER7 – No increase in surface water run-off, incorporate SUDs.
LAND1 – Land contamination to be dealt with.
LAND2 – Development should conserve trees and introduce new tree planting.

Draft Site Allocations Plan

- 8.4 Leeds' draft Site Allocations Plan (SAP), was subject to public consultation in autumn 2015. The Council is currently in the process of reviewing responses received from the consultation process and some revisions have been made in the light of these. The draft SAP is material to the consideration of the application, however as the draft is subject to further potential revisions and, ultimately, to final publication and examination before its adoption, the weight that can be given to it remains limited at this stage.
- 8.5 Site B was proposed as a housing allocation in the publication draft that was subject to public consultation last autumn. At that time, the western part of site A was proposed as an area of new greenspace, as has been noted by a local resident in their comments on the current application. However, since the SAP consultation, some sites have been reviewed to correspond with proposals in the Belle Isle and Middleton Neighbourhood Framework (NF). The NF was the subject of separate

consultation locally at the time of its formulation, and is intended to provide a strategic approach to the development and regeneration of the whole area, taking account of the need for supporting infrastructure such as greenspace alongside new housing development. Having considered the balance of housing and greenspace in the area, the NF does not include this site as being required for greenspace, and instead identifies it as a new housing site. The draft SAP proposals have subsequently been revised, and the whole of Site A is now proposed to be included as a housing allocation.

- 8.6 Site C is not proposed as a housing allocation in the draft SAP, and is proposed to remain unallocated.

Supplementary Planning Guidance and Documents

- 8.7 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
Street Design Guide SPD
Parking SPD
Travel Plans SPD
Sustainable Construction SPD

- 8.8 Belle Isle and Middleton Neighbourhood Framework (NF) and Middleton Masterplan
The Framework was adopted in September 2013 following local consultation, and is intended to provide guidance for the (re)development and regeneration of these areas, building on previous initiatives to secure their continued improvement, including the Middleton Masterplan, which is now incorporated within the Framework. The NF recognises in particular the challenges presented by housing clearance which has taken place over the last 20 years, leaving large areas of vacant land, and includes a proposals plan identifying these and other sites for new development for housing and other uses.

- 8.9 As well as site-specific aspirations for these sites, the NF also includes guidance around a number of other key topics aimed at providing the necessary infrastructure and facilities to support new housing development as part of the area's ongoing improvement. These include community uses, improved greenspace, and better connectivity around the area and to other parts of the city.
- 8.10 Whilst not an adopted SPD, the NF is nonetheless a material planning consideration in the determination of applications within this area.

National Planning Policy

- 8.11 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.12 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.

Nationally Described Space Standards

- 8.13 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

1. Principle of development
2. Highway safety and access
3. Design, layout and landscaping
4. Residential amenity
5. Greenspace
6. Sustainability
7. Education and GP provision
8. Drainage
9. Planning obligations and legal agreement
10. CIL
11. Other issues

10.0 APPRAISAL

Principle of development

- 10.1 Although all of the sites are now vacant, sites B and C and the western part of site A have previously been occupied by housing, and all have been identified as sites for new housing development in the Neighbourhood Framework. Sites A and B have subsequently been identified as housing sites in the draft SAP. Whilst site C is not specifically identified as a housing allocation in the SAP, it is a small area of previously-developed land within an existing residential area.
- 10.2 As the sites are not currently allocated, policy H2 applies, however the intention to allocate the sites in the draft SAP carries some weight, and it is noted that the sites have been defined as part of a wider framework which seeks to support new housing with the provision of supporting infrastructure. A number of the sites have also previously been occupied by housing. Matters relating to education and health provision are discussed further below, and, whilst there are some deficiencies in connectivity across the area at present, it is anticipated that the creation of a road link between Throstle Terrace and Towcester Avenue as proposed would provide some improvement in this respect, particularly as this would also be designed to allow its use as a bus route in the future. In the light of the above, and subject to detailed consideration of relevant material planning considerations, including design and highway safety, which are discussed further below, it is considered on that the principle of residential development is acceptable.
- 10.3 The density of the proposed development, at around 35 dwellings per hectare, would be slightly below the recommended levels in policy H3. However, as discussed in more detail below, the layout is considered to reflect the character and

pattern of the surrounding area and to provide appropriate levels of amenity for future residents, and in the light of this, is considered acceptable in this respect.

- 10.4 The housing mix is in accordance with the ranges recommended in the core strategy in accordance with policy H4. No flats are proposed, however in view of the scale of the development and the character of the area, the proposals are considered acceptable in this respect in this instance.
- 10.5 Core strategy policy H8 requires developments of 50+ dwellings to include provision for independent living. In this case, this provision is proposed in the form of the 14 affordable units, all of which would be built to meet Lifetime Homes standards. The standards are widely recognised, and define a series of 16 design criteria that can be applied to new-build houses to allow them to be more easily adapted to support the changing needs of individuals and families at different stages of their lives. They include level parking and entrance areas, the incorporation of a ground floor room that could be adapted to a bedroom, and designing internal layouts to allow for the addition of a stairlift or through-floor lift in the future if necessary.
- 10.6 There was some discussion at the previous Panel meeting regarding the possibility of including bungalows as part of the scheme, and further information has subsequently been sought from Housing in relation to the demand for bungalows in the area. As the housing waiting list only includes details of an applicant’s age and bedroom entitlement, not the type of property that they would like, the level of demand is difficult to quantify precisely. However, Housing have provided information in relation to the average numbers of bids that have been received for various types of houses when they have become available over the last 24 months.
- 10.7 The table below compares the numbers of bids received for 1-bed bungalows and sheltered bungalows in Middleton with those received for 2-bedroom and 3-bedroom houses (the house types proposed as part of the current application) over this 24 month period. City-wide averages are also included for comparison. As this information does not cover private sector demand, and it only refers to 1-bedroom bungalows and not larger properties that may be provided privately, it should be noted that some caution may be needed in interpreting and applying these results across the wider housing market.

	1 Bed Bungalow	Sheltered 1 Bed Bungalow	2 Bed House	3 Bed House	Average (all house types)
Middleton	53.75	42.56	124.45	91.25	83.72
City Avge	65.52	41.06	107.18	85.27	62.30

Table 1: Bids received by house type, last 24 months.

- 10.8 Whilst Members’ comments regarding the provision of bungalows are acknowledged, and whilst the information in the table above does not capture the full extent of the local housing market and is included for information only, it does appear to show that there is also considerable demand for 2-bedroom and 3-bedroom houses when these become available. It is also noted that policy H8 is not prescriptive about the form that ‘independent living’ provision should take. In this instance 15% of the units would be designed to meet the Lifetime Homes standards, providing the opportunity for their adaptation in the future and allowing residents to continue living independently in their homes as they grow older, or if their mobility needs change over time. It is therefore considered that the proposal to provide the H8 requirements in the form of 14 ‘Lifetime Homes’ is acceptable, and it is not

considered that a refusal of the application on the grounds that no bungalows are proposed could be justified.

Highway safety and access

- 10.9 The NF recognises the benefits of existing pedestrian and cycle links across the area, and that services from the area to the city centre are generally quite regular, but identifies a number of existing deficiencies in connectivity that present a constraint to its development and regeneration, including the lack of public transport connections across the area itself, and the need to improve and provide new pedestrian and cycle routes and other links across the area. Opportunities for enhancements 'to ensure that the area is better connected for all residents' are identified as a key priority in the NF.
- 10.10 The NF identifies that 'integration between New Forest Village and the original Middleton estate is poor', and that 'this is in part due to poor pedestrian connections and no direct road link [between the two areas]' As a solution, the NF advises that 'to improve movement across the area, connections should be created between Towcester Avenue and Throstle Road,' ensuring that the design of any such connection was 'carefully considered to ensure that rat running is not encouraged.' Speeding was also identified as a possible concern to be taken into account when considering new and existing routes through the area.
- 10.11 As the application site bridges the gap between the two routes referred to in this section of the NF, and spans both the traditional estate and the more recent New Forest Village development, the current application site provides the opportunity to make this connection as a means of providing greater integration between these two areas of Middleton. This has been reflected in the design of the application scheme, which incorporates a through road connection between Throstle Road and Towcester Avenue.
- 10.12 The creation of this new link road has also been identified as an opportunity to provide a new bus route in the future, reflecting the aspiration to enhance public transport services across the area, and the width and specification of the road have been designed to allow for this. In the light of the concerns raised in the NF regarding rat running and speeding, discussions are ongoing with traffic about the most appropriate means of providing traffic calming along this new stretch of road in order to discourage such activities.
- 10.13 Concerns have been raised by residents to the east of the application site regarding the potential for this new connection to increase traffic on Towcester Avenue and St George's Road, with particular reference to congestion at certain points to the north and south of the site at particular times.
- 10.14 A transport assessment considering the existing situation and the likely implications of the proposals (including the new road link) for the local highway network has been submitted by the developer. Having reviewed this and consulted with Traffic officers, Highways have advised that the proposed development would not be likely to generate a significant increase in the overall number of trips across the wider local network, but would instead result in a redistribution of local trips by providing an alternative route through the area.
- 10.15 The overall development of 90 dwellings is spread across 3 sites, with only 52 dwellings in the immediate vicinity of the new road. It is recognised that the opening up of the link road would provide a connection to the south eastern end of the Middleton Estate and this will lead to some additional traffic from the estate using

the link and then Towcester Ave (e.g. to reach the nearby district centre). However, there would likely be an equivalent reduction of traffic movements elsewhere within the estate, thus the effect of the link would be largely neutral in terms of overall traffic flows in the locality.

- 10.16 At present, residents wishing to travel from Throstle Road and Terrace in the south eastern part of the original Middleton estate must travel westwards or northwards through the estate before reaching connecting roads to take them back east or south east. Although improvements have been made to the roads within the estate over the years, their width and layout reflects the age of the estate and they can be narrow, and on-street parking can compromise their navigability in some places.
- 10.17 In contrast, Towcester Avenue/St George's Road was constructed more recently as part of the newer housing development to the east, and was specifically designed as a through route intended to carry traffic higher volumes of traffic through the area. By opening up a connection from the original estate onto this wider route, the proposals would not only provide a more direct connection between the original estate and the modern housing, and which is identified as a priority in the NF as a means of better integrating the two areas, but would also provide an alternative route between the original estate and local amenities further afield, helping to reduce the number of vehicles on the more narrow routes within the estate.
- 10.18 It is considered that the creation of the new link road as proposed would provide considerable regeneration benefits, including an opportunity for greater integration between the original Middleton estate and New Forest Village, which is limited at present, and the opportunity to facilitate public transport connectivity across the area in the future. As discussed above, it is not considered that the scale of the proposed development and the creation of the new link would have significant implications in terms of additional traffic on the wider network, and in the light of this and the regeneration benefits that this would provide, the creation of the new link road is considered acceptable.
- 10.19 No specific concerns regarding the principle of the link road were raised by Members at the position statement stage, but in the light of the concerns raised locally, further details were sought regarding the traffic calming measures that are proposed as part of the development.
- 10.20 Traffic officers have raised concerns regarding the operation of the existing chicanes on Towcester Avenue, and advised that these currently cause significant queues at peak periods with the result that some drivers become impatient and "push" against the priority flow. Furthermore, at quieter times there can actually be issues of drivers speeding on the approach, particularly if other vehicles at the opposing end are also observed to be approaching. Although highways consider that Towcester Avenue has the capacity to accommodate the proposed development, they have advised that in view of the existing concerns regarding this feature, this should be removed and replaced with a speed table/platform feature at the developer's expense, which has been agreed by the developer. This is considered to be a more appropriate feature which would still slow vehicle speeds along this stretch, but which would allow for the two-way passing of vehicles and thus the more effective flow of traffic to continue.
- 10.21 The exact details of the new speed table are still to be finalised and are still the subject of discussions between the developer and highways officers. However, it has been agreed with highways that this would be positioned in the area between where the existing chicane features are located at present, and would be at least 6m

long, consistent with the general requirements for traffic calming features on bus routes. A condition is recommended as part of the decision requiring details of the final design of the speed table to be submitted and approved, and requiring the chicanes to be removed and the replacement speed table to be installed prior to the occupation of the new houses.

- 10.22 There is existing traffic calming on Throstle Road to the west of the site in the form of speed cushions. In response to concerns regarding the potential for speeding and rat running along the new stretch of road between Throstle Road and Towcester Avenue, it is proposed to continue this existing traffic calming provision with the inclusion of two further sets of speed cushions on the new link road. The exact position of the speed cushions on this stretch is still to be finalised, and a condition is recommended as part of the decision requiring the final details to be submitted and approved, and the agreed traffic calming features to be installed prior to occupation of the houses.
- 10.23 The Middleton Park Ward Members have asked about the possibility of signalling the junction of the new link road onto Towcester Avenue, and referred to the potential need for this, and for crossings, in association with the proposed development of a new school further to the north of the application site.
- 10.24 The potential for a new school to be developed to the north is recognised, however an application for any such development would need to be determined on its own merits and based on an analysis of the likely catchment and mode of travel to the facility. If it was determined, on the basis of such an analysis, that further improvements were required at that stage, it would be expected that the school developer would fund the necessary improvements to assist safe travel to the site as part of their proposals.
- 10.25 Similarly, it is necessary to determine the current application based on the current proposals and on its own merits. Highways have advised that the requirement for the signalisation of this junction would be disproportionate for the relatively small level of development proposed as part of this application. Although, the creation of the link to the Middleton estate would lead to some additional traffic from the wider estate (beyond the application site) using the link and Towcester Avenue (e.g. to reach the district centre), it is likely that this would result in an equivalent reduction in traffic movements elsewhere within the estate. It is considered that the link would have only a localised impact and is unlikely to result in the significant diversion of other traffic along this stretch. It is therefore not considered that a requirement for signalisation could be justified.
- 10.26 Ward Members have also asked about the possibility of additional traffic calming features and crossing points on Towcester Avenue/St George's Road, and have also raised concerns regarding speeding on Middleton Road, at the southern end of Towcester Avenue. There are currently a range of traffic calming features along Towcester Avenue, including mini roundabouts, junction plateaux, speed tables, speed cushions, and the chicanes referred to above. In the immediate vicinity of the site there is a plateau on Towcester Ave just to the north (at the junction with Oak Drive), a pair of speed cushions (just south of The Laurels) and a speed table where a footpath crosses Towcester Avenue (at the southern end of the site). As noted above, traffic officers consider the replacement of the chicanes further to the south to be the highest priority, and these works are to be carried out as part of the development, at the developer's expense. In the light of this and taking into account the presence of these other existing features, it is not considered that a requirement

for additional measures could reasonably be justified on the basis of a development of the scale proposed.

- 10.27 Traffic officers have advised that there is no record of any existing operational issues at the mini roundabout junction at the southern end of Towcester Avenue, and in the light of this and its distance from the site, it is not considered that there is any justification for the removal of this roundabout feature.
- 10.28 Concerns have been raised about the lack of pedestrian crossing facilities on Towcester Avenue south of the site, and further afield on Middleton Avenue. There is an existing speed table south of the site (where an existing footpath crosses the carriageway) and the replacement of the chicane system with a further speed table would provide an additional feature to assist pedestrians to safely cross the carriageway. Given the relatively small scale of the development, it would be difficult to justify asking for further improvements (particularly further afield) as the actual increase in pedestrian trips attributable to the development in the locality would be minimal.
- 10.29 In terms of the layout of the routes within the site itself, following the receipt of revised plans addressing earlier comments, the highways officer has now confirmed that the proposals are acceptable in this respect.
- 10.30 The Ward Members have raised concerns about the new stretch of road serving the properties on the eastern site frontage being proposed as a through route (creating a 'loop' within this part of the site between Throstle Terrace and the new link road), , and the potential for this to be used as a rat run. Guidance in both *Neighbourhoods for Living* and the *Street Design Guide* advises against the creation of long cul-de-sacs, and through-routes would generally be preferred in the interests of better connectivity through estates for residents.
- 10.31 It is noted that there are other existing routes through this part of the estate, and that the proposed new route would not provide a more direct connection than presently exists elsewhere. In addition, as this stretch would only serve 16 houses, it has been designed as a lower category road, with block paving and a single-sided footway to differentiate between it and the wider, tarmac-surfaced, routes through the estate and delineate it as a secondary route, thereby discouraging its use by those seeking a through route. It would also have sharp bends at either end and would be a raised section of carriageway, with ramps at the two points of transition between this route and the main roads to the north and west, slowing the speeds at which vehicles could travel and thereby further discouraging rat running and speeding along this stretch. In the light of this, it is considered that the likelihood of this stretch being used as a rat run is low, and that the proposals are acceptable in this respect.
- 10.32 A travel plan has been submitted as part of the application and revised following comments from the Travelwise team. As part of this, the creation of a Sustainable Transport Fund of £44,756.25 has been requested. This is based on the cost of providing Metrocards for future residents, however the developer may still choose to spend the fund on the provision of these if they wish, subject to agreement with the Travelwise team. In this instance, the developer has confirmed that they wish to use the fund to provide Metrocards, and an obligation to this effect is therefore to be included in the legal agreement for the development, together with the Travel Plan, once agreed, and the monitoring fee of £2500.

- 10.33 Concerns regarding air quality in relation to the additional traffic arising from the development are noted. The site is not in within an air quality management or concern area, and in view of the scale of the development, it is not anticipated that it would have significant implications in this respect. As noted above, a travel plan has been submitted, identifying measures to discourage private car use and promote alternative forms of transport. In addition, in accordance with Development Plan policies in relation to air quality and the Parking SPD, a condition is recommended requiring the provision of an electric vehicle charging point to each dwelling.

Design and landscaping

- 10.34 The layout of the development has been revised and the number of units have been reduced following pre-application discussions to address concerns relating to garden sizes and the spacing of buildings and to reduce car parking to building frontages. It is considered that the revised layout that has now been submitted would provide a scale and form of development that would positively reflect the character and pattern of the wider area and the principles in *Neighbourhoods for Living*. Most houses would be semi-detached, with drives to the side providing greater separation between buildings and the opportunity to minimise the impact of vehicular parking within the streetscenes. Although frontage parking is proposed in some areas, this is minimised and it is considered that an acceptable balance is achieved in this respect. The layout is also considered to provide appropriate separation between the new housing and boundaries with existing housing.
- 10.35 In terms of housing design, the Middleton Masterplan was published in 2009 and has now been encompassed within the Belle Isle and Middleton Neighbourhood Framework. The Masterplan recognises and identifies the key aspects of the original 'Middleton Garden Suburb's' distinct character, including wide streets with pavements and verges, tree planting, front gardens to properties to provide relief and semi-private space, a simple palette of materials (brick with slate roofs), and simple, clear design elements. Taking its lead from these existing characteristics, the Masterplan provides a concept and overview for the design of new housing in the area that would to ensure that it respects and reflects this character, but is also distinct from it as a more modern addition to the estate, contributing to its character 'in a clearly separate but harmonious manner.' This includes some examples of 'house types' establishing the basic design principles, which could then be adapted to incorporate additional features such as gables, canopies or bay windows to provide visual variety and suit the internal layouts of the houses.
- 10.36 In terms of their external appearance and detailing, the houses have been designed to incorporate the design principles identified within the Middleton Masterplan, including brick walls with a string course at the sill level of the first floor windows and brick heads and sills, with adaptations and the incorporation of additional features in different configurations to different house types to provide variety as anticipated in the Masterplan, including canopies, gables, bay windows and chimneys. In so doing, it is considered that the proposed development would achieve the aims set out in the Masterplan, providing a modern iteration of the more traditional estate housing that would contribute positively to the ongoing development of the area.
- 10.37 Reflecting the principles identified in the Masterplan and the aspiration in the NF for additional tree planting and the creation of tree-lined street frontages, the scheme has been designed to allow the retention of existing trees within the site and around the boundaries, and to incorporate new planting within the new streetscenes, including along the curve of the Towcester Avenue site frontage. The wide verge along the southern side of Throstle Road, identified as a positive characteristic of the area, is proposed to be continued as part of the new development, with the

housing only stepping forward at the point of transition between this existing route and the proposed new link road. Elsewhere across the site, properties are generally set back from street frontages to provide semi-private front garden areas, with opportunities for the planting of smaller trees identified where possible.

Residential amenity

10.38 The garden areas to all properties would exceed the 2/3 floor area recommended in *Neighbourhoods for Living*, and it is considered that appropriate levels of separation are proposed between properties within the development, and between the new housing and existing houses around the site. As such, it is considered that the proposed development would provide an appropriate level of amenity for future residents and would not have significant implications for the amenities of neighbouring residents in terms of overlooking, overshadowing or overdominance.

10.39 In terms of the Nationally Described Space Standards, the table below provides a breakdown of the property types with a comparison between the proposed floor areas and the NDSS recommendations:

House Type	No. of units	% of units	Type of property	Proposed floor area (m ²)	NDSS (m ²)	Difference (m ²)
651	20	21.5	2b3p 2 storey	60.5	70	-9.5
752	2	2	3b4p 2 storey	69.9	84	-14.1
764	20	21.5	3b4p 2 storey	71	84	-13
832	12	13	3b4p 2 storey	77.3	84	-6.7
857	5	5	3b4p 2 storey	79.6	84	-4.4
867	5	5	3b4p 2 storey	80.5	84	-3.5
1054	7	7.5	3b4p 3 storey	97.9	90	+7.9
1075	8	9	3b4p 3 storey	99.8	90	+9.8
DQS740 (affordable)	8	9	2b3p 2 storey	68.7	70	-1.3
DQS953 (affordable)	6	6.5	3b4p 2 storey	88.5	84	+4.5

Table 2: House types and floor areas compared to NDSS

10.40 All of the proposed houses would exceed or be within 15m² of the relevant NDSS requirement for their size, and just over ¾ of them would exceed or be within 10m². Almost a quarter of the houses would exceed the requirements. Of the affordable units, the six 3-bedroom properties would exceed the NDSS while the eight 2-bedroom houses would be only 1.3m² below, and all of the affordable units would be larger than the equivalent market units within the scheme. As noted above, all of the affordable properties would also be built to Lifetime Homes standards.

10.41 Although Leeds is seeking to adopt the national standards as part of the development plan and whilst this is a material consideration, this process is still at a relatively early stage and the weight that can be attached to the standards is limited at present. All of the houses would all have good levels of separation, outlook and

external amenity space. In the light of the above, and the relatively limited weight that can be given to the NDSS at this stage, it is considered on balance that the proposals are acceptable and that refusal of the application on these grounds would be difficult to justify.

- 10.42 During the position statement discussion, some concern was raised about semi-detached houses being designed with front-doors next to one another, and the potential for tensions between neighbours as a result. Around 80% of the proposed houses are laid out in this way.
- 10.43 The concerns raised have been referred to and considered by the developer, however they have asked for the proposals to be determined as originally submitted in this respect. In support of their request to do so, they have advised that all of their houses are robustly soundproofed, and that the houses have been laid out in the way that they have to allow for the rooms which are more often used (i.e. living/dining rooms) to be on the outside wall, allowing for the possibility of additional windows to be incorporated in the side elevations of these rooms and provide additional natural light to these habitable spaces, instead of having halls and landings on the external walls where residents would benefit less from the potential for additional light sources to these areas. The laying out of semi-detached properties as proposed is not uncommon, and in the light of the enhanced amenity for residents that is created by the opportunity of providing additional side windows to habitable areas, it is considered that the proposals are acceptable, and that refusal of the application on these grounds could not be justified.

Greenspace

- 10.44 Core Strategy policy G4 requires the provision of greenspace on-site for all developments of 10 dwellings or more. However, the Core Strategy recognises that not every development site is capable of accommodating the required greenspace within the site boundary and advises that in certain circumstances, and taking into account the characteristics of the site, it may be possible to provide new greenspace or improvements to existing greenspace off-site *in lieu* of on-site provision.
- 10.45 In the most recent assessment of greenspace provision, carried out last year, Middleton Park was identified as having sufficient provision in terms of parks and gardens, amenity greenspace and natural greenspace, but as having deficiencies in outdoor sports, equipped play, and allotment provision. In relation to greenspace, the Belle Isle and Middleton Framework advises that:

The numerous areas of greenspace throughout Belle Isle and Middleton means that the provision of additional green space as part of a development may not always be necessary, as this introduces small parcels of difficult to manage greenspace rather than complementing and enhancing to the network of existing provision.

- 10.46 A small area of public open space is proposed at the entrance to the site on Towcester Avenue, however in this instance it is proposed to provide the remainder of the greenspace requirement via the provision of a proportionate sum towards the provision or enhancement of greenspace within the locality. Based on the scale and nature of the development, a commuted sum of £327,551 was calculated, and the developer's agreement to this sum is currently being awaited.
- 10.47 On balance, this approach has been supported in discussions regarding the proposals. A number of the sites have been occupied by housing previously and, as identified in the Neighbourhood Framework, it is noted that there are other areas of greenspace in the vicinity of the site which would benefit significantly from

investment. This has been discussed with both groups of Ward Members, who have generally supported this approach in principle, and a number of possible opportunities for sites where this contribution might be used to provide improvements and/or new facilities have been identified, in discussion with the Members and with colleagues in Parks and Countryside. These may include new tree planting further to the west of the site along the verges of Throstle Road and/or improvements at Throstle Recreation Ground on Throstle Road and on the New Forest Plantations to the east of the site.

- 10.48 At position statement stage, Members expressed support for the proposal to provide a commuted sum *in lieu* of on-site provision in this instance.

Sustainability

- 10.49 A sustainability statement has been submitted as part of the application confirming that the proposed development would exceed the Optional Building Regulations water efficiency standard of 110 litres per person per day (l/p/d) (as opposed to the standard Building Regulations requirement of 125l/p/d), and would include roof-mounted PV panels to achieve on-site low carbon energy targets and achieve a 20% reduction in CO₂ beyond Building Regulations, in accordance with Core Strategy policies. Conditions covering these matters are recommended.

Education and GP provision

- 10.50 Concerns have been raised regarding the implications of the proposed development for education provision. As part of the strategic framework for the wider area, there are plans to provide a new primary school facility on Acre Mount to the north of the site which, it is understood, has recently secured funding approval from the Government, and is likely to be progressing in the relatively near future. Further information on education provision in the area has been sought and an update will be provided to Members in this respect at the Panel meeting.

- 10.51 It is also noted that contributions towards primary and secondary education provision are incorporated into the Community Infrastructure Levy (CIL) which would be paid by the developer as discussed in more detail below.

- 10.52 Concerns have also been raised about the capacity of GP surgeries in the area and the potential implications of the proposed development in this respect, and the Public Health section and the NHS Clinical Commissioning Group (CCG) for the area have been contacted in this respect. The CCG have confirmed that the two GP surgeries closest to the site, Middleton Park and Lingwell Croft, are both fully functioning and currently have open lists, and that there is existing provision for practices to receive additional resources to support workforce increases if their lists increase above a certain threshold. In the light of this, it is considered that the proposals are acceptable in this respect and it is not considered that refusal on these grounds could be justified.

Drainage

- 10.53 As part of the drainage solution for the site, it is proposed to extend the existing swale within the New Forest Plantations greenspace to the east to provide balancing of surface water via a sustainable drainage solution (SUDs). The Flood Risk Management officer has confirmed that this is acceptable and that they support the proposals on this basis, subject to conditions.

Planning obligations and legal agreement

- 10.54 It is intended that the application will be supported by a legal agreement to cover the following matters:

- Affordable housing – 15% (14 units) on-site;
- Commuted sum *in lieu* of on-site greenspace – £327,551;
- Travel plan including monitoring fee – £2500;
- Sustainable Travel Fund (to be used for the provision of Residential Metrocards) - £44,756.25;
- Local employment.

10.55 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

CIL

10.56 The site is within CIL zone 2a (£23/m²). Based on the floorspace currently proposed and discounting the affordable units, which would be eligible for CIL relief (subject to the submission of the appropriate documentation), the CIL requirement for the development would be £137,577.

Crime prevention

10.57 The police architectural liaison officer (ALO) has been consulted on the proposals and has advised that the layout is considered acceptable from a crime prevention perspective. A number of suggestions have been made in relation to the design of various aspects of the houses themselves, boundary treatments etc, and these have been drawn to the developer's attention.

10.58 A number of local residents have raised concerns regarding joyriding and antisocial driving of cars and motorcycles locally, and the potential for these to worsen with the creation of the new link road. In the light of these concerns, further advice has been sought from the ALO. Having reviewed the crime statistics for the area in the vicinity of the site and the new link road, he has advised that the number of reported incidents of antisocial behaviour and vehicle-related crime over the last 18 months is very low based on the population density of the area. It is acknowledged that there may be some degree of under-reporting, however having considered the proposals in the light of the information available, the ALO has not raised significant concerns regarding the implications of the proposals in this respect.

Other issues

10.59 Some residents have raised concerns that insufficient public consultation was carried out prior to the submission of the application. The developer has confirmed that that two community engagement events were held at pre-application stage, to which Ward Members were also invited, both at the St George's One Stop Centre on St George's Road, near the district centre. The first event in May was an afternoon public drop-in session advertised on social media, in the press, and on posters displayed on the local shopping parade, bus shelters close to the site, and the local leisure centre. Following feedback from the initial event, including requests for the session to run later into the evening, a further drop in session was held in early July from 4-7pm.

11.0 CONCLUSION

- 11.1 It is considered that the proposed development would have considerable regeneration benefits in bringing vacant sites into use for the provision of new private and affordable housing, enhancing connectivity across the wider area, and investment in local greenspace. The details are considered acceptable, and it is considered that the proposals would be appropriately designed and provide high levels of amenity for future residents, without detriment to highway safety or the amenities of existing residents. It is therefore recommended that the application is approved, subject to the suggested conditions and completion of a legal agreement to cover the obligations discussed above.

Background Papers:

Application 16/03861/FU and pre-application enquiry PREAPP/16/00082
Notices served and Certificate B signed.



- DESIGN CRITERIA - PRIVATE PLOTS**
- Traditional Construction
 - Building Regulations 2015
 - Code for Sustainable Homes Level 3 (November 2009 Technical Guidance) - NOT APPLICABLE
 - Lifetime Homes (July 2010) - NOT APPLICABLE
 - Design Quality Standards (Edition 2) - NOT APPLICABLE
 - Housing Quality Indicators (HQI) - NOT APPLICABLE
 - Secured By Design (sect 2 part compliance) - NOT APPLICABLE
 - Secured By Design (full accreditation) - NOT APPLICABLE
 - Building for Life (12 point assessment) - NOT APPLICABLE
 - English Partnership Standards - NOT APPLICABLE
 - Mobility Standards - NOT APPLICABLE
 - English Partnership Standards - NOT APPLICABLE
 - Wheelchair Design Guide Standards - NOT APPLICABLE
 - NHF Standards - NOT APPLICABLE

- DESIGN CRITERIA - REGISTERED PROVIDER (RP) PLOTS**
- Traditional Construction
 - Building Regulations 2015
 - Code for Sustainable Homes Level 3 (November 2009 Technical Guidance) - NOT APPLICABLE
 - Lifetime Homes (July 2010)
 - Design Quality Standards (Edition 2)
 - Housing Quality Indicators (HQI)
 - Secured By Design (sect 2 part compliance) - NOT APPLICABLE
 - Secured By Design (full accreditation) - NOT APPLICABLE
 - Building for Life (12 point assessment) - NOT APPLICABLE
 - English Partnership Standards - NOT APPLICABLE
 - Mobility Standards - NOT APPLICABLE
 - Wheelchair Design Guide Standards - NOT APPLICABLE
 - NHF Standards - NOT APPLICABLE

PRIVATE SALE UNITS		GIA	Within 15m² NDSS	No.	%
House Type		ft²	m²		
651	2 Bed 3 Person Semi-detached and Terrace	651	60.5	✓ 20	22%
752	3 Bed 4 Person Semi-detached and Terrace	752	69.9	✓ 2	2%
764	3 Bed 4 Person Semi-detached and Terrace	764	71.0	✓ 20	22%
832	3 Bed 4 Person Semi-detached	832	77.3	✓ 12	13%
857	3 Bed 4 Person Semi-detached and Detached	857	79.6	✓ 5	5%
867	3 Bed 4 Person Semi-detached and Detached	867	80.5	✓ 5	5%
1054	3 Bed 4 Person Semi-detached and Terrace	1054	97.9	✓ 7	8%
1075	3 Bed 4 Person Semi-detached and Terrace	1075	99.8	✓ 8	9%
SUB-TOTAL				79	85%

REGISTERED PROVIDER UNITS		GIA	Within 15m² NDSS	No.	%
House Type		ft²	m²		
DQS 740	2 Bed 3 Person Semi-detached and Terrace	740	68.7	✓ 8	9%
DQS 953	3 Bed 4 Person Semi-detached and Terrace	953	88.5	✓ 6	6%
SUB-TOTAL				14	15%

TOTAL UNITS		93	100%
UNIT DENSITY	14 units / acre 34.6 units / hectare	AREA DENSITY	10149 ft² / acre 2330 m² / hectare

PLANNING ISSUE

NOTE: THE RED LINE INDICATES THE PROPOSED PLANNING APPLICATION BOUNDARY AND IS SUBJECT TO CONFIRMATION. ALL LEGAL BOUNDARIES SHALL BE CONFIRMED BY KEEPMOAT HOMES LTD. THIS DRAWING IS BASED ON 'MAYCOCK AND TODD' TOPOGRAPHICAL SURVEY, JOB NO. 38584 DATED MARCH 2016. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALAN WOOD AND PARTNERS' ENGINEERING PROPOSALS. THE TREES INDICATED ON THIS DRAWING REPRESENT THE EXISTING RETAINED TREES ONLY. FOR PROPOSED TREES AND LANDSCAPING PROPOSALS, PLEASE REFER TO 'POP LANDSCAPE ARCHITECTS' PROPOSALS.

- 2 BEDROOM DWELLINGS
- 3 BEDROOM DWELLINGS

A Lifetime Homes Symbol added and Schedule updated		07-09-16	H51	H51
Rev/	Details	Date	By	Chk
	DATE	02-09-2016	DRAWN	H51
	SCALE	1:500	CHK	H51

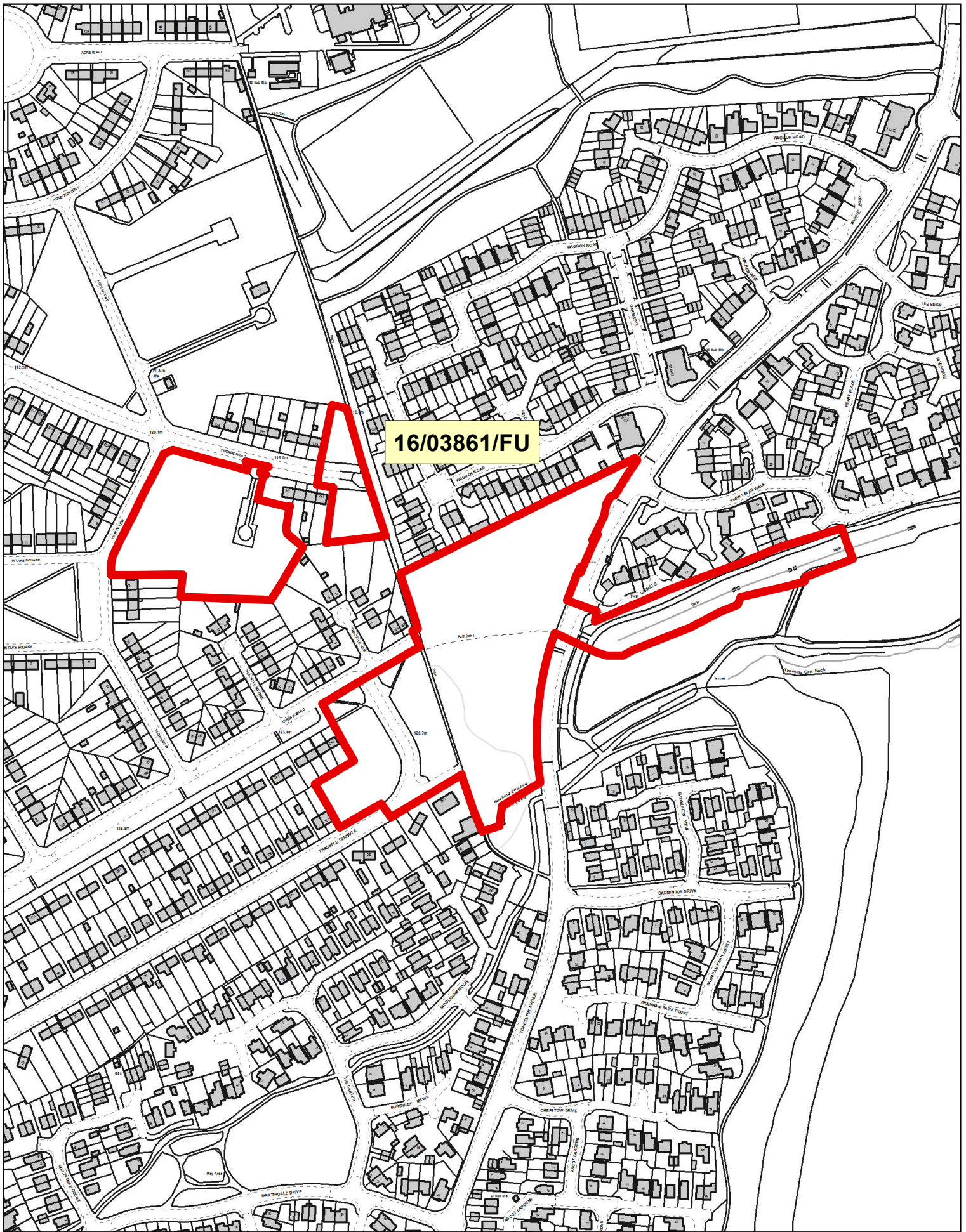
MIDDLETON PARK, LEEDS

2 and 3 Bed Allocation

Dwg No **352_100_003** Rev --

KEEPMOAT

HIVE



16/03861/FU

SOUTH AND WEST PLANS PANEL



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Originator: Andrew Perkins

Tel: 0113 2478019

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd September 2016

Subject: Application 16/01656/FU: Part two storey, part single storey side extension and single storey rear extension at 43 Moor Flatts Avenue, Middleton, LS10 3SS.

APPLICANT

Mrs C Wilby

DATE VALID

14th March 2016

TARGET DATE

26th September 2016

Electoral Wards Affected:

Middleton Park

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time Limit on Permission.
2. Plans to be approved.
3. Matching materials
4. Obscure glazing in the first floor side window
5. Retention of boundary treatment
6. The extended drive shall be constructed at the same gradient as existing

1.0 INTRODUCTION:

1.1 This planning application was presented at Plans Panel South and West on 25th August 2016 with an officer recommendation for approval.

1.2 At the 25th August Panel meeting, Members resolved to defer the determination of the application and requested officers to carry out further negotiations with the applicant in respect of setting the extension in from the boundary by 1m at both ground and 1st floor. The concern expressed related to access to the rear garden for bins, but mainly with regard the dominance and overbearing effect upon the main entrance door to the adjacent bungalow. This door would face directly on to

the extension as proposed. At the Plans Panel Members raised concern that there had been a change in approach with regard the consideration of two storey side extensions. Officers had stated that the approach had not changed. However, in this case other material considerations needed to be considered. There was significant amount of debate with regard this issue and Plans Panel requested that the application was to be reported back to Plans Panel for determination.

- 1.3 It is also noted that since the last Plans Panel meeting on 25th August 2016, Cllr Kim Groves has requested to withdraw her objection to the scheme.
- 1.4 Officers have met with the applicant and their planning representative to review the details of the development proposal in light of Members' discussions at the Plans Panel meeting. The applicant has stated that a reduction of 1m set in to the ground floor side extension would not be feasible as it would not provide the desired accommodation at the ground floor. Accordingly the applicant has requested that the application be determined on the basis of the plans presented to the August Panel. The previous report, appropriately updated, is set out below for Members information. The recommendation from officers remains to grant permission subject to specified conditions.
- 1.5 To help members consideration of the application and to clarify why Officers maintain the original recommendation. It is worth considering the guidance provided in the householder design Guide and how it has been interpreted by officers, and the 'fall-back position' with regard Permitted Development.
- 1.6 The Householder Design Guide does state that two storey extensions can easily erode the character of an area as they often take up all or most of the space to the side of a house and bring the building close to its neighbour. In a street of regular, semi-detached dwellings at least a 1m gap should be maintained to the side boundary. The key consideration in the aforementioned paragraph is the reference to 'regular semi-detached dwellings'. The intention here is to prevent what is described as the creation of a terracing effect if a row of similar dwellings, character of which is defined by the spaces the driveways create, should all have similar extensions. In this case the adjacent property is a bungalow. Therefore as it is significantly lower because of its design, it could not be argued that a terracing effect exists in relation to its neighbour because it has a slightly different context to the rest of the row of semi-detached house on the street and is located directly next to a bungalow which creates a variation in the street scene and would not be seen to create any impact in regard to terracing.
- 1.7 This particular stance has been supported in a recent appeal decision referred to at the last Panel in the appeal decision for a two storey side extension at 71 Church Lane, Methley (APP/N4720/D14/2229083). In this case the proposal had been designed with 0.75m gap between the proposed extension and a neighbouring property (built up to the boundary). Officers had said that this was insufficient and should be increased to 1.0m. The Inspector noted that the section of the street was characterised by pairs of semi-detached houses arranged regularly along a similar building line with relatively narrow drives creating modest gaps between them. However, as the appeal property stood at the end of a row semi-detached pairs of houses, beyond which there were 2 detached houses with ridges running at right angles to the road, he saw this slightly different context with regard to the change in house types as sufficient to conclude that there was break in the street scene that would not lead to a terracing effect. This was in reference to the roof designs not necessarily the 0.75m gap. He went on to say that because of the atypical context of this particular semi-detached dwelling he did not consider that in this particular

case there would be serious harm to the street scene and no material conflict with the objectives of the underlying policies and guidance. It should be noted also that in the case of this application a 2.5m gap is maintained between the properties by virtue of the drive serving the bungalow.

- 1.8 Members should also be aware that the Householder design guide does refer to the requirement for retention of 1.0m to the side boundary for both single storey and two storey extensions. For ground floor side extensions the guidance states that 'adequate space is maintained to allow access to the rear' but this is caveated by the following 'where this is not possible space should be provided for wheelie bins to the front of the property but these will need to be screened and not obtrusive'. The guidance relating to setting in by 1m the first floor element is primarily to retain space between buildings of similar design to avoid a terracing effect. Bearing in mind that a single storey side extension on its own located up to the boundary in most cases is 'permitted development' (see paragraph 1.8 below) pragmatic Interpretation of both elements of advice combined with appeal decision has led to applications such as the one before members to day being considered acceptable.
- 1.9 In addition to the aforementioned officers have taken into consideration what could be constructed under the applicants Permitted Development Rights as a legitimate fall-back position. The applicant would be able to construct the single storey element to the side of the property up to the boundary with the adjacent neighbour for the full depth of the property. Therefore presenting a blank wall along the neighbours drive way, facing the neighbour's doorway as proposed by the application with no access to the rear externally at ground floor. The applicant would also be able to construct the single storey rear extension across the full width of the property under their Permitted Development Rights.
- 1.10 Therefore officers have concluded on balance in view of the guidance provided by the Householder Design Guide, site specific circumstances, a recent appeal decision and the Permitted Development fall-back position, that the application be recommended for approval.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for a part two storey, part single storey side extension and single storey rear extension. The proposal will create a TV room, utility, enlarged open plan kitchen and dining room at ground floor level and the extension will enlarge the existing accommodation at first floor level.
- The ground floor side element will project 2.5m in width and 7.6m in depth
 - The first floor side element is set back from the front elevation by 1m and as such will measure 6.7m in depth
 - The two storey element will have a hipped roof which measures 5.22m to the eaves and 7.08m to the ridge
 - The single storey element will have a hipped roof which measures 2.9m to the eaves and 3.66m to the ridge
 - The single storey rear extension will measure 8.5m in width, project 2.69m in depth and have a hipped roof which measures 2.42m eaves height and 3.68m

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to a relatively plain and simple semi-detached, brick built dwelling with concrete tiled hipped roof. The property is set back and set down

slightly from the highway with a modest driveway to the side which runs down to meet a single garage. There is a noticeable gradient on the site, as such the rear garden area is on a lower level to that of the host and is accessed via an area of timber decking. The rear garden area has a total length of approximately 12.5m which is bounded by a 1.8m high timber fence and hedging. The host's rear garden joins the rear gardens serving Middleton Park Road.

- 3.2 The area is residential in nature; the dwellings in the immediate streetscene and surrounding area are a mix of semi-detached dwellings and semi-detached bungalows. It is noted that the host dwelling forms part of a pair of two storey dwellings on Moor Flatts Avenue after which, the house type changes to bungalows at the head of the cul de sac. The adjacent neighbouring dwelling at No.45 Moor Flatts Avenue is a bungalow and is located on a slightly higher land level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H21/18/81/ - Approved
Addition of car port to side and rear of semi-detached house.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 See section 1.0 above and paragraph 10.2 below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by Neighbour Notification Letter. The neighbour notification letters were posted out on 29th March 2016 and 12th May 2016 following receipt of revised plans. The publicity period expired on 19th March 2016. Two letters of objection has been received in relation to the application from the neighbour at No.45 Cross Flatts Avenue. The first letter relates to the original plans submitted; the neighbour raises concerns regarding;

- The plans submitted do not show the relationship with their property
- Loss of light and overshadowing especially in the kitchen
- Loss of privacy due to the new utility room window looking into kitchen
- Development is out of scale with other properties in the area
- There are no two storey extensions in the streetscene
- Concerns that the extension builds right up to the boundary
- Damage to the neighbours drive and foundations during construction
- Lack of access to rear bin storage area
- Reference to a restrictive covenant relating to the host property

The second letter relates to the revised plans received; the neighbour raises concerns regarding;

- The extension will be 9ft from their kitchen (only entrance door)
- Smaller extension would still obstruct light into the property and cause overshadowing
- Smaller development still out of scale and will harm the character of a small cul de sac
- Remain concerned about damage to their drive and foundations during construction
- Such an imposing extension would impact on their quality of life

6.2 Cllr Paul Truswell, Cllr Judith Blake and Cllr Kim Groves raise concerns that the precedence would be set for the building of such extensions in this street.

6.3 It is noted that the applicant's partner has submitted a letter supporting the application.

7.0 CONSULTATION RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Core Strategy Policies

P10 - Design and Amenity

P12 - Landscape

T1&T2 Accessibility and transport provision for development.

Relevant Saved UDP Policies

GP5 – General planning considerations

BD5 – General amenity issues.

BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building

Supplementary Design Guide

Neighbourhoods for Living SPG

Householder Design Guide Supplementary Planning Document:

The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context. The following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i. the roof form and roof line,
- ii. window details,
- iii. architectural features,
- iv. boundary treatments
- v. materials

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over-dominance or overlooking will be strongly resisted.

National Planning Policy

- 8.3 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.
- 8.4 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.
- 8.5 The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in the consideration of this application:
7. Requiring good design

9.0 MAIN ISSUES:

- Design and Character
- Fallback Position
- Residential Amenity
- Highway Safety/Accessibility
- Bin Storage
- Representations

10.0 APPRAISAL:

Design & Character

- 10.1 The Leeds Core Strategy includes a number of policies appropriate to design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design. Saved Unitary Development Plan policy GP5 looks to protect amenity (including visual amenity) and saved UDP policy BD6 aims to ensure that "alterations and extensions should respect the scale, form, detailing and materials of the original building". The Council's Householder Design Guide Supplementary Planning Document (SPD) includes a number of policies and detailed guidance for domestic extensions which are relevant to the proposal.
- 10.2 Originally the applicant sought consent for a larger part two storey, part single storey side extension. The original extension included a two storey side extension with a width of 2.5m and depth of just over 7m running along the common boundary shared with the adjacent neighbour at No.45 Moor Flatts Avenue. This amount of solid massing along the boundary was considered unreasonably dominant and building right up to the boundary at two storey level was considered harmful to the character of the host dwelling and could not be supported. As such, amendments were requested in order to provide more relief between the first floor extension and the

boundary shared with the adjacent neighbouring dwelling resulting in the first floor element being set in by 1m.

- 10.3 Following receipt of revised plans, the part two storey, part single storey side and rear extension is now considered acceptable in terms of design and character. It is acknowledged that the two storey side extension does add a degree of additional bulk and the adjacent neighbouring bungalow is of smaller scale and form. However, the first floor extension has been reduced in width and is now offset from the common boundary shared with the adjacent neighbour at No.45 Moor Flatts Avenue by 1m. The first floor element of the side extension is set back from the front elevation by 1m, and set down adequately from the main roof ridge. Furthermore the extension will use matching materials, fenestration and detailing. As such, the amended two storey side extension does comply with the guidance contained within the Householder Design Guide and will be read as a subservient addition. The single storey rear extension is also considered acceptable in terms of design and character. The extension is of modest proportions with a mono-pitched roof. The extension is located to the rear of the property and will replace an existing flat roof extension.
- 10.4 It is acknowledged that the neighbour at No.45 Moor Flatts Avenue has raised concerns regarding the development being out of scale with other properties in the area and that there are no two storey extensions in the immediate streetscene. However, it would be unreasonable to hold a strong objection to the proposal on these grounds as every application is treated on its own merits. There are some examples of side extensions within the surrounding area and in this instance the proposal represents an acceptable addition which sufficiently respects the character of the existing property and wider streetscene and meets the wider aims of Core Strategy policy P10, saved UDP policies GP5 and BD6, HDG1 of the Householder Design Guide SPD, and the guidance contained within the National Planning Policy Framework in these respects.

Fallback Position

- 10.5 It is noted that the applicant does have a permitted development fallback position; the applicant could build a single storey side extension and also a single storey rear extension without the need for planning permission under 'permitted development' provided that the extension does not wrap around the corner of the property. Therefore, a lot of the massing associated with the proposal could be built without the need for planning permission and the principle of a single storey side and rear extension cannot be disputed. The parts that do require permission would therefore be the first floor element, and the link between the corner and the side.
- 10.6 Members should note that for a fall-back position to be given weight there has to be a reasonable expectation that it would be built. In this instance, following discussions with the agent, it is clear that the applicants would be likely to implement their permitted development rights should planning permission for the application before members not be forthcoming. It is considered therefore that this factor should be given some weight in the overall appraisal.

Residential Amenity

- 10.7 Leeds Core Strategy policy P10 aims to protect general and residential amenity. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants and policy BD5 states:

'All new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.' Policy GP5 notes that "extensions should protect amenity and this includes the loss of privacy through overlooking, overdominance and overshadowing". The Council's Neighborhood's for Living SPG looks to ensure development proposals provide a good level of amenity for future occupiers. Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 10.8 With regard to these considerations, the proposal is considered acceptable. The adjacent bungalow at No.45 Moor Flatts Avenue is of a smaller scale and form and it is acknowledged that the occupiers of this property have raised concerns regarding the close proximity of the extension to their kitchen (and only entrance door) and how the plans submitted do not include their property. However, this detail is not required as part of the 'validation criteria' and the spatial relationship between the neighbouring properties is assessed during the officer site visit. As noted above, there is a noticeable gradient between the host property and the adjacent bungalow; as a result the host property is located on a lower level and it is also noted that the bungalow features two windows to this side serving a bathroom and kitchen, it is also noted that the kitchen is served by two windows one to the front and one to the side.
- 10.9 It is acknowledged that the proposal will add a degree of additional bulk and massing. However, this is not considered harmful to neighbouring amenity space as the bulk of the proposal will be located over the hosts existing driveway which runs parallel to the neighbour's driveway rather than their private garden space. The change in land levels and 1m offset from the boundary will help mitigate the additional massing proposed. Therefore, the proposal is not considered harmful in terms of overdominance of neighbouring amenity space.
- 10.10 It is noted that the adjacent neighbour has raised concerns regarding overshadowing and loss of light to principal windows. However, the bulk of the extension will be confined within the hosts western side elevation therefore any additional shadow cast will be limited to later in the day and will fall over the host's front garden area rather than neighbouring windows or amenity space.
- 10.11 With regards to overlooking, the windows in the front elevation will look out in the direction of the highway rather than neighbouring amenity space. The windows in the rear elevation will look out over the hosts own garden area rather than neighbouring private amenity space. The new first floor window opening in the western side elevation will serve a bathroom and could be obscure glazed to prevent any loss of privacy. The ground floor window serving the utility room is a high level window with very limited outlook which would be offered additional screening by the existing boundary treatment. If members are minded to approve the application, a condition should be attached requiring the use of obscure glazing in the first floor side window.
- 10.12 Overall, the proposals are not expected to create a harmful increase in overshadowing of neighbouring private amenity space or principal windows. As such, the application is considered to be acceptable in terms of privacy, loss of light and overshadowing and is considered to be in keeping with the wider aims of UDP policies GP5 and Householder Design Guide policy HDG2.

Highway Safety

- 10.13 The proposal does not prevent two cars from parking off-street on site. Whilst the proposal will build over part of the hosts existing driveway, using the proposed block plan submitted, the applicant is intending to create a second off street parking space to the front. It should also be noted that the proposed increase in width to the drive way would reduce the length of kerb available for visitor parking directly in front of the property on street. However, the remaining length is still sufficient to park a vehicle without obstructing driveways. As such, the proposal is considered to protect highway safety and is considered to be in keeping with the wider aims of adopted Core Strategy policy T2.

Bin Storage

- 10.14 The proposed extension will involve building over part of the hosts existing driveway and restricting access from the rear of the property to the front. Since the last Panel meeting on 25th August 2016 the agent has provided a revised block plan showing the proposed bin store which would be located in front of the extension and to the side boundary of number 45 Moor Flatts Avenue.

Representations

- 10.15 It is acknowledged that the adjacent neighbour at No.45 Moor Flatts Avenue has objected to both the original and revised plans. All material planning matters raised by way of representation are discussed above. Concerns regarding structural damage to the neighbours driveway and foundations during construction are covered separately by Building Regulations. Comments in relation to a restrictive covenant relating to the host property are a legal matter and should be dealt with outside of the planning process.

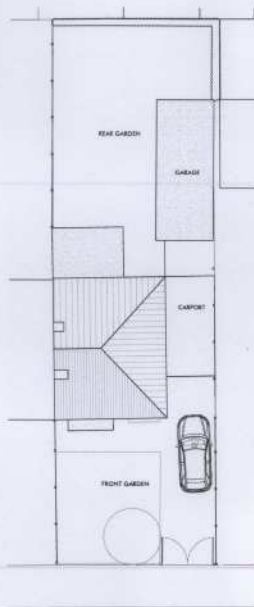
11.0 CONCLUSION

- 11.1 The scheme is considered to comply with both National and Local planning policy regarding householder development. The proposal would create additional living accommodation for an existing family dwelling and the development does not lead to harm to neighbouring amenity in terms of outlook, privacy, over-dominance or create any significant highway safety concerns. Amendments have been requested in order to achieve a more sensitive design which is in keeping with the character of the host dwelling and wider streetscene. In addition an additional condition has been added to ensure that the proposed extension to the width of the driveway is constructed to the same gradient as the existing driveway. There are not considered to be any material planning reasons to resist a part two storey, part single storey side extension and single storey rear extension at this property.
- 11.2 Overall, the application is considered acceptable in planning terms and does accord with the aims of the relevant local and national planning policy and as such is recommended for approval subject to conditions.

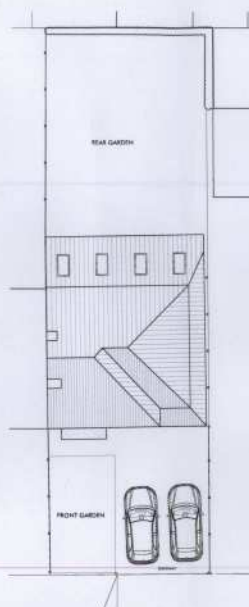
Background Papers:

Application files 16/01656/FU

Certificate of ownership: signed by applicant



EXISTING SITE PLAN



PROPOSED SITE PLAN

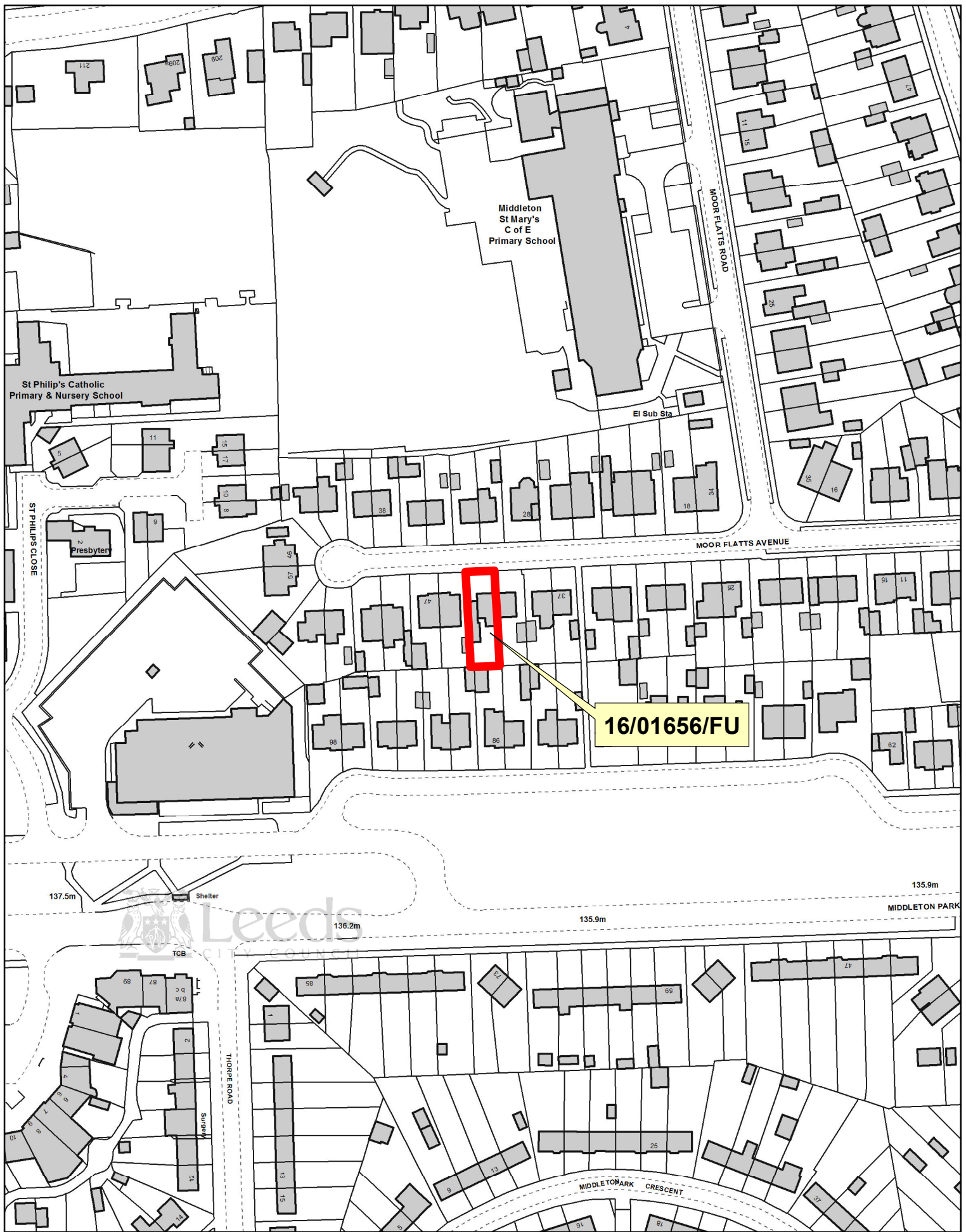
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DRAWING NO:	300
REVISION:	-
SCALE:	1:200@A3
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SOUTH AND WEST PLANS PANEL



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