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## SOUTH AND WEST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 22nd December, 2016  
at 1.30 pm

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### 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			

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

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED –</b> 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><b>No exempt items or information have been identified on the agenda</b></p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 24 NOVEMBER 2016</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 24 November 2016 – <b>Minutes to follow</b></p>	
7	Morley North		<p><b>APPLICATIONS 16/03676/FU &amp; 16/03675/FU - LAND OFF NEW VILLAGE WAY, CHURWELL, MORLEY, LS27 7GD</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding applications for engineering and ground works to allow development of 46 dwellings with associated access, car parking, landscaping and public open space.</p>	3 - 24
8	Weetwood		<p><b>APPLICATIONS 16/04153/FU &amp; 16/04154/LI - SPENFIELD, 182 OTLEY ROAD, HEADINGLEY, LS16 5AA</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding applications for part demolition and conversion of Spenfield to create six apartments and studio flat, construction of seven terraced dwellings on the car park to the rear with associated boundary treatments, landscaping and car parking.</p>	25 - 44

Item No	Ward	Item Not Open		Page No
9	Kirkstall		<p><b>PREAPP/16/00513 - KIRKSTALL FORGE, ABBEY ROAD, KIRKSTALL, LEEDS, LS5 3NF</b></p> <p>To receive and consider the attached report of the Chief Planning Officer giving updates on Plots E and F – 109 houses and apartments, 1900 square metre retail and new public square.</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p>	45 - 54
10			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 17 January 2017 at 1.30 p.m.</p>	

**Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

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



To all Members of South and West  
Plans Panel

**Planning Services**

The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Contact: David Newbury  
Tel: 0113 378 7990  
david.m.newbury@leeds.gov.uk

Our reference: SW Site Visits  
Date: December 2016

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 22<sup>nd</sup> December 2016**

Prior to the meeting of the above South and West Plans Panel the following site visits will take place:

Time	
10.55am	Depart Civic Hall
11.10am	16/04153/FU and 16/04154/LI, Spenfield, 182 Otley Road, Headingley (to view site from Weetwood Park Court – LS16 5AD only)
11.30am	PREAPP/16/00513 – Houses, apartments, retail and public square, Kirkstall Forge, Abbey Road, Kirkstall LS5 3NF
12.00 noon	Return to the Civic

For those Members requiring transport, a minibus will leave the Civic Hall at 10.55am. Please notify David Newbury (Tel: 0113 378 7990) if you wish to take advantage of this and meet in the Ante Chamber at 10.50am.

Yours sincerely

David Newbury  
Group Manager

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Originator: Ian Cyhanko  
Tel: 0113 247 4461

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 22<sup>nd</sup> December 2016

**Subject:** Application 16/03675/FU - Engineering and ground-works to facilitate residential development on adjacent site at land off New Village Way, Churwell, Morley, LS27 7GD.

Application 16/03676/FU - 46 dwellings with associated access, car parking, landscaping and public open space at land off New Village Way, Churwell, Morley, LS27 7GD.

#### APPLICANT

Persimmon Homes

#### DATE VALID

10<sup>th</sup> June 2016

#### TARGET DATE

28<sup>th</sup> October 2016

#### Electoral Wards Affected:

Morley North

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**16/03675/FU – GRANT PERMISSION** subject to the specified conditions.

**16/03676/FU - 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% (7 units) on-site in accordance with Core Strategy policy H5
2. Green Space Maintenance
3. £10,000 to install a new 'live' bus information display at Bus Stop number 10325
4. Local employment initiatives.

**In the circumstances where the undertaking has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer**

### **Conditions**

#### **Planning Application 16/03675/FU**

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Construction Management Plan to be submitted and approved prior to commencement of development
4. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays
5. Land to be grassed on completion of levelling works

### **Conditions**

#### **Planning Application 16/03676/FU**

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 details to be submitted.
6. Vehicle areas laid out prior to occupation.
7. Drive gradients.
8. Cycle parking.
9. Provision for contractors during construction.
10. Construction Environmental Management Plan (CEMP:Biodiversity)
11. Biodiversity Enhancement & Management Plan (BEMP).
12. Existing hedgerows to be retained at 2.5m in height.
13. Full Landscaping (including tree, planting, surfacing and boundary treatments).
14. Method statement for protection of retained trees during construction
15. 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.
16. Development not to commence until drainage scheme including calculations are submitted to, and approved.
17. PD rights removed on plots 4-7 and 22- 46.
18. PD rights removed on garage conversions
19. Soft landscaping areas to the front of all plots to be retained and not surfaced
20. Submission of a remediation statement.
21. Amended remediation statement in the event of unexpected contamination.
22. Verification reports following remediation.
23. Construction Management Plan to be submitted and approved prior to commencement of development
24. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays
25. Hanbury house type to be constructed and retained as 2 bed unit, and no subdivision to create a 3<sup>rd</sup> bedroom

## **1.0 INTRODUCTION:**

- 1.1 These applications were deferred by Members at the last South and West Panel meeting on 24<sup>th</sup> November, due to Members concerns which related to size of the

internal accommodation of some properties, air quality, the demands on local schools and access.

- In response to Members concerns regarding the issues surrounding the fact that 14 of the proposed properties did not meeting the National Spacing Standards, the application has since been amended, so that now all house types meet the nationally described minimum spacing standards. This has been achieved by losing a number of 3 bed units, and increasingly the number of 2 bed units from five properties to ten (see paragraphs 10.7- 10.9).
- In respect of the concern raised about air quality, the air quality management team have been consulted and have raised no objection to the application for housing (see paragraphs 10.14-10.15).
- Further comments have also been received from colleagues in Education who have confirmed there is capacity at local primary schools from 2017, mainly due to expansions taking place (see paragraphs 10.31- 10.34).

1.2 This application relates to proposal for a housing development, next to the M621 on a greenfield site. The proximity of the site to the M621, has created a challenge in devised a quality layout, which also offers protection from this noise source.

1.3 This proposal for 46 dwellings, has been submitted as two separate applications. The application (16/03676/FU) for 46 dwellings, is a re-submission of a previous application (15/04763/FU) and shares the same red-line boundary as this previous application. In order to ensure the levels changes on the site have steady gradient changes, re-grading works are now proposed on an area of open green land located to south, which lies outside the red-line boundary of the previous application, to ease the transition of land levels. These regarding works are subject to a separate application 16/03675/FU. This application is not necessary unless application 16/03676/FU for the 46 dwellings is approved. Therefore paragraphs 2.0- 10.42 refer in the main to application 16/03676/FU, with the exception of paragraph 10.24, which is concerned with the appraisal of the levelling works, subject of the separate application 16/03675/FU.

1.4 This application is a revised scheme of a previous refusal which is detailed in the History section of this report in paragraph 4.1. It is considered that this revised application addresses the previous reasons for refusal, which related to noise levels, design and lack of green space, and therefore is now considered to be acceptable. The previous application was not refused on issues relating to the principle of development.

## 2.0 PROPOSAL

2.1 The proposal is for 46 dwellings, which comprise of the following mix. The properties include terraced houses, semi-detached dwellings and detached properties.

No of bedrooms	No of units	Proportion on site
Two	10	21.7%
Three	20	43.5%

Four	16	34.8%
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- 2.2 The properties are 2, 2 ½, and 3 storeys in height. They are to be constructed from red and yellow brick, with a mixture of red and clay coloured roof tiles. The different brick colours and house types are interspersed throughout the site to add variety and visual interest. The proposal also includes a total of 4736 sq m on site green space.
- 2.3 The proposal includes re-grading levelling works to area of land located to the south of the main housing site. This is separate of a separate application 16/03675/FU, but is considered alongside the application for 46 dwellings.
- 2.5 In accordance with core strategy policy H5, seven affordable units (15% of the total) are proposed as part of the development, these comprise of four 3-bed properties, and three 2-bed properties (plots 30-32 and 36-39).
- 2.6 The application will be supported by a legal agreement covering the following obligations:
- Affordable housing – 15% (7 units) in accordance with Core Strategy policy H5.
  - £10,000 – to be used for a bus stop improvement
  - Local employment.
  - Maintenance of on-site Green Space

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site consist of an area of land which is roughly rectangular is shape, and measures approximately 185m x 105m. The site slopes upwards in a north to south direction. The site is a green field site, which lies between a modern housing development which is situated to the east of the site, and the M621 motorway which lies to the west. A buffer of trees lie between the motorway and the site, the motorway lies in an elevated position to the site. A public footpath also lies on the western edge of the site and buffer of trees lies on the eastern boundary, to the rear gardens of the properties which lie on May Avenue.
- 3.2 The site lies to the west of the settlement of Churwell and May Avenue. Access to the site is through the adjacent modern housing estate which was developed in the early 2000's and is locally knows as the 'New Village' estate. This is a modern suburban estate which is made up of semi-detached, detached and terraced properties. The heights of these properties include 2, 3 and 4 storey properties. To the south of the site lies a suburban estate of 1960's semi-detached bungalows, these are separated from the site by a green field. These are situated at a higher land level than the application site.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 This application is a revised scheme of a previous application (15/04763/FU) which was refused planning consent on 17<sup>th</sup> December 2015, under delegated powers. This scheme was for 52 dwellings (a total of 6 more than this current scheme). The reasons for refusal related to;

- Poor design
- Noise/ poor environment for future Occupiers
- Lack of Green Space

4.2 This previous application was subject to a pre-application enquiry (PREAPP/15/00166). A response was given to this enquiry in a letter dated 27th April 2015. This letter stated *'Officers have serious reservations as to whether this site could deliver a housing scheme which offer an acceptable level of noise to the future occupiers in space around the properties and within their private garden areas'*.

4.3 This letter went onto state that it was considered a number of properties would need to be lost from the scheme, in order to increase the buffer to the adjacent motorway, and concerns were raised regarding the layout and spacing of the development. It is not considered this advice was taken on-board in devising this previous application. The pre-application enquiry was for 53 dwellings, and this application was initially submitted for 57, although the revised plans reduced this down to 52.

4.4 The site was put forward through the Site Allocations process as a housing site, and this was considered by colleagues in Local Plans. Following consultation with Ward members it was decided not to carry forward the site as a Housing allocation.

## 5.0 HISTORY OF NEGOTIATIONS:

5.1 A sketch of the proposed layout was submitted to Officers for informal comments, prior to the submission of the application. Officers advised the applicants that the layout appears to be acceptable in principle as it increased the size of the buffer to the M621 but careful consideration was require to the relationships and appearance between different plots, given the tight spacing (required to achieve a noise buffer).

## 6.0 PUBLIC/LOCAL RESPONSE:

### Ward Members.

6.1 Councillor Leadley has objected to the application on the following grounds.

- The site was located in the Green Belt until 2001 as the Inspector determined the M621 was a clear and defensible boundary of the Green Belt
- The site has not been promoted as a Housing site through the Site Allocation process due to noise generated by the adjacent M621 motorway
- The site acts a noise buffer to the existing houses on May Avenue
- The noise levels within the gardens of the proposed dwellings will be high
- The proposal will exceed the capacity of the Spine road serving the development
- The site design is poor, lacking natural surveillance
- Streets are dominated by front hard surface and parking
- Application is premature

6.2 Morley Town Council have objected to the application on the following grounds

- Site is too close to the motorway
- Development is only served by one spine road

- Local doctors and schools are over-subscribed

#### Other public response

6.3 To date the application has attracted 53 letters of individual objection. The points made in the objections are highlighted below.

- Loss of green space
- Local services such as schools/ medical centres are full, and cannot cope with additional residents
- Local roads are heavily congested and cannot cope with additional traffic
- Application does not address previous reasons for refusal
- Persimmon have misled residents who bought houses from them in an earlier phase of development over their future plans for this development
- Application is premature as Site Allocations process has not concluded
- House type should match those on May Avenue
- Risk of flooding from surface water run-off
- Site isn't suitable for housing given proximity to M621
- Future occupiers of the development will experience high levels of noise.
- Loss of wildlife
- Over-shadowing/ loss of privacy on properties on May Avenue
- Loss of view
- Impact on wellbeing of people who live adjacent to the site
- Adjacent beck is likely to be polluted as a result of the development
- Traffic surveys are inaccurate as they were taken when people were at work
- Spine road within the New Village development already serves 330 properties, allowing further properties to be served of this road is in breach of Leeds City Councils own policies

6.4 At the time of writing this report a total of 195 batch letters of objection have also been received to the application. This is a standard letter which has been photocopied and signed by individuals. The points raised in this letter are highlighted below

- Application is premature within the LDF process
- Spine road within the New Village development already serves 330 properties, allowing further properties to be served of this road is in breach of Leeds City Councils own policies
- Development not sustainable as local primary schools and health centres are full
- Churwell Hill is already congested, and adding traffic to this, will worsen problems and raise levels of pollution.
- Properties are too close to the M621 and will experience high levels of noise
- The site is green field and provides recreational space for wildlife to thrive

## **7.0 CONSULTATION RESPONSES:**

### Coal Authority

7.1 No objection

### Environmental Protection

7.2 All the rear gardens of the proposed properties are under the Significant Observed Adverse Effect Level (SOAEL) of 60 dB, and most properties have rear gardens



which are under 55dB. No objections are raised on noise grounds. This issue is appraised in paragraphs 10.10 – 10.13.

#### Contaminated Land

7.3 No objections, subject to conditions.

#### Landscaping

7.4 Requested greater standoff distances of the retained hedgerow, as a positive setting for the development, to the rear garden of the properties located on the eastern side of the development, to allow for future growth of the hedgerow and reduce possible pressure on it in the future. Revised plans have been submitted to address this concern.

#### Nature Conservation

7.5 No objections. Recommend conditions which relate to Construction Environmental Management Plan (CEMP:Biodiversity) and a Biodiversity Enhancement & Management Plan (BEMP). The existing hedgerows should not be cut below 2.5m in height.

#### Flood Risk Management

7.6 The FRA acknowledges that there are significant problems with flooding within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development. Engineers in Mains Drainage have requested S.106 contribution from the developer in the order of about £39,000, to pay for enhanced protect level flood protection measures at this location.

#### Yorkshire Water

7.7 No objections subject to conditions.

#### Public Rights of Way

7.8 The applicants have stated that Public Footpath No.31 Morley will need to be diverted. However, looking at the plan provided this would not seem to be necessary. Where the new access road crosses the right of way drop curbs or something similar would be advisable with regards to public safety.

#### Highways

7.9 The proposal is to serve the 46 dwellings off a single point of access by extending New Village Way. This would result in more than 300 dwellings being served off a single access road which is contrary to the SDG and normally a second vehicular access would normally be required for more than 300 dwellings. It is however noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. At this location, the existing development has two loops off the spine road (Mozart Way/ Goffee Way and Marchant Way) that would allow traffic to bypass around a blockage. Therefore there is no objection on highway. Recommend conditions if minded to approve.

#### 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 contribution appropriate for this development would be £28,260.10 for Metro Cards at a 40% discount for future occupiers and £10,000 to install a new 'live' bus information display at Bus Stop number 10325 on Cottingley Drive.

#### West Yorkshire Archeology Services

- 7.11 The WYAAS have reviewed the Archaeological Desk Based Assessment and agree that the site has currently no apparent significant archaeological potential. Therefore we do not consider any further archaeological evaluation to be necessary.

#### West Yorkshire Police

- 7.12 This area has experienced higher than average recorded crime figures. Burglary through lock snapping and vehicle crime have been the two most recorded. However on having looked over the plans the layout looks good from a crime prevention aspect and security measures regarding lock types and lighting are recommended.

#### Local Plans

- 7.13 No objection in principle. The site is not in the green belt and can be brought forward as a windfall site. The Core Strategy allows for such sites to come forward under policy H2, subject to criteria, which are unallocated. (An assessment against Policy H2 is undertaken in para 10.2 of this report). Provides a significant contribution to the Council's housing land supply.

#### Education

- 7.14 It is estimated that 46 family dwellings (2+ beds) would generate 12 additional primary school age children and 5 secondary school pupils. This would equate to approximately 2 pupils per year group in primary and 1 per year group in secondary. Once Cottingley Primary expands in 2017, there will be capacity at this school for the children living at the development at primary level. An application for a new free school application at secondary level is currently under consideration. These issues are fully explored in paragraphs 10.31- 10.35.

#### Design

- 7.15 Colleagues in SDU design have raised some concerns which relate to tight spacing between blocks, and massing of the blocks which face towards the M621. Have raised design concerns on the design of the 'Longford' house types, and the tapered gardens suggest they may not be a usable private amenity on Plots 5 to 7, 36 to 39. They have also raised issues on the lack of clarity on retaining walls within rear gardens, and how useable these gardens would be. (Persimmon have confirmed these retaining walls are 600mm high). SDU have however stated the scheme has some positive elements such as the fact the house designs are simple clear designs. It is positive that the windows have 'soldier course' heads to some of the windows (mainly ground floor and gables). It is also positive that the windows are of a decent proportion and with vertical alignment. The 'sash' windows are also positive.

#### Air Quality

- 7.16 No objection. The methodology for the air quality assessment undertaken was agreed in advance with Environmental Health, and the report concluded that exceedances of relevant air quality objectives were not predicted anywhere across the site. The dispersion modelling used in the AQ assessment considers the impact of weather conditions on the dispersion of air pollution, and it may be that the prevailing south-westerly wind means that air quality is better than some may expect at that location given the proximity of the M621. Air Quality monitoring in this locality has ceased as the results were low in four consecutive years 2009- 2012. This issue is fully appraised in full in paragraphs 10.14- 10.15.

## **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.

### 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 m<sup>2</sup> of floorspace  
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> 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

- 8.3 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.

#### Supplementary Planning Guidance and Documents

- 8.4 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

#### National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> 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.
- 8.6 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

- 8.7 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. Space standards
3. Noise Issues
4. Air Quality
5. Design, Layout and Appearance
6. Impact on Adjacent Occupiers

7. Impact of Engineering Works/ Level Changes on Application 16/03675/FU
8. Highway
9. Greenspace
10. Landscaping
11. Education and GP provision
12. Drainage
13. Planning obligations and legal agreement
14. CIL
15. Crime Prevention
16. Other issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 The appeal decision for outline residential development, at Grove Road, Boston Spa (which was allowed in June 2016) has had wide implications for how housing applications are considered at Leeds City Council. This appeal decision determined Leeds City Council does not have a 5 year housing supply, a requirement which is made through paragraph 47 of the NPPF. Unless the Council can evidence a five year housing land supply, its policies for housing are rendered out of date by the NPPF. Planning Practice Guidance states that where development plan policies are out of date, paragraph 14 of the NPPF which states there is a presumption in favour of sustainable development, and for decision making, this means;
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.
- 10.2 The site is unallocated within the Leeds UDP, and therefore located outside of the Green Belt. Local Plans have not objected to the principle of development stating that the site relates to the existing housing estate, and is located close to a train station which would make it a suitable housing site, and have raised no objections to the principle of development. The fact the site was rejected by elected Members as an allocated Housing site through the Site Allocations process, does not automatically mean the principle of developing this site is unacceptable or fails to meet with adopted planning policy regarding new build housing schemes. Policy H2 allows for housing on windfall sites such as this, which lie outside of the Green Belt.
- 10.3 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes,

opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes, the need for realistic lead-in-times and build-out-rates for housing construction, the least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.

- 10.4 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and it is not a regeneration site. However, it is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, the site is not within the Green Belt land such that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the adjacent neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in early 2017 weeks after pre-commencement conditions were discharged, (assuming approval at this Panel). The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report in paras 10.27 and 10.32, but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.5 Policy H3 of the Core Strategy recommends a density of 35 dwellings per hectare. This scheme works out to a density of 23 units per hectare. Given the proximity to the M621 motorway and the need to leave an area of land undeveloped to provide a noise buffer, it is not considered a higher density could be achieved on this site. Issues relating to spacing and layout are discussed later in this report.
- 10.6 It is considered that the principle of this proposal accords with the Core Strategy policies on new housing (as stated by paragraph 14 of the NPPF) subject to an assessment against all normal development control considerations. Housing regeneration and growth is a key priority for Leeds; it is a breakthrough project in the Best Council Plan. The main issue with regard to this application is the need to provide an adequate level of noise upon the site for the future occupiers of the development and whilst ensuring the layout is of a good design. The proposal will contribute towards the housing delivery of 70000 new homes as required by policy SP6 of the adopted Core Strategy and contribute towards Leeds City Council's five year housing land supply.

### Space Standards

- 10.7 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 <sup>2</sup> )	NDSS (m <sup>2</sup> )	Difference (m <sup>2</sup> )
Welburn	3	6.5	2 bed 2 storey	70.7	70	+0.7
Hanbury	7	15.2	2 bed 2 storey	70.7	70	+0.7

Shilden	8	17.3	3 bed 2 storey	87.8	84	+3.8
Souter	4	8.7	3 bed 3 storey	90	90	0
Stafford	4	8.7	3 bed 2 storey	84.4	84	+0.4
Hatfield	4	8.7	3 bed 2 storey	90	84	+6.0
Roseberry	2	4.3	4 bed 2 storey	101.8	97	+2.3
Chedworth	4	8.7	4 bed 2 storey	113.5	97	+9.8
Lumley	2	4.4	4 bed 3 storey	113.3	103	+10.0
Longford	6	13.0	4 bed 2 storey	115.1	97	+18.1
Winster	2	4.3	4 bed 2 storey	118.5	97	+21.5

**Table 2:** House types and floor areas compared to NDSS

10.8 Now all the properties meet with the minimum spacing standards, when compared to 32 properties on the previous version scheme which was last presented to Members at Plans Panel. This has been achieved by replacing the 'Alnwick' house type, with a larger type 'Welburn' house type. Within the Hanbury house type, the two smaller bedrooms have been combined to make one larger second bedroom. A condition is recommended to ensure this property is constructed as a 2 bedroom house, and not a 3 bedroom house.

10.9 All of the properties with the exception of two properties Plots 7 and 41 have rear gardens areas which equates to 2/3 the gross floor space, following the guidance of the adopted SPG 'Neighbourhoods for Living'. These two plots have gardens area's which falls just under this guidance. It is considered however these properties would have a good level of amenity due to the fact both properties have dual aspects and clear outlook from both the front and rear elevations.

#### Noise Issues

10.10 The BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, offers advice on acceptable noise levels. This legislation is technical advice and not adopted as planning policy. With regard to noise in private external amenity areas, Section 7.7.3.2 within BS 8233 specifies that it "is desirable that the external noise level does not exceed 50 dBLAeq,T with an upper guideline value of 55 dBLAeq, which would be acceptable in noisier environments". However, BS8233 recognises that these guidelines values "are not achievable in all circumstances where development may be desirable.

10.11 In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited". Significant Observed Adverse Effect Level (SOAEL), which is defined as the level *which significant adverse effects on health and quality of life occur*, is set at 60 dBLAeq.

- 10.12 The site is located adjacent to the M621 motorway which lies to the west of the site. The proposed properties located nearest to the M621 (Plots 5-8 and 38-46) are located between 70 and 95m away. The previous application was refused due to the modelled noise levels within the rear gardens of 16 of the properties (which were over 55dB). In order to overcome this, the applicants have revised the layout to increase the buffer/ open green which lies between the properties located on the western edge of the site and have amended the siting of the properties to effectively provides a 'built physical barrier' to create a noise barrier. This results in a lower maximum dB in most rear gardens (by 1 or 2 dB at its peak, when compared to the previously refused scheme), and decreases the number of properties whose noise levels are over 55dB by one (15 in total) as more properties are located along the western boundary of the site, to create a noise buffer.
- 10.13 However the noise limit exceeds 55dB on 15 plots, the noise levels within all gardens are predicted to fall below the Significant Observed Adverse Effect Level (SOAEL) of 60 dBLAeq. On balance, it is considered that the noise levels upon the site for the future occupiers would be considered acceptable. Environmental Health Officers have raised no objections to the proposal on this basis. Other recent developments within Leeds such as the Strata development at Colton, and a Persimmon scheme at Robin Hood have a similar relationship and distance to the motorway. The future occupiers of the development would know the environment of the site, its surroundings, and would make their own judgement, prior to purchase as to whether the development provided them with an adequate level of noise and general amenity.

#### Air Quality

- 10.14 The application has been supported by an Air Quality Assessment. Dispersion modelling was undertaken in order to predict Nitrogen Dioxide (NO<sub>2</sub>) and Particulate matter with an aerodynamic diameter of less than 10µm (PM<sub>10</sub>), concentrations across the proposed site as a result of traffic exhaust emissions from the local highway network. Results were subsequently verified using local monitoring results obtained from Leeds City Council. Exceedances of the annual mean Air Quality Objectives for NO<sub>2</sub> and PM<sub>10</sub> were not predicted at any location across the development. As such, the site is considered suitable for residential usage in regards to air quality and mitigation measures are not required to protect future users from elevated pollution levels.
- 10.15 It is considered that due to the prevailing south-westerly wind means that air quality is better than may be predicted at this location, given the proximity of the M621. Leeds City Council's own monitoring and modelling processes under the Local Air Quality Management regime have not flagged up any air quality concerns in this vicinity, including at the existing residential area a short distance away to the south-west, which is also in close proximity to the M621. Air monitoring has been carried out at 66 Cottingley Drive, which is one of the closest properties to the M621 at approximately 50m away, for four years from 2009 through to 2012. All the annual mean results were below the 40ug.m<sup>-3</sup> objective contained in the UK Air Quality Regulations. The results at this location were 33, 38, 31 and 31ug.m<sup>-3</sup> for 2009 to 2012 respectively. Air Monitoring at this location ceased at there was no likelihood of the UK Air Quality Regulations being breached.

#### Design, Layout and Appearance

- 10.16 The design of the proposed scheme has been devised to ensure noise levels within the rear gardens of 31 properties are within the BS upper limit of 55dB, to give the



future occupiers of the development an adequate standard of amenity within their rear gardens. In order to achieve this, it means the properties Plots 4- 10 and Plots 36- 46 are spaced very close together in tight clusters, only 1m apart in some instances. This minimal amount of spacing, is contrary to the advice of the adopted SPG 'Neighbourhoods for Living'. However there is clear reasoning for this approach. Given the very tight spacing between some plots, it has been considered very important to ensure a good transition between the properties in terms of their height and elevation treatments, to ensure the transition in the heights is gradual. Amended plans have been received which lowers the height of some properties to achieve this transition and to reduce massing, and ensure a smoother transition in the different properties heights and create interest.

- 10.17 The properties within the site, which are located away from the western end of the site nearest to the M621 are located within increasingly spacious plots with a greater degree of separation between the house types. The dense form of development only exists towards the boundary with the M621 motorway. It is considered the spacing of these properties meets with the minimum guidance and design advice of the adopted SPG 'neighbourhoods for Living' with regard to layout, spacing and garden areas. Most of the properties have gardens areas which meet the 2/3 gross floor space rule of the internal accommodation. The property types which fail on this guidance are the Shilden types (which are arranged in a cranked block). The properties located along the boundary with May Avenue have gardens areas which are over this guidance in size. The properties which are sited close together facing onto the M621 (to create a noise buffer) have parking located to the front of these properties. These frontages are broken up by areas of soft landscaping to avoid a hard sterilised, car dominated environment. A duty to retain these area of soft landscaping will be conditioned on the approval of the application.
- 10.18 The proposed properties are standard Persimmon house types, which vary in the design, and include detailing such as string courses, and artstone heads and cills. The site is not considered to be to be located in a sensitive location; it is located at the end of Churwell New Village estate, which comprises of modern properties which were built in the early 2000's. These properties vary in style, design and height from 2 to 4 storeys, although it is noted the properties located nearest to this site on May Avenue are 2 storeys in height (with the exceptions of plots 18 and 19) which are 2 ½ storeys in height). It is considered that the development generally respects the appearance and character of the development it will adjoin.
- 10.19 It is noted that some of the properties proposed are 3 storeys in height, with integral garages. There are only 4 of these units proposed, out of a total of 46. It is not considered that the development would have long expanses of 'dead frontages which lack surveillance. These types of properties are located adjacent to 'traditional' 2 storey properties which have glazed windows on both levels. On balance, it is considered that the design of the proposal, although has it weakness, is acceptable and provides a solution to protect occupiers from excessive noise generated by the adjacent M621 motorway. The site is not considered to be a sensitive location and is not located within an existing townscape, or an in-fill site within an existing street scene. The proposal essentially seeks to extend an existing suburban housing development, towards the motorway, which acts as a definite boundary to contain this settlement. Any minor concerns which relate to the design/ layout of the scheme are considered to be outweighed by the benefits of the delivery of new housing, which is afforded significant weight. In order to provide a acceptable level of amenity for the occupiers some compromise has to be made in respect of layout.

### Impact on Adjacent Occupiers

- 10.20 The properties located at numbers 2, 4, 6, 8, 10, 14, 16, 18, 20 and 22 May Avenue have their rear gardens boarding onto the eastern boundary of the site. These properties are located between 22.2m and 29.1m from the proposed development, where the relationship is defined as 'rear to rear'. This meets with the guidance of the adopted SPG Neighbourhoods for Living, which recommends a minimum distance of 18m in such instances. An existing hedgerow which lies behind these properties on this application site is to be retained. Revised plans have been received which increases the clearance from the proposed development to this hedgerow.
- 10.21 Plots 1 and 15, have their side elevation facing towards May Avenue, and are located approximately 6m from the boundary with the properties located opposite on May Avenue. It is considered this distance is adequate to ensure the properties would not appear over-bearing or create significant levels of over-shadowing on the occupiers of no's 8 and 10 May Avenue. The adopted SPG 'Neighbourhoods for Living' advises a distance of 2.5m between the side elevation and boundary of a property. It is not considered the proposal would result in significant levels of over-shadowing or over-looking on these properties.
- 10.22 The front elevation facing north-east. The side elevation of plot 22 faces towards the rear boundary of this property. At its closest point, the distance between these properties is 17.2m. This relationship is defined as 'side to rear' and the adopted SPG 'Neighbourhoods for Living' recommends a minimum distance of 12m in such instances. It is considered that the house types have been carefully designed in relation to their position within the site in view of land levels and the relationship with the properties located on May Avenue. The application is supported by full sectional drawings showing streets scenes and land levels. There is no objection to Plots 18 and 19 being 2 ½ storey in height given the fact they are located approximately 28m away from the 2 storey dwelling located opposite on May Avenue property at number 22 May Avenue, is located in an angled position, with its.
- 10.23 The existing hedging and vegetation which lies along this boundary, which is within the ownership of the applicant is to be retained and this is shown on the submitted plans. This will be conditioned on the approval of the application. Although these properties will lose their view of green fields, this is not a material planning consideration. Due to the distances involved, it is not considered the occupiers of the properties located on the western side of May Avenue would be over-shadowed by the development or be over-looked by the properties proposed. It is not considered the traffic generation caused by 46 new dwellings through the New Village estate would have a demonstrable detrimental impact on the living conditions of the occupiers who presently reside there.

### Impact of Engineering Works/ Level Changes on Application 16/03675/FU

- 10.24 The scheme includes a separate application 16/03675/FU to re-grade an area of land which is approximately 125m x 25m in size which lies directly to the south of the housing application site. This proposal removes the need for a large retaining wall to be constructed at the end of plots 22-28, which would need to be between 2m and 3m in height. The re-grading works create a gentle slope (at a 1:3 gradient) towards the rear boundaries of plots 22-28. This provides a better degree of assimilation with the surrounding environment and avoids the development appearing overly engineered. It is not considered these works would have any impact on any nearby

occupiers, and a condition is proposed to ensure the land is seeded and grassed on the completion of the works.

### Highways

- 10.25 The 2009 Street Design Guide SPD (SDG) states that a 6m wide Connector Street with a verge or hard margin should be provided when serving more than 300 dwellings. New Village Way meets this requirement. The proposal is to serve the 46 dwellings off a single point of access by extending New Village Way. However, this would result in more than 300 dwellings being served off a single access road which is contrary to the SDG. A second vehicular access would normally be required for more than 300 dwellings. It is however noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. At this location, the existing development has two loops off the spine road at Mozart Way/ Goffee Way and Marchant Way that would allow traffic to bypass around a blockage. Therefore there is no objection to the principle of 46 new dwellings being located off the existing spine road.
- 10.26 It is noted that the proposal doesn't meet with all the accessibility standards, as set out in Table 2 of Appendix 2 of the adopted Core Strategy. The nearest bus stops to the site are located on Cottingley Drive and the A643 Elland Road, at a walking distance of approximately 1120m and 800m respectively from the site. Bus services on Cottingley Drive offer a service frequency of 3 buses per hour. This is over the recommended walk distance of 400m to a bus stop. The site is however located within 400m of Cottingley rail station, which is within the recommended walking distance of 800m to a rail station. Given the location of this site, and proximity to the Ring Road and M621, it is considered that the proposed development will appeal to people who want to live close to these roads networks. It is not considered the distances of the bus stops to the site, warrants grounds alone to refuse the application.
- 10.27 Highways have raised no objection to the level of parking within the development, it is considered this level of parking is appropriate for suburban dwellings of this size, within this location. The properties with integral garages have internal dimensions of 3m x 6m, and therefore can be used as a parking space. PD rights will be removed on the approval of this application to ensure these garages are not converted into additional residential accommodation.

### Greenspace

- 10.28 The proposed layout includes on-site Green Space, resulting in a total of 4736 sq m. Following the advice of Policy G4 of the adopted Core Strategy which states on-site provision should equate to 80 sq m per unit, the scheme should deliver 3,680 sq m of green space. The proposal equates to provision at 129%, however it is not considered that all of the on-site green space would be useable to its proximity to the adjacent M621 motorway. It is however considered that the area which is not useable green space is less than 29% of the provision and therefore the proposal does follow the policy guidance of G4.

### Landscaping

- 10.29 The site offers a large area for open green space and landscaping. A full landscaping scheme will be conditioned on the approval of the application. It is

considered that a full programme of planting mature trees along the western boundary of the site, adjacent to the M621 motorway would enhance the quality of the development, as well as providing an element of relief, both visual and in terms of noise, from the adjacent motorway.

- 10.30 The Nature Conservation officer has recommended several conditions which will be imposed on the approval of the application. These include enhancements to include extending a native hedgerow northwards along the western boundary and managing this native hedgerow to achieve a tall hedge that is not cut below 2.5 metres and only cut every two years (or allowed to attain full height with berries left over-winter). These locally valuable ecological features will be protected and enhanced through conditions which relate to a Construction Environmental Management Plan and Biodiversity Enhancement Management Plan.

#### Education and GP provision

- 10.31 Concerns have been raised regarding the implications of the proposed development for education provision. Colleagues in Education have stated that they estimate that 46 family dwellings (2+ beds) would generate 12 additional primary school age children and 5 secondary school pupils. This would equate to approximately 2 pupils per year group in primary and 1 per year group in secondary.
- 10.32 There are two schools within the vicinity of the proposed development, Churwell Primary School is the nearest primary school to the site and Cottingley Primary Academy is located within one mile of the application site. Churwell Primary is consistently oversubscribed and is projected to be close to capacity until 2020/21, current projections indicate a maximum spare capacity of 4 places each year. Cottingley Primary has more children living nearby than it has available places and is projected to be full every year until 2020/21 with no spare capacity. However, this school is expanding by 15 places from 2017 to help it respond to immediate pressure for places in the area. It is likely to provide a small amount of spare capacity approximately 6 places per year group, after expansion. This would accommodate the projected demand from this demand, which is 2 pupils per year group.
- 10.33 Asquith Primary, which is located within Morley, also has capacity which is currently projected to have approximately 12 places available in reception each year until 2020/21 as their number of nearest pupils currently shows a decline over the coming years. In 2016, out of 69 children living closest to Cottingley Primary School, 16 of these families put Asquith Primary School down as one of their 5 school place preferences. Although this school, lies outside the desired catchment from the May Avenue site, it is considered that this school would be an option for people living at the proposed development, particularly to parents who work in Morley, or beyond, or have other ties (such as family) within Morley.
- 10.34 Secondary projections in the south of the city indicate that additional places are required to meet existing demand from 2017. Cockburn Academy has applied directly to the Education Funding Agency, to fund a new Free School, which would be placed in a location to serve the Beeston and Churwell areas. There is no indication at this point in time on clear timescales for when they will make a final decision to either approve or reject the bid. The proposal does state that the intention is to open the school from September 2018 and would have a total capacity of 900 pupils. The developer is paying the full Community Infrastructure Levy CIL contribution and this will allow for funds to increase both primary and secondary education provision, to meet the demands of a growing population.

- 10.35 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 stated that the nearest GP practice (Cottingley Surgery) has an open list but it should be taken into consideration that this is single handed practice with limited premises capacity. However the site is just on the border between Leeds South & East and Leeds West CCG and many people may decide to travel up to Morley to register with a practice within Morley. The CCG also have stated that it is likely that a percentage of the future occupiers of the development would be local people moving up the housing ladder who are already registered with a practice locally.

#### Drainage

- 10.36 The Flood Risk Assessment acknowledges that there are significant problems with flooding within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development. This issue is existing and is not a consequence of the development. As such officers cannot request a financial contribution through a S106 agreement to part fund improvements at Old Close. Any drainage improvements would have to be covered by the CIL payment. Engineers in Mains Drainage have recommended conditions will also be imposed on the approval of the application, which will include a duty to submit summary calculations and investigations, detailing the surface water drainage works.

#### Planning obligations and legal agreement

- 10.37 It is intended that the application will be supported by a legal agreement to cover the following matters:
- Affordable housing – 15% (7 units) on-site. Plots 30-32 and 36-39.
  - £10 000 for bus stop improvement with ‘live information’.
  - Local employment.
  - Maintenance of on-site green space
- 10.38 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

- 10.39 The site is within CIL zone 2a (£45/m<sup>2</sup>). 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 £201,984.75.

#### Crime prevention

- 10.40 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.

#### Other issues

- 10.41 Permitted Development rights are to be removed from Plots 4-7 and 22-46. This is due to the properties being located in close proximity together and have garden areas which are modest in size. Exercising PD rights on these properties may cause amenity issues on adjacent occupiers in terms of dominance and over-shadowing as well as lead to issues with over-development. PD rights will also be removed on converting garages into habitable accommodation as well as losing parking spaces, this would also harm the patterning of openings upon the development, particularly on the terraced block of properties.
- 10.42 Many of the objections received relate to the loss of green space and loss of view. The site is private land and is not publically accessible green space. The applicants could restrict access to the land, regardless of this application. The loss of a view is not a material planning consideration. It is important to note that the Churwell New Village Development is a modern housing development which was built in the early 2000's and prior to this, was green fields.

## **11.0 CONCLUSION**

- 11.1 The application site presents challenges due to its proximity to the M621 motorway and the levels changes. It is considered that on balance the proposed scheme represents an acceptable solution, in terms of its layout and design to offer protection from this noise source to its future occupiers, although it has areas in terms of spacing/ design which are comprised. The scheme does however offer generous areas of landscaping and greenspace and is adequately spaced away from the existing properties on May Avenue, to ensure the proposal would not have a significant impact on the occupiers of these existing properties.
- 11.2 The schemes offer other benefits, its provided new housing which will contribute towards the requirements of housing delivery of 70000 new homes as required by policy SP6 of the adopted Core Strategy, offer full affordable housing contribution, green space provision, and CIL contributions. It is considered these benefits; outweigh any harm caused by the development. On balance, it is therefore recommended that these applications are approved, subject to the suggested conditions and completion of a legal agreement to cover the obligations discussed above.

## **Background Papers**

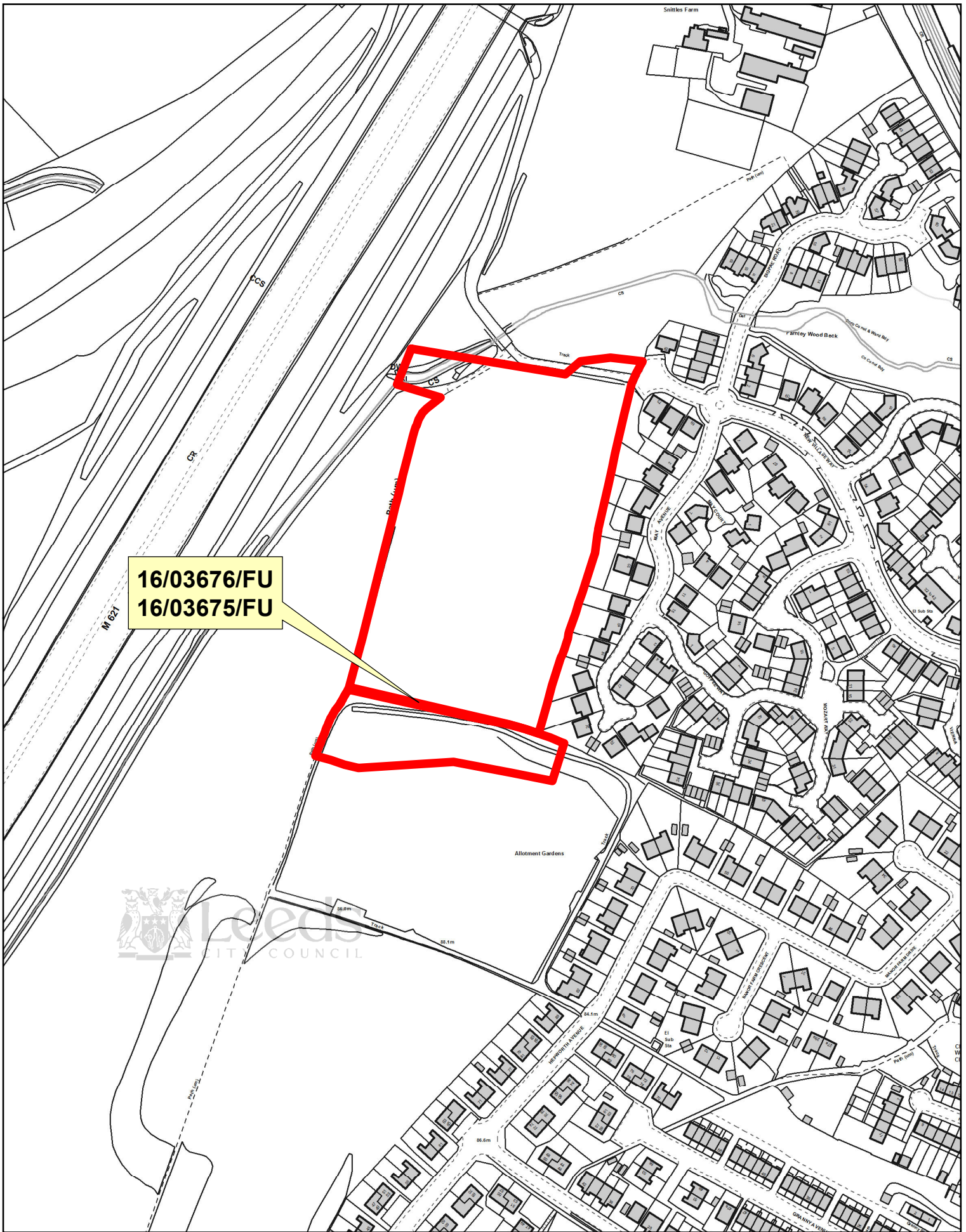
Application Files: 16/03676/FU and 16/03675/FU

Certificate of ownership: Notice served on Margaret Gaythorpe









16/03676/FU  
16/03675/FU

# SOUTH AND WEST PLANS PANEL







Originator: Patrick Bean  
Tel: 0113 3952109

**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 22<sup>nd</sup> December 2016**

**Subject: Applications 16/04153/FU and 16/04154/LI - Part demolition and conversion of Spenfield to create six apartments and studio flat, construction of seven terraced dwellings on the car park to the rear with associated boundary treatments, landscaping and car parking at Spenfield, 182 Otley road, Headingley, Leeds LS16 5AD.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Round Strategies Ltd.	26 <sup>th</sup> July 2016	25 <sup>th</sup> October 2016

**Electoral Wards Affected:**

Weetwood

Yes Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**16/04153/FU - DEFER AND DELEGATE approval of planning permission to the Chief Planning Officer subject to the conditions listed in the appended report and the prior completion of a Section 106 Agreement to cover the following:**

- **Contribution of £48,425.79 for off-site greenspace provision, and £6,737.50 towards a scheme for sustainable travel.**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the Panel Resolution, the final determination of the applications shall be delegated to the Chief Planning Officer.**

**16/04154/LI – GRANT LISTED BUILDING CONSENT subject to the conditions listed in the appended report.**

**Condition 1 of both applications shall be subject to a variation to require the development to be commenced before the expiration of two years from the date of the approval.**

## **1. INTRODUCTION:**

- 1.1 These applications are brought to Plans Panel following the receipt of a complaint received from ten objectors. The complaint regards the previous Panel report for this proposal which was considered by Members at the Plans Panel meeting of 20<sup>th</sup> October 2016. The complaint refers to discrepancies in the reporting of the number of objectors, and in the identification of the differences in height between a recent previous scheme and the current proposals. The applicant seeks both planning permission and listed building consent for the works.

## **2. PROPOSAL:**

- 2.1 Planning permission and listed building consent has been sought for the part demolition and conversion of the Grade II\* listed Spenfield to create six apartments and a studio flat, construction of seven terraced dwellings on the car park to the rear with associated boundary treatments, landscaping and car parking. The proposed dwellings would be of modern contemporary design and would be constructed of ashlar stone and zinc cladding, with a part sedum roof. The properties would have rear gardens and would be accessed via a short private drive which would be constructed to the rear of Spenfield.

## **3. RELEVANT PLANNING HISTORY:**

- 3.1 In 2014 planning permission and Listed Building Consent were sought for a scheme involving the change of use of the former training centre (it's most recent use – prior to this the building was used as a health club/spa in conjunction with the adjacent Village Hotel) to six apartments and studio flat, construction of eight terraced houses with associated boundary treatment, landscaping and car parking and part demolition of a former crèche to the rear. During the course of discussions on this proposal, the applicant appealed against non-determination. However the appeal was dismissed in 2015 in respect of both applications.
- 3.2 At the Plans Panel meeting of 20<sup>th</sup> October 2016 Panel members resolved to defer and delegate approval of the planning application to the Chief Planning Officer subject to appropriate conditions and the prior completion of a Section 106 Agreement to cover off-site greenspace provision and sustainable travel, and to grant listed building consent.

## **4. MAIN ISSUES:**

1. Number of representations
2. Failure to notify objectors to the listed building application of consideration of the application by the Plans Panel
3. Height of the proposed scheme

## **5. APPRAISAL:**

- 5.1 Following the Plans Panel of 20<sup>th</sup> October a letter of complaint, in the name of ten local residents was received. In summary, the substantive concerns raised by the complaint are that the Panel report contained two factual errors:
- Paragraph 6.2 states that eight letters of objection have been received, whereas there were 16;
  - Paragraph 10.24 states that the height of the proposed terrace would be three metres lower than in the previous scheme which was rejected by the Inspector

- in 2015. The complainants refer to the Inspector's comments that the previous proposal would represent a significant visual intrusion for neighbouring residents, and they state that comparison of the elevations of the previous and current proposals for the terrace show little difference in heights.
- The complainants also consider that the consideration of the scheme by Panel Members at the meeting focussed on the aesthetic appeal of the scheme but not the objectors concerns.

#### The number of representations received.

5.2 Paragraph 6.2 of the previous Panel report states:

6.2 *Eight objection letters have been received. The points raised include:*

- *Height of the proposed new build would be excessive;*
- *Design of the new build would be unsympathetic to the setting of the listed building;*
- *Materials are not appropriate to their setting;*
- *Proposal could overshadow neighbouring properties;*
- *Inadequate provision for refuse collection;*
- *Proposed parking layout unsympathetic to setting;*
- *Proposed landscaping scheme inadequate;*
- *Proposed conversion of apartments unsympathetic;*
- *Dominance over neighbouring properties;*
- *Lack of publicity and public consultation;*
- *Loss of privacy for neighbouring occupiers.*

5.3 Paragraph 6.3 then also goes on to state that Councillor Sue Bentley has objected to the scheme, and provides details of the Councillor's objection.

5.4 It is acknowledged that a reporting error was made in that there were a total of nine objections to the planning application, including one from Councillor Bentley, however there were also an additional 12 objections to the Listed Building application which were not identified in the report. The additional representations raise a number of issues related to both the listed building and wider planning issues, including the suitability of Spenfield for sub-division, the impact of the proposed development and vehicle parking on the setting of Spenfield, the visual and neighbour amenity impacts of the new build element, as well as the effect upon the highway network. While the misreporting of the total number of representations is regrettable, it is clear that the issues raised have been considered and that the objectors' views have been fairly represented. It is not considered that the error would have any bearing upon the recommendation made to Members in the previous Panel report.

#### Failure to notify objectors to the listed building application of referral of the application to Plans Panel

5.5 It is normal procedure that persons making representations on applications are notified that an application is to be considered by the Plans Panel. Whilst this happened as normal in the case of the planning application, it did not happen in the case of the listed building application. Whilst some of those commentators are duplicated in that they made representations in addition to the planning application, this is not true with regard to the 12 objectors referred to above who have now been notified that the application is being referred back to the Plans Panel.

## The comparative heights of the previous and current scheme

- 5.6 Paragraphs 10.23 and 10.24 of the Panel report refer to the comparative heights as follows:
- 10.23 In dismissing the previous appeal the Inspector stated that she was satisfied that the separation distances involved to neighbouring residential properties would be sufficient, in principle, to ensure that the proposed development would not have a significant detrimental impact on living conditions in terms of outlook. However, she did consider that, due to the bulk, scale and design of the previous proposal it would have caused significant visual intrusion when viewed from the neighbouring flats.*
- 10.24 In response to this, the current proposal has reduced the height of most units by approximately three metres, and of Unit 1 by approximately five metres. Additionally Unit 1 is now proposed to have a green sedum roof, and the adjacent gable to Unit 2 is proposed to be ashlar stone rather than zinc. It is considered that these changes, along with the simpler roof design and smaller palette of materials, would significantly soften the appearance of the scheme when viewed from the neighbouring flats to the north.*
- 5.7 The figures quoted in the report were based on measurements taken from the drawings of the elevations of the appeal scheme compared with measurements taken from the drawings of the elevations of the current scheme. The report sets out that, generally speaking, the overall height of the current proposal was around three metres less than that of appeal proposal, with the exception of Unit 1 where the difference in overall height increased to approximately five metres. At the meeting officers noted that these measurements were an approximation and that the height differential may be less and a figure of approximately 2m was referred to. As part of the officer presentation a slide was shown that demonstrated the relative heights of the scheme. This slide showed the current proposal, along with a dotted line marking the outline of the scheme dismissed at appeal. This drawing was received shortly before the Plans Panel, but after the Panel report had been drafted and published, and its purpose was to help the Members of the Panel understand how the two proposals compare.
- 5.8 Following the receipt of the complaint officers looked at this drawing in more detail and noted that the relative heights was substantially less than that set out in the report. Following the Panel officers sought to clarify this discrepancy with the applicant who stated that the drawing had been produced for illustrative purposes and could not be taken to be absolutely accurate. Consequently officers then met with the architect and a further comparative plan has now been produced. This confirms that the height differentiation is not as great as reported. The differences in height between the top of the recessed attic second floor and the same points of the dismissed scheme range approximately from zero in respect of the eaves and valleys, to a maximum of approximately 2m to the ridges.
- 5.9 It is clearly important that Members of the Plans Panel are presented with accurate information to facilitate informed judgments and decisions. Although Members had visited the site, seen the drawings of the respective schemes and viewed the model supplied by the applicant, it is acknowledged that in reaching their decision Members were not presented with clear and accurate information on this point.

- 5.10 It is considered that while the previously stated figures of approximately 3m and 5m are inaccurate, the height and volume of the scheme has been significantly reduced in comparison to its predecessor. The previous conclusion drawn from this, that the current proposal responds to its context significantly better than the previous scheme, is still valid. It is considered that it does address the Inspector's concerns about the previous scheme's uncompromising form, massing and design.
- 5.11 It remains the case that the distances between the proposed development and the nearest habitable room windows of the flats on Weetwood Court are comfortably in excess of minimum distances normally considered appropriate in assessing relationships between new and existing development. The City Council's adopted Residential Design Guide, Neighbourhoods for Living, identifies a traditional minimum guide distance of 10.5 metres from a main aspect to a boundary and 12 metres from a main aspect to a side elevation, and the proposed scheme comfortably exceeds these. Therefore while the residents of some of the flats would have a view of the development, the relationship is not such that harm would be caused to those residents through over-dominance, overshadowing or overlooking.

## **6. CONCLUSION**

- 6.1 In conclusion it is considered that the misreporting of the total number of objections, and the lack of clarity regarding the heights issue are regrettable, as is the failure to notify objectors to the listed building application of the referral of the application to Plans Panel. This matter has been rectified and it remains the case that the matters raised in the objections were matters which were brought to the attention of the Panel and properly considered such that the error has not resulted in injustice to the affected parties.
- 6.2 The above matters were raised at the Plans Panel meeting of 24 November when Councillor P Gruen also raised the matter of highway safety in respect of the existing access to Spenfield and the Village hotel onto Otley Road. This matter will be addressed at the meeting.

### **Background Papers:**

Application files: 16/04153/FU

Certificate of Ownership: Signed by the applicant.

# Appendix 1: Panel Report of 20<sup>th</sup> October 2016



**Leeds**  
CITY COUNCIL

Originator: Patrick Bean

Tel: 0113 3952109

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 20<sup>th</sup> October 2016

**Subject: Applications 16/04153/FU and 16/04154/LI - Part demolition and conversion of Spenfield to create six apartments and studio flat, construction of seven terraced dwellings on the car park to the rear with associated boundary treatments, landscaping and car parking at Spenfield, 182 Otley road, Headingley, Leeds LS16 5AD.**

#### APPLICANT

Round Strategies Ltd.

#### DATE VALID

26<sup>th</sup> July 2016

#### TARGET DATE

25<sup>th</sup> October 2016

#### Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER AND DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a Section 106 Agreement to cover the following:**

- **Contribution of £48,425.79 for off-site greenspace provision, and £6,737.50 for towards a scheme for sustainable travel.**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the Panel Resolution, the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Standard time limit 3 yrs
2. Plans to be approved
3. Samples of walling and roofing materials
4. Sample panel of stonework on site
5. Making good stonework to match
6. Details and samples of surfacing materials
7. Details of boundary treatments
8. Details of sedum roof
9. Means of access as approved
10. Vehicle spaces to be laid out
11. Bin stores / cycle stores
12. Provision for contractors during construction
13. No vehicle access to Otley Rd via the northern section of the private road with bollards to be provided
14. Details of highway signage
15. Protection of retained trees
16. Preservation of retained trees
17. Replacement of trees
18. Submission of landscape details
19. Landscape implementation
20. Works to be carried out in accordance with bat method statement
21. Details of bat roosting and bird nesting features to be submitted
22. Phase 2 site investigation report to be submitted
23. Importation of soil
24. Unexpected contamination
25. Verification reports
26. Feasibility study for Infiltration drainage to be submitted
27. Surface water drainage details to be submitted
28. Hours of construction
29. Conversion of Spenfield prior to occupation of new build
30. Heritage access days

**16/04154/LI:**

1. Standard listed building time limit three years
2. Plans to be approved
3. Samples of walling and roofing materials
4. Sample panel of stonework on site
5. Making good stonework to match
6. Details and samples of surfacing materials
7. Method statement of fixing shut retained doors
8. Details of lobby entrance wall Apartment 1
9. Details of truncation of secondary staircase
10. Details of new staircase to 1<sup>st</sup> and 2<sup>nd</sup> floors
11. Removal of modern roof lights above front entrance
12. Schedule of protective measures for features and surfaces of special interest
13. Recording of features
14. Reinstatement of floor tiles to vestibule

**2. INTRODUCTION:**

- 1.1 These applications are brought to Plans Panel at the request of Councillor S Bentley who has objected to the application for reasons summarised in paragraph 6.3 below.

The applicant seeks both planning permission and listed building consent for the works.

- 1.2 These applications follows a number of previous applications, particularly since 2008, which have sought residential development on the site. While such a scheme was approved in 2011, a more recent scheme in 2015 was dismissed at appeal. The current proposals seek to address the issues raised by the unsuccessful 2015 proposals.
- 1.3 The building is currently standing empty, having most recently been used between 2011 – 2014 as a training facility for the hospitality industry. The Planning Inspector and the Local Planning Authority have accepted that the proposal represents a form of enabling development which would bring Spenfield back into beneficial use.

## **2. PROPOSAL:**

- 2.1 Planning permission and listed building consent is sought for the part demolition and conversion of Spenfield to create six apartments and studio flat, construction of seven terraced dwellings on the car park to the rear with associated boundary treatments, landscaping and car parking. The proposed dwellings would be of modern contemporary design and would be constructed of ashlar stone and zinc cladding, with a part sedum roof. The properties would have rear gardens and would be accessed via a short private drive which would be constructed to the rear of Spenfield.

## **7. SITE AND SURROUNDINGS:**

- 3.1 The site is a large Victorian villa located off Otley Road in Far Headingley. The building is an outstanding example of its type and is Grade II \* Listed, putting it in the top 10% of Listed Buildings nationally. The house was designed by George Corson, architect of the Grand Theatre, and was erected in 1875-1877.
- 3.2 The building is in the Gothic Revival style and is over two floors, with attics and cellars. It is constructed of local rock-faced gritstone ashlar with steeply pitched Westmoreland Green Slate tiled roofs. The former walled garden is presently used as a car park by the adjoining Village Hotel.
- 3.3 The house originally stood alone in its grounds, but in 1994 planning permission was granted for the construction of the Village Hotel, which is situated approximately 100 metres to the north east.

## **4. RELEVANT PLANNING HISTORY:**

- 4.1 The site has a long planning history, with many historical applications for Listed Building consent for alterations to the building, as well as for siting of prefabricated office units. These mainly relate to when the building was used as offices for Yorkshire Water.
- 4.2 Perhaps the most significant applications were in 1992 and 1994. In 1992 consent was granted for a three storey office block to the rear of Spenfield, with basement link, but this was not built.
- 4.3 In 1994 consent was granted for a part 2 and part 4 storey hotel and leisure club, now known as The Village Hotel. This application represents the first significant sub-division of the grounds of Spenfield.



- 4.4 The historical files do not include, however, any legal commitment to retaining Spenfield in the same ownership as the hotel, or to the hotel supporting or cross-subsidising the upkeep of Spenfield.
- 4.5 There have also been a large number of planning and listed building consent applications affecting the use of Spenfield as well as alterations to its fabric. The most recent and relevant relating to the last use being :
- 4.6 08/01140/LI – Listed Building application to convert former health spa and creche building to 6 flats and caretaker lodge to a house and erection of a block of 7 terrace houses, with car parking - approved
- 4.7 08/01106/FU - Change of use of former health spa and creche building to 6 flats and caretaker lodge to a house and erection of a block of 7 terrace houses, with car parking – approved
- 4.8 11/03455/FU - Temporary change of use of former health spa and creche to hospitality academy (use class D1) – approved
- 4.9 11/03456/LI - Listed building application to carry alterations involving temporary change of use of former health spa and creche to hospitality academy (use class D1) – approved
- 4.10 14/06950/FU - Change of use of former training centre to six apartments and studio flat, construction of eight terraced houses with associated boundary treatment, landscaping and car parking; part demolition of former creche to rear – appeal for non-determination dismissed
- 4.11 14/06951/LI - Listed Building application for change of use of former training centre to six apartments and studio flat, construction of eight terraced houses with associated boundary treatment, landscaping and car parking; part demolition of former creche to rear – appeal for non-determination dismissed.

## **5. HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant has undertaken a pre-application process including pre-application discussions with officers in the wake of a withdrawn scheme in 2014.
- 5.2 The application also states that the applicant has also held pre-application meetings with Ward Members, local residents, Friends of Spenfield and the Victorian and Civic Societies. Ward Members have been consulted on the proposals.

## **6. PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been publicised by means of site notices, neighbour notification letters and an advertisement in the Yorkshire Evening Post.
- 6.2 Eight objection letters have been received. The points raised include:
- Height of the proposed new build would be excessive;
  - Design of the new build would be unsympathetic to the setting of the listed building;
  - Materials are not appropriate to their setting;
  - Proposal could overshadow neighbouring properties;

- Inadequate provision for refuse collection;
- Proposed parking layout unsympathetic to setting;
- Proposed landscaping scheme inadequate;
- Proposed conversion of apartments unsympathetic;
- Dominance over neighbouring properties;
- Lack of publicity and public consultation;
- Loss of privacy for neighbouring occupiers.

6.3 Councillor Sue Bentley has objected to the scheme and has submitted the following comments:

- The Weetwood Conservation Area Plan and the Far Headingley, Weetwood and West Park Neighbourhood Design Statement (NDS) should be considered in any development in the area - the latter is a Supplementary Planning Document (SPD) – as Spenfield House is situated in the area covered by both plans.
- Spenfield House is a Grade II\* listed building and it's features are amazing with four rooms of museum quality namely the Peacock, Oxley, Corson and Spenfield rooms.
- They have been open to public four days a year on Heritage Days and I hope that this will continue by an attached condition if the plans are approved.
- I'm pleased that the Peacock Room, the entrance hall and stairway are not being converted and note the Peacock Room will be used by residents for social meetings.
- I do have concerns about how the other rooms will fare being open to the normal wear and tear of family living. In particular I have concerns for the fabric of the Oxley room as a proposed studio apartment with a kitchen in it.
- The building has been empty for some time and I am concerned that there is no further deterioration and understand the need to develop the site to fund the restoration of Spenfield.
- The proposed seven terraced houses individually are very large in area and are still dominant as block despite a reduction in the height from the previous application which was refused.
- The flat roofs are not in keeping with the local NDS or Conservation area.
- Residents in Weetwood Park Drive backing on to the development will have a blank wall as their outlook.
- The setting of Spenfield is compromised by the road in front of it being used by the residents in the proposed new development and by the proximity of the rear proposed development.
- I have concerns about parking generally from The Village Hotel as it is well used and has encroached on the land in front of Spenfield causing chaos.
- Any bat roosts need to be protected during construction.

## 7. CONSULTATIONS RESPONSES:

The following consultation responses have been received:

Heritage England – no objections

Environmental Health – no comments

Flood Risk Management – no objections subject to conditions

Highways – no objections subject to conditions

Metro – contribution toward residential metrocards requested of £6,737.50

Contaminated Land Team – no objection subject to conditions

Yorkshire Water - no objection subject to conditions

Local Plans – off-site greenspace contribution of £48,425.79 requested

The Leeds Civic Trust Planning Committee objects to the scheme on the grounds that the proposal would detrimentally affect the setting of Spenfield due to the reduced separation of the house and the proposed new build when compared to the previous scheme. The Civic Trust also considers that, ideally, the access to the new build should not be via the front of the house, and that the design of the new build although an improvement over the previous application would still cause harm to the setting of the Listed Building.

## **8. PLANNING POLICIES:**

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.
- 8.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same act places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

### Local Planning Policies

- 8.2 The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:
- P10 – Design
  - P11 – Conservation
  - P12 – Landscape
  - T2 – accessibility requirements
  - G3 – standards for open space
  - G4 – new green space provision
  - ID2 – planning obligations and developer contributions
- 8.3 The most relevant saved policies from the Leeds Unitary Development Plan are outlined below:
- GP5: Proposals should resolve detailed planning considerations.
  - N14: Presumption in favour of preservation of listed buildings.
  - N15: Change of use of listed buildings.
  - N17: Detailing and internal features of listed buildings should be preserved.
  - N18A/B: Conservation areas and demolition
  - N19: Conservation areas new buildings
  - N20: Conservation areas and retention of features
  - BD5: new buildings should be designed with consideration given to both their own amenity and that of their surroundings including usable space, privacy and daylight

BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original.

BC7: Development in conservation areas

LD1: Landscaping schemes

Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.

Weetwood Conservation Area Appraisal and Management Plan was adopted as a material consideration in the determination of planning decisions in August 2010.

Far Headingley Neighbourhood Design Statement adopted September 2014.

Leeds Strategic Housing Market Assessment (SHMA 2011 Update)

#### Community Infrastructure Levy

- 8.4 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12 November 2014 and was implemented on the 6 April 2015. The development is CIL liable at a rate of £45 per square metre in Residential Zone 2b (subject to indexation), with a resultant liability in this case of £58,673.75. This information is provided for Members information only however and it is not material to the decision on this application.

#### DCLG - Technical Housing Standards 2015:

- 8.5 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 the local plan to the nationally described space standard. With this in mind the City Council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.

#### National Planning Policy

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

The following paragraphs from the NPPF are considered to be of particular relevance:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve planning principles

Paragraph 56 – Good design

Paragraph 61 – Securing high quality design

Paragraph 64 – Poor design

Paragraph 126 - heritage assets are an irreplaceable resource

Paragraph 131 - in determining planning applications, local planning authorities should take account of:

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

Paragraph 132 - when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

## **9. MAIN ISSUES:**

4. Impact on the setting of the listed building.
5. Impact on the character and appearance of the listed building.
6. Impact on residential amenity of new and existing neighbouring residents.
7. Car parking and wider traffic implications
8. Impact on trees and landscaping
9. Planning obligations

## **10. APPRAISAL:**

- 10.1 The application proposes the conversion of Spenfield to six apartments and one studio; and the erection of a terrace of seven dwellings to the present car parking area to the rear.
- 10.2 Spenfield is a grand Victorian villa which originally stood in extensive parkland grounds. However, the site was effectively sub-divided when the Village Hotel was developed. The most recent use of the building was as a training academy which was granted temporary three year consent in 2011, and has now therefore ceased. The building is presently vacant.
- 10.3 A scheme was granted approval in 2011 for a similar scheme which also involved the conversion of the house to flats, and the erection of new dwellings to the rear. However the earlier scheme was significantly different in design, and orientated facing approximately east-west rather than approximately north-south as presently proposed. The consent for this earlier scheme has now lapsed.
- 10.4 The current proposals follow applications which were dismissed at appeal in 2015. Consequently, while the current proposals share some similarities to the previous applications, they seek to resolve the Planning Inspector's criticisms of the previous scheme.
- 10.5 In determining the appeal, the Inspector identified four key issues: the impact upon the listed building; the impact upon the Weetwood Conservation Area; the impact upon the living conditions of neighbouring occupiers; and the impact upon the amenity of prospective occupiers of the proposed development.
- 10.6 In respect of the first issue, the Inspector concluded that, subject to the omission of the cloakroom pod in the Oxley Room, the public benefits of the scheme would

outweigh the limited harm would be caused to listed building. In respect of the second issue the Inspector concluded that the proposal would cause real and serious harm to the setting of the listed building and thereby to the conservation area. In respect of the third issue the Inspector found that the proposal would cause significant visual intrusion resulting in material harm to the living conditions of neighbouring occupiers. In respect of the fourth issue the Inspector found the proposals acceptable.

#### Impact on the setting of the listed building

- 10.5 Fundamental to consideration of these proposals is the assessment of the setting of the listed building and the impact that this development would have on the setting. The original house effectively sits on a small knoll with the main views being as it is approached from Otley Road from the south east. The setting on this approach is characterised by trees and the lawned areas surrounding it.
- 10.6 Immediately to the east within the Village site the setting has been compromised by the introduction of the new access and views of the Village Hotel. To the rear of the house is the former walled garden currently car parking but well screened from the views by being set down and by trees especially to the west. From the north and north west the setting is more disjointed views from surrounding properties but again walled in and against a backdrop of trees.
- 10.7 In particular the Inspector had significant concerns over the design of the proposal and the consequent impact upon the setting of the listed building:

*“with its asymmetrical roofs, including a very shallow pitch to one side and weak verges, the terrace appears ‘boxy’ and does not respond architecturally to the finesse and elegance of the house. To my mind it has a clumsy utilitarian appearance that lacks any meaningful articulation and would jar when seen in the context of the finely detailed listed building”.*

The Inspector also stated:

*“Whilst the palette of materials proposed may, if used in the right proportions, provide a suitable foil for those on the main House, the bulky and uncompromising form, scale, massing and design of the terrace is devoid of character and would be seen in stark contrast to the refined elegance of the existing building, adding nothing in terms of architectural flair or contemporary design quality. In essence, the terrace lacks style. As a consequence, it would not preserve, but would cause material harm to the setting of the listed building and thus, would undermine its significance”.*

- 10.8 The current scheme proposes an indented block of two and three storey dwellings, which would be constructed of ashlar stonework and zinc. The first and seventh units to either end of the terrace would be smaller two storey units.
- 10.9 The design of the properties is modern and minimalist, which would be in contrast with the very ornate appearance of Spenfield.
- 10.10 The concept of the housing is similar to the previous dismissed scheme in that it is a two and three storey terrace which responds to the curvature of the access road and with some common materials. There are important differences, however, in terms of the height of the scheme, which is three metres lower. The perceived height of the terrace is further reduced by dressing the upper storey in zinc to make the terrace appear like a two storey terrace with a recessive attic storey. The terrace is also flat

roofed, stepped to follow the slope, which could tend towards blockiness, a criticism of the Inspector of the previous dismissed scheme, but is corrected in this particular case by the recessed attic storey and the generous oversail of the roof.

- 10.11 The proposed terrace is a single linear block with modulations or indentations in the plan, akin to the main house which is a single modulated square. This is a significant departure from the dismissed scheme which was essentially a series of linked individual houses on a stepped arc alignment. The “in line” form of the housing now proposed would reduce the bulk and massing of the housing in key views from the east as well as making the new housing less of a contrast to Spenfield. The large scale openings in a vertically proportioned module and the use of stone as the main walling material also help in this respect.
- 10.12 Overall it is considered that these differences mean that the current proposal responds to its context significantly better than the previous scheme. It is considered that it does address the Inspector’s concerns about the previous scheme’s uncompromising form, massing and design.
- 10.13 It is also considered that the current proposal would enhance the immediate setting by removing the car parking and replacing it with landscaping and in a wider sense by interposing a new building between the listed building and The Village. This would establish a new immediate setting of Spenfield and resolve the conflict of two competing large masses, Spenfield and The Village Hotel, in the same setting.

#### Impact on the character and appearance of the listed building

- 10.14 The conversion of Spenfield to apartments and a studio largely follows the previous approval and is not considered contentious. A significant departure however is the change of use of the Oxley Room to a studio, which in the 2011 scheme was retained as a museum quality room for use by residents. The current scheme seeks to add a wet room by virtue of the addition of a small former cloak room, which would be achieved by knocking through a wall. However on balance it is considered that the proposal retains the spatial qualities and significance of the room and this aspect of the scheme is supported.
- 10.15 The applicant proposes to retain the key ground floor room, the Dining Room (or Peacock Room, front left) unaltered, as well as the entrance hall and stairway. These would be retained and available for use by residents. Overall the retention of important internal features such as the Peacock room and central staircase are supported. Additionally the scheme retains important internal details such as doors, cornices etc., as well as the plan form of the building.
- 10.16 The Inspector stated in the decision notice refusing the previous appeal that in respect of the conversion that she was satisfied, subject to the omission of the cloakroom pod from the Oxley Room, that the public benefits associated with the works proposed in this case outweigh the limited harm that would be caused. The present scheme is different from the previous in that it omits the cloakroom pod and therefore overcomes the Inspector’s objection to this part of the scheme.
- 10.17 The scheme includes provision for public access to certain parts of the building such as the Peacock Room and communal areas via pre-determined ‘heritage open days’. These would comprise four days per year. Given that there has never previously been public access to the property then the Inspector identified this aspect of the scheme as a public benefit. Similarly the Inspector acknowledged that the scheme



represents enabling development which would help secure the long-term future of the building.

- 10.18 The application proposes the demolition of a few parts of the building. These have been the subject of detailed discussion and negotiation with Officers and it is considered that the proposed demolitions can occur without detriment to the character and appearance of the Listed Building. For example, the former crèche buildings at central rear are relatively modern additions and add little if anything to the building. It is proposed to demolish these and not to replace them. It is therefore considered that they can be demolished without harming the Listed Building.
- 10.19 The house also has a steeply pitched roofed extension to the north east corner. Although a later addition, it is considered that it adds positively to the building and as such it is proposed to be retained and re-used. All internal features such as fireplaces, on all floors, have been annotated for retention.
- 10.20 Second floor apartments would make use of existing roof light openings. However these would be replaced with conservation roof lights which would be of benefit to the building.
- 10.21 Overall the proposed layout, of flats surrounding a main stair core, respects the original layout of the building and is sympathetic to its fabric.

#### Impact on residential amenity of new and existing neighbouring residents

- 10.22 A number of objectors have raised concerns relating to the impact upon the living conditions of neighbouring occupiers, for example, by loss of outlook. The nearest neighbouring residential occupiers are those at Weetwood Park Court, to the north west of the site.
- 10.23 In dismissing the previous appeal the Inspector stated that she was satisfied that the separation distances involved to neighbouring residential properties would be sufficient, in principle, to ensure that the proposed development would not have a significant detrimental impact on living conditions in terms of outlook. However, she did consider that, due to the bulk, scale and design of the previous proposal it would have caused significant visual intrusion when viewed from the neighbouring flats.
- 10.24 In response to this, the current proposal has reduced the height of most units by approximately three metres, and of Unit 1 by approximately five metres. Additionally Unit 1 is now proposed to have a green sedum roof, and the adjacent gable to Unit 2 is proposed to be ashlar stone rather than zinc. It is considered that these changes, along with the simpler roof design and smaller palette of materials, would significantly soften the appearance of the scheme when viewed from the neighbouring flats to the north.
- 10.25 The proposed housing would provide adequate levels of amenity for occupiers. It is considered that there would be an adequate amount of private amenity space as private gardens for all units.
- 10.26 The flats within Spenfield do not have the benefit of individual amenity spaces, however, given the sensitivity of the building and its setting this would not be appropriate. The house does however have a large lawn to the south which would provide shared amenity for residents.

#### Car parking and wider traffic implications

- 10.27 As referred to above, the former garden area has for some years been laid out as car parking for the users of Spenfield. Survey work as well as site visit evidence indicates that the car park is under used and its loss is therefore not considered to be likely to cause problems of traffic congestion or inadequate off-street parking provision for the Hotel. It should also be noted that the site is in separate ownership from the nearby hotel and that car parking was not an issue for the Inspector in the context of the recent appeal. It is considered that the previous use of the site as part of the hotel would be likely to generate higher levels of traffic than the proposed residential use. The amount of parking proposed, 30 spaces, is considered adequate for the amount of housing proposed, 14 units, and overall the proposal is considered acceptable in highway terms.

#### Impact on trees and landscaping

- 10.28 While the degree of separation between Spenfield and the proposed dwellings has reduced from the previous scheme, this is mainly due to a re-siting of the proposed dwellings and a re-alignment of the proposed access drive to create a fuller curve. Overall the layout of the scheme is considered to represent a significant improvement over the previous by virtue of an improved relationship to the setting of Spenfield and better use of landscaping.
- 10.29 While some tree removal is proposed, the majority of the mature structural tree planting is proposed for retention along with planting of 31 new trees as part of the development. While loss of trees relating to the current car parking layout is proposed, the car parking area will be replaced with a new layout of houses and gardens with new tree and shrub planting. Proposed new tree planting along the eastern boundary of the site would provide some softening of views of the adjacent hotel complex; while proposed new tree planting either side of the curving road between Spenfield and the proposed new housing would help soften the new development and provide some separation from the house. On balance it is considered that the proposed landscape scheme strikes a reasonable balance between softening, separation and spaciousness around Spenfield.

#### Planning obligations

- 10.30 The scheme makes appropriate provision for residential Metrocards, which would be secured via a s.106 legal agreement. The scheme as presented therefore makes adequate provision for sustainable transport options for the prospective residents of the development.
- 10.31 The scheme also provides an appropriate contribution toward the provision of off-site greenspace in lieu of on-site provision. Again this would be secured by means of a s.106 legal agreement.
- 10.32 Overall it is considered that the proposal adequately addresses the criticisms of the previous scheme as well as representations in objection made to the current scheme.

### **11.0 CONCLUSION**

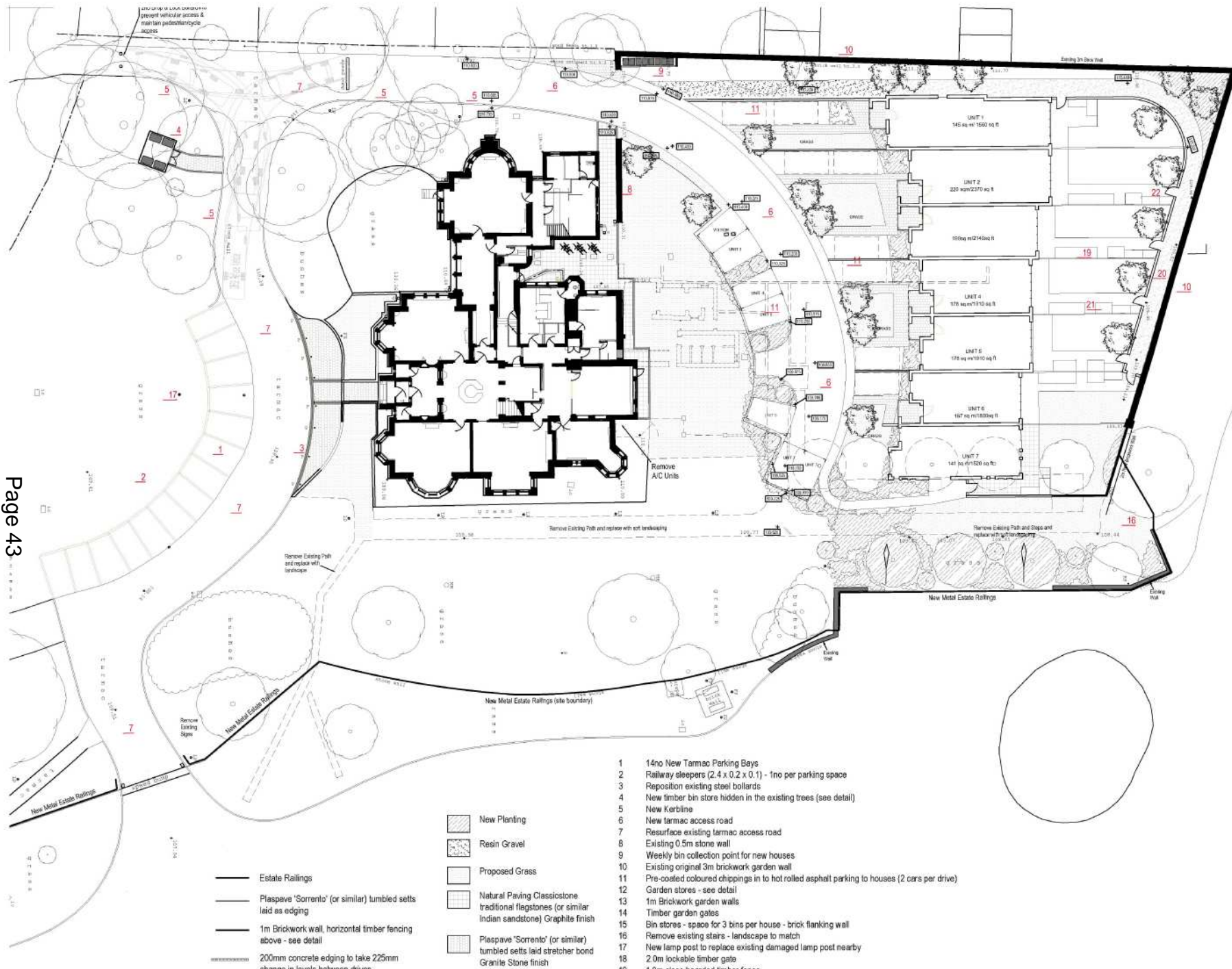
- 11.1 The scheme has been the subject of significant negotiations with the applicants. Discussions have been on going over a lengthy period including discussions with Historic England.

11.2 It is considered that in principle the revised proposals represent an acceptable conversion of Spenfield, and would provide a realistic and sustainable future for the building. Additionally it is considered that the proposed new build elements respond adequately to concerns such as the setting of a listed building, and would not materially affect the living conditions of nearby residents.

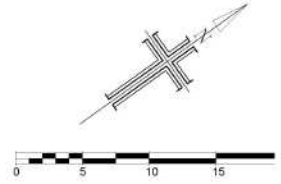
**Background Papers:**

Application files: 16/04153/FU

Certificate of Ownership: Signed by the applicant.



Do not scale off this drawing. Work to figured dimensions any discrepancy to be reported to the Architect. Refer to larger scale drawings where available.



- Estate Railings
- Plaspeve 'Sorrento' (or similar) tumbled sets laid as edging
- 1m Brickwork wall, horizontal timber fencing above - see detail
- 200mm concrete edging to take 225mm change in levels between drives

- New Planting
- Resin Gravel
- Proposed Grass
- Natural Paving Classicstone traditional flagstones (or similar Indian sandstone) Graphite finish
- Plaspeve 'Sorrento' (or similar) tumbled sets laid stretcher bond Granite Stone finish

- 1 14no New Tarmac Parking Bays
- 2 Railway sleepers (2.4 x 0.2 x 0.1) - 1no per parking space
- 3 Reposition existing steel bollards
- 4 New timber bin store hidden in the existing trees (see detail)
- 5 New Kerbline
- 6 New tarmac access road
- 7 Resurface existing tarmac access road
- 8 Existing 0.5m stone wall
- 9 Weekly bin collection point for new houses
- 10 Existing original 3m brickwork garden wall
- 11 Pre-coated coloured chippings in to hot rolled asphalt parking to houses (2 cars per drive)
- 12 Garden stores - see detail
- 13 1m Brickwork garden walls
- 14 Timber garden gates
- 15 Bin stores - space for 3 bins per house - brick flanking wall
- 16 Remove existing stairs - landscape to match
- 17 New lamp post to replace existing damaged lamp post nearby
- 18 2.0m lockable timber gate
- 19 1.8m close boarded timber fence
- 20 0.9m high brick garden wall with 0.9m high timber boarded fence over
- 21 1.8x1.2 timber shed
- 22 Vertical boarded bin store with doorslid

Rev	By	Date	Revision/Notes
1	AKL	25/04/16	Terrace access drive forming revised

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HEADINGLEY LEEDS LS16 5AA  
SPENFIELD HOUSE**

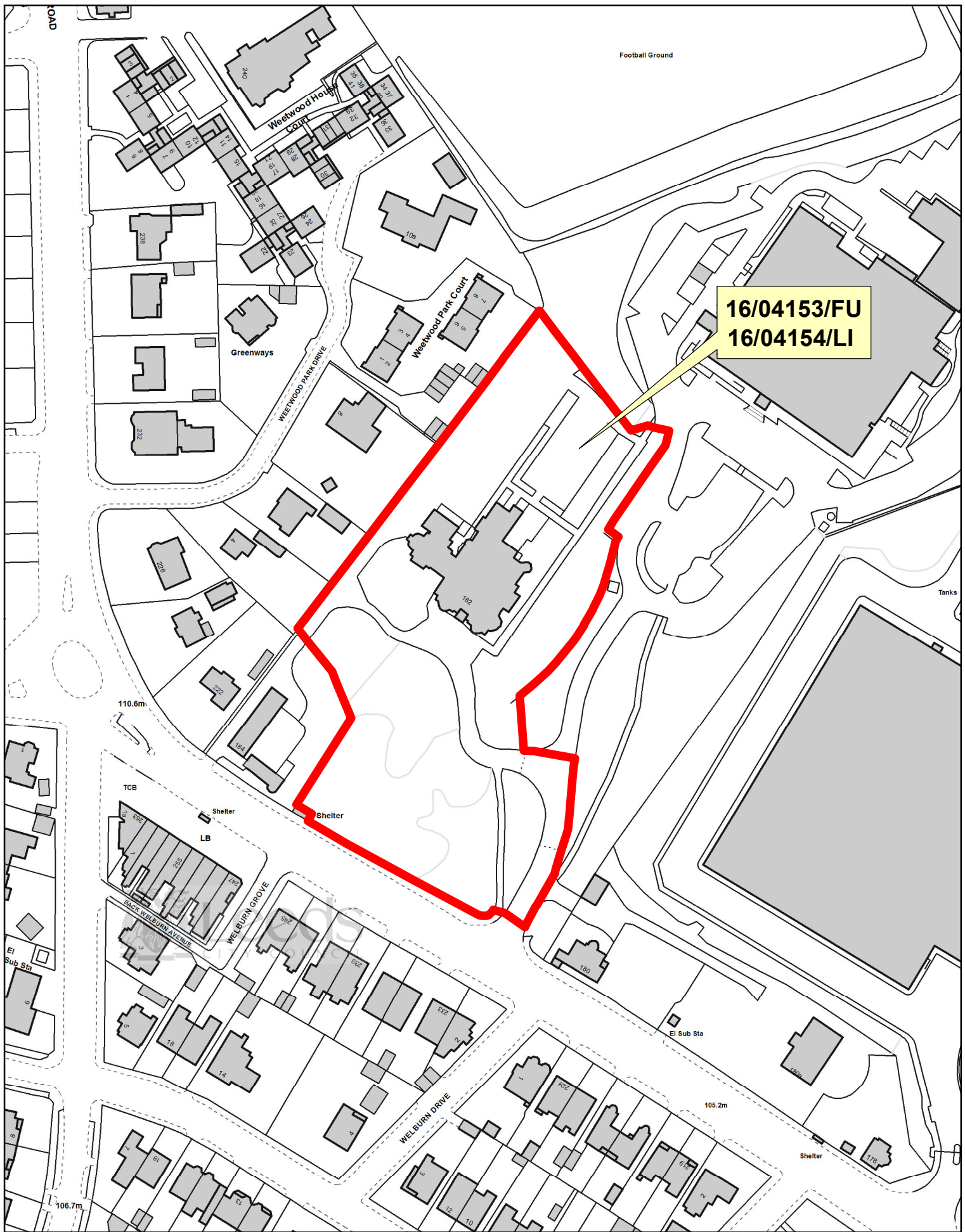
Drawing  
**SITE PLAN AS PROPOSED**

Scale	Drawn	Checked	Date
1:200	SKS	SMC	APR 16

Status  
**PLANNING**

Project No.	Drawing No.	Rev.
<b>4770</b>	<b>(P) 03</b>	<b>B</b>





# SOUTH AND WEST PLANS PANEL





Originator: Kate Mansell  
Tel: 0113 378 8019

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 22<sup>nd</sup> December 2016

**Proposal: Pre-application reference PREAPP/16/00513: Phase 2 of the Kirkstall Forge development (Plots E and F) comprising 112 houses and apartments, circa 1900 square metres of retail space, amenity space and a new public square on land at Kirkstall Forge, Abbey Road, Kirkstall, Leeds.**

**Applicant: Commercial Estates Group (CEG)**

<p><b>Electoral Wards Affected:</b></p> <p><b>Kirkstall Bramley and Stanningley Horsforth</b></p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION: This report is brought to Plans Panel for information. The developer's representatives will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.**

## 1.0 INTRODUCTION

1.1 The pre-application presentation relates to Phase 2 of the Kirkstall Forge development, which the applicant is seeking to bring forward as a Reserved Matters application in the New Year to consider matters of scale, appearance, layout and landscaping. Phase 2 will deliver 112 new residential units, approximately 1900 square metres of new commercial space, new open space and a new public square to form the northern half of 'The Stitch' which is a key pedestrian route through the site referred to in the original outline planning permission Design Framework and which provides a direct route to and from the new Kirkstall Forge Railway Station.

1.2 Members may recall considering Phase 1 of the development, comprising a seven storey office block (Use Class B1) in accordance with 15/03561/RM, which was approved at South and West Plans Panel on 17<sup>th</sup> September 2015. Phase 1 is now on site; the applicant has advised that they are half way through the construction process and the building is due for completion on August 17<sup>th</sup> 2017. Phase 1 also

adjoins 'The Stitch' so Phase 2 will provide a continuation of this key pedestrian route through the site and the progression of development to the north of the riverbank. Phase 2 will also bring forward the first residential units on the Kirkstall Forge site as well as an element of new commercial development (including retail and food and drink) to support both the new office building and the emerging housing.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site comprises the former 23-hectare Kirkstall Forge site. It is adjoined to the north by the A65, Hawksworth Wood and post-war residential development whilst to the south it is adjoined by Bramley Fall Woods, the railway line and the Leeds Liverpool canal. To the west is open land and the Newlay Conservation Area with further open land to the east. It is accessed from the A65 at a distance of circa 6km (3.7m) from the city centre.
- 2.2 With the exception of the listed buildings on the site, all the former commercial buildings have been fully cleared. Indeed, as noted in the introduction, the construction of the first phase of development at Plot J1, comprising 15,534 square metres of new office space within Use Class B1 is now well underway. The new Kirkstall Forge railway station and associated car parking is also now operational and it is served by an access road from the western access into the site from the A65.

## **3.0 PROPOSAL**

- 3.1 The developer intends to submit a Reserved Matters application in January 2017 for Phase 2 of the Kirkstall Forge development to comprise the following:

112 residential units comprising 96 houses and 16 apartments;

1900 square metres of commercial space within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants and café), A4 (drinking establishments), A5 (hot food takeaway), D1 (not-residential institutions e.g. crèche, exhibition hall) and D2 (assembly and leisure).

A new public square and amenity space.

- 3.2 The Reserved Matters application will consider the following matters:

*Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

*Appearance – the aspects of the building that determine the visual impression the building makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

*Scale – the height, width and length of the building proposed in relation to its surroundings.*

*Landscaping – the treatment of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated, including boundary treatments and the planting of trees, hedges, shrubs.*



Members may wish to note that means of access, which is defined as the means of accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulations routes and how these fit into the surrounding access network (the transport impact of the development) was determined by the original outline planning approvals (24/96/05/OT and 11/01400/EXT) with further details required by planning condition(s) and such matters will not be for consideration as part of the pending Reserved Matters submission.

#### **4.0 PLANNING HISTORY**

- 4.1 Members were originally invited to view the Kirkstall Forge site in December 2004 with initial plans for its re-development reported on 17<sup>th</sup> February 2005. City Panel Members noted an update report on 6<sup>th</sup> October 2005 with a further full briefing provided on site on 19<sup>th</sup> January 2006.
- 4.2 Plans Panel West then subsequently granted the original outline planning permission for Kirkstall Forge in accordance with 24/96/05/OT on 20<sup>th</sup> April 2006, which granted outline planning approval for the principle of development and means of access only with matters of scale, layout, appearance and landscaping of each phase reserved for future consideration. The indicative development at that time comprised the following elements:
- 1,355 dwellings;
  - 146,000 square feet of offices;
  - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, hotel, a crèche and accommodation for social community uses totaling 104,000 square feet;
  - Preservation and change of use of the existing Grade 2 Listed lower forge building to provide food and drink uses;
  - Change of use of the Grade 2 listed stables to residential use.
  - Areas of amenity green space;
  - Wildlife and ecological enhancements;
  - Park and ride for approximately 150 cars;
  - Improvements to vehicular junctions, allowing access to the A65;
  - internal access roads, catering for new bus services;
  - Network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths alongside the former abbey mill race;
  - New pedestrian and vehicular bridge across River Aire;
  - Site remediation works;
  - Riverside improvement works and creation of flood relief channel.
- 4.3 On 25<sup>th</sup> May 2011 Members of West Panel were provided with a progress report regarding Kirkstall Forge, where their general support was given. The extension of time application in accordance with 11/01400/EXT was then subsequently granted by Plans Panel West on 18<sup>th</sup> August 2011. This was identical to the original outline permission in terms of the extent of development with the exception of an amendment to the Section 106 agreement to provide additional funding for the new Kirkstall Forge train station.
- 4.4 On 16<sup>th</sup> April 2015, a pre-application report/position statement was presented to City Plans Panel to present a general update on the delivery of the overall Masterplan for the Kirkstall Forge site and to provide Members with information in relation to the

first phase comprising the office development at Plot J1. The office scheme was subsequently submitted as a Reserved Matters application in accordance with 15/03561/RM, which was considered and approved by South and West Plans Panel on 17<sup>th</sup> September 2015. This scheme has now commenced on site as noted above. In addition, a Section 73 variation of condition application in accordance with 15/04824/FU was approved on 17<sup>th</sup> December 2015; this permission effectively varied the timescales for the submission of details for a number of conditions in order to allow the earliest commencement on site and to move the scheme forward. A Section 73 application results in the issue of a new permission such that any future Reserved Matters applications will actually relate to this 15/04824/FU application, which is consistent with the extent and form of development permitted previously.

- 4.5 Over the past year, Officers have undertaken some general meetings with CEG and their professional teams to explore the design and layout of Phase 2 to seek input from planning, design and highways.
- 4.6 The Kirkstall Ward Members (this part of the site lies within Kirkstall) have been advised of this pre-application presentation and were forwarded details of the proposals in advance of the meeting on 30<sup>th</sup> November 2016. The Horsforth and Bramley and Stanningley Ward Members have also been advised of this pre-application presentation given the proximity of the site to their Ward boundaries. In addition, the applicant has advised that a liaison group meeting was held on 22<sup>nd</sup> November 2016 to which Ward Members from Kirkstall, Horsforth and Bramley and Stanningley were invited. Representatives from Newlay & Whitecotes Resident Association, Newlay Conservation Society, Kirkstall Village Community Association, Kirkstall Valley Community Association, Hawksworth Wood Community Association, Horsforth Town Council, Local MP, St Mary's Church, as well as a number of local residents were also invited and a member from Bramley Forum also attended and reported back to Forum members.

## **5.0 RELEVANT PLANNING POLICIES**

### Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:
- The Leeds Core Strategy (Adopted November 2014)
  - Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
  - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- 5.2 In considering relevant policies within the Development Plan it is appropriate to note that the principle of development and means of access into the site was established by the outline planning permission (24/96/05/OT) and the subsequent extension of time application (11/01400/EXT) and the Section 73 application (15/04824/FU). These permitted consent for up to 1,355 dwellings and support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, hotel, a crèche and accommodation for social community uses totaling 104,000 square feet (9661 square metres). The permissions are unspecific in terms of the Use Class Order and there are no conditions restricting the extent of particular uses with the

exception that the amount of retail space within Use Class A1 is restricted to no more than 1499 square metres across the whole site. As such, the generic range of uses proposed within this Phase 2, to comprise any of the following: retail, café and restaurants, pubs and bars, hot-food take-away, non-residential institutes like a nursery/crèche and assembly and leisure uses are acceptable in accordance with the established consents.

5.3 Similarly, means of access into the site was also agreed in principle in accordance with the outline permissions. To allow development to progress on site, the wording of some of the conditions were amended in accordance with 15/04824/FU but in essence, there will ultimately be two vehicular access points into the site from the A65 – the western access, which has currently been built and serves the railway station and the eastern access, which remains primarily in use for construction traffic. Phase 2 will also be served by the western access to which it is closest. The point at which both eastern and western access points must be delivered is controlled by Condition 12 of the permissions and it is based upon a formula that has been developed following an assessment of transport modelling; it allows for the provision of some B1 office space and a proportion of housing to be served from a single point of access for a temporary period of time. In essence, the applicant can occupy the entire first phase of office (Plot J1) and occupy a maximum of 265 dwellings before it must deliver the eastern access. The means of access *within* Phase 2 will be considered as part of the layout.

5.4 Accordingly, this pre-application relates to matters of the appearance, scale, layout and the landscaping of Phase 2 with regard to the relevant policies set out below. It also considers access within the site and the proposed parking arrangements.

5.5 Relevant Core Strategy Policies include:

Policy H3 relates to housing density and advises that housing development in Leeds should meet or exceed 40 dwellings per hectare in this part of the City.

Policy H4 states that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. This will need to be reviewed at Reserved Matters stage.

Policy H5 Affordable Housing – Members are advised to note that the provision of affordable housing is secured by the Section 106 agreement in relation to the outline planning permission. The Section 106 is written in such a way that it is based upon a whole financial contribution of £3.5M to be applied at the Council's discretion to provide footway improvements between the canal and the site and Kirkstall Forge and the site, highway improvements, affordable housing and community improvements. There is a trigger in each case and for affordable housing, the Council is not entitled to call on the contribution until a particular extent of development is reached, which is dependent upon B1 floorspace occupation and the number of dwellings occupier. That trigger could be reached in the course of Phase 2 and it will therefore be assessed in terms of compliance with the Section 106 agreement.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

5.6 Relevant Unitary Development Plan Review 2006 Saved Policies include:

GP5 all relevant planning considerations  
BD2 new buildings  
LD1 landscaping

- 5.7 Relevant Supplementary Planning Guidance/Documents includes:  
SPD Street Design Guide  
SPG Neighbourhoods for Living  
SPD Parking

National Planning Policy Framework (NPPF)

- 5.8 The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It states that planning should proactively support sustainable economic development, encourage the effective use of land and achieve acceptable standards of amenity for all existing and future occupiers of land and buildings.
- 5.9 One of the core principles is the reuse of land that has previously been developed. Paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF notes that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).
- 5.10 With regard to design, Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Other relevant planning advice/guidance:

- 5.11 The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions, the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. The Leeds Standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard, which seek to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

**6.0 ISSUES**

- 6.1 In relation to the layout, appearance, scale and landscaping of Phase 2 of the Kirkstall Forge development and access within Phase 2, Members are asked to consider the following matters:

Layout and Scale

- 6.2 It is acknowledged that Phase 2 of the Kirkstall Forge development will deliver a contemporary urban housing scheme that ranges in height from 3 to 6 storeys and delivers a residential density of 47 dwellings per hectare, which is compliant with Core Strategy Policy H3.
- 6.3 With regard to the appropriate scale of development it is noted that the approved masterplan indicates development to a scale of between 6 and 7 storeys on this part of the site. Accordingly, this proposal is consistent with the approved Masterplan.
- 6.4 In terms of site layout, the approved Masterplan indicates development that fronts the access road and the river to which this proposal is compliant. Within the Masterplan, this part of the site is identified for both residential and commercial use, to which this proposal is also consistent in principle.

### **Do Members support the scale and layout of Phase 2 of the development?**

#### Residential Quality and Appearance

- 6.5 At this stage, the applicant has indicated that their scheme will provide a mix of accommodation, with appropriate consideration of external amenity space, outlook, daylight/sunlight and privacy. The developer has also indicated that they will meet the minimum room size standards set out in the Government's Technical Housing Standards – Nationally Described Space Standard
- 6.6 Architecturally, the scheme is very contemporary but it seeks to continue the high quality and modern design approach secured by the first phase of development at Plot J1 – the office block. The Kirkstall Forge site sits in relative isolation in terms of any immediate context and in this regard, it can create its own character but also, be mindful of the need to deliver a cohesive development across the Forge site.

### **What are Members views on the detailed design of Phase 2?**

#### Landscape

- 6.7 Phase 2 will deliver the next section of The Stitch, which is identified within the Masterplan as an important connective route through the site and it will become a primary pedestrian thoroughfare. In addition, a new area of public amenity space will be delivered as part of Phase 2 utilizing the topography and natural features of the site.

### **What are Members views on the emerging landscape scheme for Phase 2?**

#### Access and parking within Phase 2

- 6.8 Phase 2 will be accessed from the existing road that has been constructed to serve the Kirkstall Forge station and it is likely that the roads will be designed in the form of 'home-zones'. The applicant's aspiration is to keep parking off the streets as far as practicable from a visual amenity perspective.
- 6.9 With regard to parking provision, it is currently anticipated that the majority of the provision will be within garages in order to achieve the ambition of streets that are as free as possible from parked cars. Of the 112 units proposed, 67 of these are terraced houses, which will be provided with 2 parking spaces per house, mostly in garages. There are also double garages for most of the 4-bed properties, and tandem garages (one car behind the other) for the remainder that are designed to

have a clear width of at least 3.2 metres and a wide 2.7 metre door as well as additional storage space to overcome the pressure to utilise the garage as a store rather than for the parking of vehicles. The 'courtyard houses' and apartments are served with undercroft car parks with some properties provided with 2 spaces but most having 1 space each. There are 55 private car park spaces, and 189 private spaces in all. In addition, there are at least 18 roadside visitor spaces and a couple of drop off / loading bays near the Stitch square.

**Do Members have any views on the proposed access within the site or the proposed parking provision at this stage of the design development?**

## **7.0 CONCLUSION**

7.1 In summary, this pre-application presentation seeks to outline the emerging proposals for Phase 2 of the Kirkstall Forge development, which will see the first phase of residential development within the site comprising new family homes as well as some apartments, new commercial space and new public space.

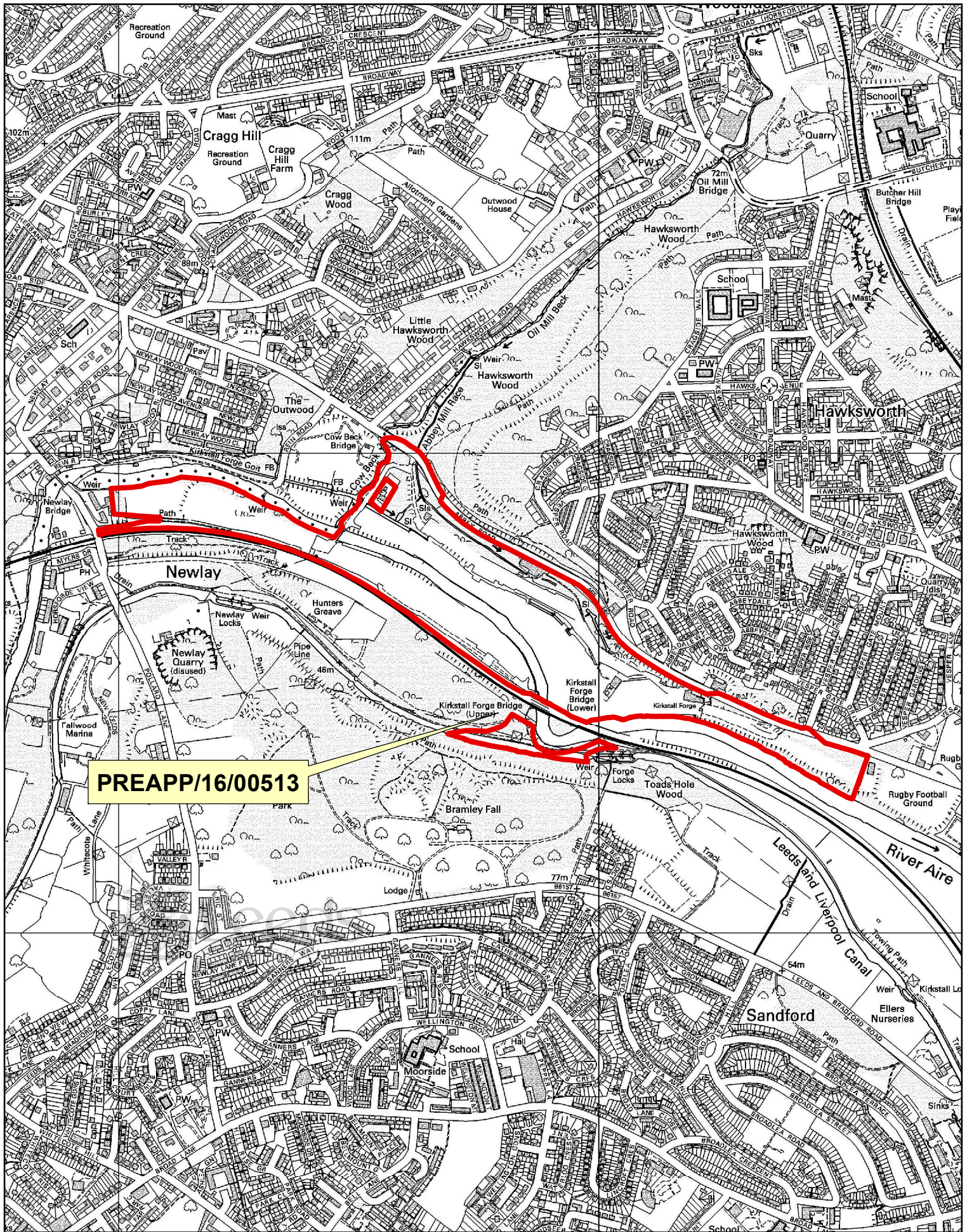
- **Do Members support the scale and layout of the development?**
- **What are Members views on the emerging appearance of Phase 2?**
- **What are Members views on the emerging landscape scheme for Phase 2?**
- **Do Members have any views on the proposed access within the site or parking provision at this stage of design development?**
- **Do Members have any other questions or comments at this stage?**

### **Background Papers:**

Pre-application file PREAPP/16/00513

Planning file 11/01400/EXT





**PREAPP/16/00513**

# SOUTH AND WEST PLANS PANEL

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