



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 15th June, 2017
at 1.30 pm

MEMBERSHIP

Councillors

C Dobson	B Cleasby	J Procter
R Grahame		P Wadsworth
S Hamilton		G Wilkinson
S McKenna		
E Nash		
K Ritchie		
N Walshaw (Chair)		

**Agenda compiled by:
Debbie Oldham
Governance Services
Civic Hall
Tel: 0113 37 88656**

A G E N D A

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

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve as a correct record the minutes of the meeting held on 11th May 2017.</p>	3 - 16
7	Cross Gates and Whinmoor		<p>16/05185/FU - CHANGE OF USE ON GROUND FLOOR FROM DOCTORS SURGERY/PHARMACY TO PUBLIC BAR, TWO STOREY REAR EXTENSION; BEER GARDEN AREA; EXTERNAL ALTERATIONS INCLUDING NEW DOORS AND WINDOWS, CONDENSER AND EXTRACTION EQUIPMENT TO ROOF; NEW FENCING AND PARKING TO REAR OF 39 AUSTHORPE ROAD, CROSS GATES, LS15</p> <p>To receive the report of the Chief Planning Officer on an application for change of use on ground floor from Doctors surgery/Pharmacy to Public Bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear of 39 Austhorpe Road, Cross Gates, LS15</p> <p>(Report attached)</p>	17 - 46

Item No	Ward	Item Not Open		Page No
8	Moortown		<p>16/07106/FU - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF DETACHED HOUSE, 402 STREET LANE, ROUNDHAY, LS17</p> <p>To consider the report of the Chief Planning Officer on an application for the demolition of existing bungalow and erection of detached house at 402 Street Lane, Roundhay, LS17.</p> <p>(Report attached)</p>	47 - 56
9	Chapel Allerton		<p>17/00009/FU - ONE BLOCK OF 12 NO. APARTMENTS AT 21 ALLERTON PARK, CHAPEL ALLERTON, LS7</p> <p>To receive the report of the Chief Planning Officer for an application for one block of 12 No. apartments at 21 Allerton Park, Chapel Allerton, LS7.</p> <p>(Report attached)</p>	57 - 70
10	Wetherby		<p>16/03692/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 23 DWELLINGS AT RUDGATE PARK, WALTON, WETHERBY, LS23</p> <p>To consider the report of the Chief Planning Officer on an outline application for residential development for up to 23 dwellings Rudgate Park, Walton, Wetherby, LS23.</p> <p>(Report attached)</p>	71 - 88
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting of the North and East Plans Panel will be 13th July 2017 at 1:30pm.</p>	

Item No	Ward	Item Not Open		Page No

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.

This page is intentionally left blank

To all Members of North and East
Plans Panel

Planning Services

The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: David Newbury
Tel: 0113 37 87990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: June 2017

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 15th June 2017

Prior to the meeting of the North and East Plans Panel on Thursday 15th June 2017 the following site visits will take place:

Time	Ward	
10.25am		Depart Civic Hall
10.40am	Crossgates & Whinmoor	16/05185/FU – 39 Austhorpe Road, Cross Gates, LS15 8BA
11.10am	Roundhay	16/07106/FU – 402 Street Lane, Roundhay, LS17 6RW
11.30am	Chapel Allerton	17/00009/FU – 21 Allerton Park, Chapel Allerton, LS7 4ND
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.25am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 10.20am.

Yours sincerely

David Newbury
Group Manager

This page is intentionally left blank

NORTH AND EAST PLANS PANEL

THURSDAY, 11TH MAY, 2017

PRESENT: Councillor N Walshaw in the Chair

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

SITE VISITS

The site visits that took place on the morning of the Panel were attended by Councillors: Walshaw, Grahame, Hamilton, S. McKenna, Ritchie and Wilkinson.

165 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

166 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

167 Late Items

There were no late items.

168 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. However Cllr. R Grahame declared an interest in Item 7 Minute 172 refers – Construction of 13 houses on former site of Stanks fire station, Sherburn Road, LS14, as the application was in his wife Cllr. P Grahame's ward. Cllr. P Grahame was present at the Panel to answer questions in relation to the application and the area.

169 Apologies for Absence

Apologies for absence were received from Cllr. Arif and Cllr. J Procter.

Cllr. P Gruen was substitute for Cllr. Arif.

170 Minutes

The minutes of the meeting held on 13th April 2017 were approved as a correct record.

Draft minutes to be approved at the meeting
to be held on Thursday, 15th June, 2017

171 Matters arising

In response to Members questions on minute 160 – Position Statement Erection of fire station, training yard and associated parking and landscaping land off Black Moor Road, Moortown. It was noted that Members had requested more information in relation to this application. Members were informed that there had not been sufficient time to gather all the information required for an update to be provided at this meeting.

172 16/07555/FU - Construction of 13 houses on former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14

The report of the Chief Planning Officer recommended refusal for planning permission for the construction of 13 houses at the former Stanks fire station, Sherburn Road.

At the start of this item Cllr. Gruen who was substituting for Cllr. Arif addressed the Panel in regard to his position on this application as it is in his ward.

Cllr. Gruen informed the Panel that he was aware that the applicant had spoken to Legal Services with the view that Cllr Gruen was sitting on the Panel with a pre- determined view.

Cllr. Gruen provided the Panel with a brief history of his involvement with the application.

Members noted the following points made by Cllr. Gruen:

- The applicant had contacted Cllrs P. Gruen and Pauline Grahame to ask for their support of the development. Cllr. Gruen said that he had made no comment whereas Cllr. Pauline Grahame had voiced an objection to the Scheme.
- The applicant had informed the Councillors that he had the support of a number of the neighbours. The Ward Councillors sent out a questionnaire with a reply slip. Cllr. Gruen said that 80 responses had been received which was significant as no pre post envelopes had been included. Only 2 responses were in favour.
- The Ward Councillors had received a further letter from the applicant which Cllr. Gruen had thought aggressive and derogatory towards the planning officer. He said that there had been no further contact between himself and the applicant.
- Cllr. Gruen went on to say that he did not have a pre-determined position but was pre-disposed due to the strong case set out in the report by the officer. However he was interested to hear what the applicant had to say and to see whether the case presented was compelling.

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

Draft minutes to be approved at the meeting
to be held on Thursday, 15th June, 2017

Members were provided with a brief planning history set out at paragraph 4.0 of the report. It was also noted that during the course of the application a number of amendments had been made to the layout resulting in the deletion of one dwelling; reconfiguration and enlargement of the parking court; repositioning of the off street parking for dwellings fronting on to Stanks Drive; introduction of crime prevention measures; and the intention to retain some trees to Sherburn Road frontage.

Members were informed that the dwellings were all two storey although some had rooms in the roof space. The properties were to be 2-3 bedrooms. Members noted revised floor plans had been submitted so that all room sizes and garden sizes complied with space standards. A cross section had been supplied by the applicant to show the difference in levels through one part of the site.

Concerns were raised in relation to the parking courtyard as it was the Panel's view that residents would prefer to park at the front of the properties for convenience. There were also concerns raised in relation to the parking courtyard due to its proximity to the trees and the future of those trees it was also a concern that the parking area would over-look the gardens.

It was noted that bins were to be positioned at the front of the properties.

Mr Rose the agent was at the meeting and addressed the Panel. He confirmed he accepted Cllr. Gruen's statement.

Mr Rose said how frustrating it had been to amend the plans so many times.

He reiterated that the house sizes and the outside space complied with space standards and met the Leeds standard.

Mr Rose informed the Members that all the gardens were south facing.

Mr Rose explained the reason for the parking courtyard informing Members that the applicant did not want private drives to access onto the main road. He said that to combat the fear of crime and anti-social behaviour the parking courtyard would be overlooked with a view through the wire fences giving a natural view through to the courtyard. He said that there would also be lighting and CCTV in the courtyard.

Mr Rose said that bins had been moved to the front of the properties as not able to confirm a suitable position.

It was noted that 16 trees were to be planted with only one tree to be moved.

In response to a Members question Mr Rose informed the Panel that the Refuse Service were happy to reverse into the site to collect bins and the use of bins stores as had been proposed.

Members expressed their surprise at the close proximity of trees on Sherburn Road to 4 properties in the site. Mr Rose informed the Panel that mature trees would be planted where trees were moved.

Members raised concerns on the following points:

- That properties marked as numbers 7 and 8 were not suitable or attractive to live in
- The parking courtyard was not suitable and would encroach on privacy of houses in that location.
- Not enough parking for 2-3 cars per dwelling which would cause parking on the main road close to a busy bus stop
- The site looked cramped although assurance had been provided that all dwellings now met space standards.

Members asked if consideration had been given to redesigning or reducing the number of plots on the site. Members were informed that the dwellings met space standards and were of a similar size to properties around the area therefore there was no reason to reduce the plots.

Cllr. Pauline Grahame attended the meeting saying that she was against the size of this development of 13 houses and was representing the views of constituents set out in the letters that had been received.

Cllr. P Grahame said that the original proposal for the site put forward by the fire service was for five properties and informed the Panel of the following points:

- That Swarcliffe did not have a high crime rate
- That 2-3 bedroom properties were in demand for that area
- That parking was an issue as people preferred to park outside their homes
- That the density around the site was high and that the site should be at the most 8 properties with parking for at least 2 cars per property
- That she was taking into account the concerns of the residents in the area in relation to the density of the parking in the area and the density of the site.

Members noted that a high frequency bus stop was located close to the site and had a long run in. Access to the site had conflicted with the bus stop and modifications had been requested and as a result the applicant provided an access to the back of the site'.

It was also noted that there was a drop crossing on Sledmere Place which raised concerns but was not a reason for refusal.

Officers informed Members of the following;

- That the number of parking spaces was right for the size of development. However the design was an issue and due to this residents may not use the dedicated parking space leading to some on street parking.

- That Leeds City Council guidance in relation separation and distance of properties, floor space and amenity space is quite prescriptive and the applicant had revised plans to address some of the issues raised.
- That the parking courtyard may cause damage to the roots of some of the trees, however trees located near properties were far enough away as to not suffer root damage.
- That they had been unable to attend one meeting with the applicant but where negotiations had taken place the applicant had made revisions to address the officers concerns but in doing so had caused other issues.
- It was the view that the proposed wire fencing to the gardens which looked onto the parking courtyard would not provide privacy to the residents on those plots.
- A Traffic Regulation Order (TRO) was in place in relation to the bus stop
- That they had requested a reduction in the number of units
- Unresolved conflicts were listed at 11.1 of the submitted report.

The Head of Development Management provided an explanation of the difficulties with the application saying that there were too many minor issues outstanding that caused concern.

Members discussed the following points:

- The removal of one property to create another access point on to Sherburn Road
- Refuse collection and the need to have easy access for bins and storage
- The poor layout of the site which was too cramped
- Access to the site, the sites proximity to a busy bus stop and a school.
- To reduce the site to between 8 and 10 dwellings
- To make the site affordable and sustainable

Due to Members discussions the Chair asked if the Panel would want to give consideration to the application being deferred pending further amendments. However advice was given that this may result in an appeal for non-determination.

Instead, the Head of Development Management advised the Panel that in the opinion of officers and in order to make the application acceptable a fundamental redesign of the scheme was required. He recommended a slight amendment to the officer recommendation that in paragraph 1 the sentence starting 'Furthermore' should be amended to read; 'Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures "or issues of overlooking", boundary treatments, and relationships with adjacent plots, prejudicial to the residential amenity of the occupants and the site appearance.

RESOLVED – To refuse the application for the reasons set out in the submitted report with the slight amendment to reason for refusal 1 to include the wording ‘or issues of overlooking’.

The amended reason is set out below:

‘Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures or issues of overlooking, boundary treatments, and relationships with adjacent plots, prejudicial to the residential amenity of the occupants and the site appearance.’

173 17/00406/FU - Change of use of domestic swimming pool to form canine hydrotherapy use (sui generis), 81 Wakefield Road, Garforth, LS25

The report of the Chief Planning Officer requested Members to consider an application for the change of use of a domestic swimming pool and garage to canine hydrotherapy use (sui generis) at 81 Wakefield Road, Garforth, LS25 1AR.

Members had attended a site visit earlier in the day during the site visit number 79 Wakefield Road was also visited. Plans and photographs were shown at the meeting along with a video showing the rear garden of 83 and its proximity and boundary to 81 Wakefield Road.

Members were informed of the following points:

- The domestic pool was located within a residential garden within a building.
- The pool had been approved in 2003.
- The building where the pool is located backs onto Queensway.
- Part of the garage was to be used as part reception, with a garage for the owners use. It was noted that the garage was constructed of wood.
- The fence between 79 and 81 was to remain and a fence was to be added between 81 and 83.
- The rear garden of 81 was to remain as domestic use with a fence between the garden and the reception.
- There was substantial parking for both residents and customers. Customers would use the area located at the front of the property, it was noted that the applicant was considering making this area larger by removing some of the area currently used for planting. Highways Officers were of the view that the parking layout was acceptable.
- Opening times in line with advice received from the Environmental Health Officer were proposed as Monday to Friday 08.30-17.30 and Saturday 09.00-14.00.
- Significant insulation to be used in the hydrotherapy building. However more information was to be gained for condition 5 of the submitted report.

- Astro turf to be used in all areas where dogs will be to provide added insulation against sound.

Local residents had been consulted and letters of objection and support had been received. It was noted that the concerns of both neighbours at 79 and 83 had not been alleviated and that concerns of one neighbour who works shifts had been omitted from the submitted report.

It was also noted that concerns had been raised by residents that the report was biased and unfair, that plans had been sent out after the report had been written and that there were issues in relation to the Environmental Health Officers comments.

It was noted that no officer from Environmental Health was available at the meeting.

Members were asked to note the following conditions set out in the submitted report:

- Temporary permission of 12 months
- Condition 5 to be amended slightly to include more information in relation to insulation
- Condition 6 to have a detailed management plan in relation to appointment system, dog owners to remain present throughout the appointment, use of appropriate drying equipment for the dogs.

Members were informed that there was another hydrotherapy business in Garforth however that business also offered grooming and other services. This business would only be offering canine hydrotherapy.

Mr Collard the neighbour of 79 Wakefield Road and Mr Tuck of 83 Wakefield Road were at the meeting and addressed the Panel.

Mr Collard raised the following concerns:

- Wakefield Road is a busy main road
- There was limited parking spaces
- There would be reduced visibility from the drives onto the main road
- Regular access was required for Mr Collard's daughter
- Reduced privacy particularly during summer months when they would want to make use of the garden.
- Customer noise and disturbance
- The building to be used was made of timber not brick
- The building was closer to neighbours property then identified in the submitted report
- When he had purchased the property two years ago this business had not been mentioned had it been he would have reconsidered buying.

Mr Tuck addressed the Members informing them that he was a shift worker and was of the view that the business would disturb his sleep with customers

coming and going, banging of car doors and dogs barking. He said that there could be up to 15 dogs a day.

Mr Tuck said that he was a dog owner himself and that customers coming and going would affect his own dogs' behaviour.

He explained that his family used the garden at the rear a lot and that the business would affect their privacy.

Members were informed that this matter had been ongoing since March and that responses were passed to local Councillors and to Planning Officers although no feedback had been received from Planning Officers.

Mr Slater on behalf of the applicant was present at the meeting. He apologised that his partner, the applicant was unable to attend. He said that it had not been their intention to upset anyone and that was the reason all the conditions had been agreed to.

He said that all the objections and concerns had been taken on board.

Mr Slater explained the proposed operation of 1-2 dogs with the owner present throughout the appointment. He said that his own dog would be in the house.

He had visited his neighbours and explained the business proposal.

Mr Slater informed the Members that this service was in high demand but was short in supply.

He explained that he is a dog owner himself and understands how excitable and noisy dogs can be and that was the reason for the reception area so that it can be used for cross over. He explained that the applicant had worked with dogs at a hydrotherapy pool and the dogs were usually fairly quiet.

The applicant could give no assurance that dogs coming for appointments would not meet during cross over. It was suggested the use of two doors one in and one out to try and avoid this problem.

Mr Slater informed the Panel that there was another hydrotherapy pool in Garforth but they also offered other services. It was not their intention to provide any other services and referral would be via a vet to do only what the vet suggested. He said that they had bought the property because of the pool with the hope that they would get permission for change of use. He said that having the business in this location would be convenient as his children attended the school in the area.

Mr Slater went on to say that the condition of a temporary time limit of 1 year had been put in place to review the impact on the neighbours.

Members had concerns that if the impact on the neighbours was causing distress the period of 12 months was too long and suggested that the period be reduced.

The Chair made the comment that the Panel had little objection to the application per say. However Members did have concerns and the Chair asked if Members wished to defer for more information. This suggestion was not taken forward.

Councillor Hamilton moved the motion as set out in the submitted report with Councillor Wilkinson seconding the motion.

Councillor Gruen sought to move an amendment in relation to the time limit of 12 months being reviewed after 6 months. The Legal Services Officer provided advice to Members in relation to a time limited condition and as a result of the advice received Councillor Gruen subsequently withdrew the proposed amendment.

When put to the vote the motion moved by Councillor Hamilton and Seconded by Councillor Wilkinson the motion fell.

Members continued to discuss the application as they were not against the proposal in principle but were of the view that further information was required to address the concerns of the neighbours.

Members discussed the following points:

- More information required on insulation
- Sufficient parking
- Management plan for dogs meeting on the way to and from therapy
- Toileting issues
- Fencing between domestic garden and business
- Noise disturbance during the summer months when windows would be open
- Temporary time limit of 12 months

It was also clarified that no maladministration had taken place in relation to letters of representation.

It was suggested that Members may wish to defer for further information The Legal Officer provided guidance with regard to calling for a new motion.

At the conclusion of the discussions Councillor Wadsworth moved a motion to defer determination of the application pending further information. The motion was seconded by Councillor S McKenna. On being put to the vote, Councillor Wadsworth's motion was passed, and it was

RESOLVED – That:-

- a) The determination of the application be deferred pending further information in relation to:-

1. Detailed management plan in relation to crossover and dogs meeting
 2. Details of insulation scheme and its effectiveness to be submitted to Planning for approval
 3. Movement of vehicles
 4. Environmental Health Officers comments in relation to noise and possible disturbance to neighbours
- b) Discussions to be encouraged between applicant and neighbours and;
- c) An Environmental Health Officer to attend when the application is considered

174 16/06901/FU - Detached dwelling to rear and formation of new access and hardstanding at 4A Ascot Road, Kippax, LS25

The report of the Chief Planning Officer was seeking consideration for a detached dwelling and garage and formation of new access and hardstanding to rear of No 4A Ascot Road, Kippax, LS25 7HT.

The application was a backland plot associated with the ownership of No 4A adjoined by the residential gardens of properties on Ascot Road, Epsom Road, Westfield Lane and Goodwood Avenue.

Members were informed that the application had been previously to Panel where it had been approved. However, there had been an appeal to conditions on 13/04515/FU relating to Permitted Development and side door conditions retained. This issue was explained to the Panel and that Planning Officers would seek to add this condition again.

Members noted that there were bungalows in the area with properties located to the rear of the proposed dwelling but that the dwelling would not impact on those properties as they were not close. It was noted that some of the properties at the rear had dormer windows which would overlook the site.

Highways had deemed the access suitable with a turning area, with vehicles able to access and egress in a forward gear. There was sufficient parking for 2 vehicles to the front of the garage.

It was noted that officers would be looking to add an extra condition to brick up the side door to no 4A Ascot Road.

Members were informed of an anticipated CIL payment of circa £7,835 unless self build exemptions were applied for but that this was for information only and was not a material planning consideration.

Members' comments included the following:

- That the build would be a combined footprint of both 4A and 4B Ascot Road.
- The email sent to the Members had quoted the size of the proposed dwelling as being 'reasonable and necessary'.

- Members expressed their concerns at the officer recommendation after the previous application and subsequent appeals.

Members were advised that the resident had misunderstood the reason why the Inspector imposed a condition withdrawing permitted development rights. The condition was not imposed because the Inspector considered the site could not accommodate anymore development. It was imposed so the local planning authority could consider the planning merits of any further development. It was noted that these had also been the concerns of Planning Officers on this and the previous application.

Members were informed that this proposal had been reduced in height and now took the form of a genuine bungalow, but was still larger in footprint than the previously approved dwelling on this site. It was noted that the proposed footprint under consideration was some 59sqm larger than the previous application.

Members were advised that Condition 6 related to the removal of Permitted Development rights.

Members expressed their concerns in relation to the access route and visibility. Members were advised that the boundary fencing was to be lowered to improve visibility.

RESOLVED – Members resolved to accept the officer recommendations and grant permission subject to the conditions set out in the submitted report.

175 13/03196/FU - Full Planning application for the erection of 88 dwellings including associated car parking and garages, formation of new access, public open space , landscaping and parking facilities at land off Grove Road, Boston Spa, Wetherby

Further to Minute 158 of the meeting held on 13th April 2017 the Chief Planning Officer submitted a report seeking approval of a residential development comprising of 88 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities at Grove Road, Boston Spa.

Members were advised that 3 additional letters of objection had been received with issues raised as follows:-

- Impact on the house to the south of the site called Meadow View in terms of privacy and outlook;
- Increased traffic and congestion and unsuitability of roads;
- Impact on peace and tranquillity of the adjacent hospice;
- House types of basic 1980s design and out of keeping with Boston Spa;
- Previous Miller Homes customers had been dissatisfied with their new home;

- Comment querying why the Panel report was dated 11th May, despite being published earlier.

It was noted that all the issues raised had been covered at the previous Panel meeting of the 13th April, other than the final bullet point, the report was dated when the Panel were due to consider the matter.

Members were also advised of an amendment to the Section 106 Agreement to include an additional obligation to construct the boundary fencing to the hospice boundary and to maintain it as part of the on site public open space maintenance. Details of the fencing would be appended to the Section 106 agreement.

Members were advised how Miller Homes intended to address previous concerns:

- The boundary to the hospice was to be maintained through the Section 106 agreement by a management company
- A LEAP (local equipment area of play) play area similar to the one on the Wetherby development was to be provided on the main area of public open space in the north east corner of the site.
- The 'Corner Turner' (Kipling) house type had been removed from 3 plots and replaced with a more traditional house type.
- Speed limits on Grove Road would be addressed within the Section 106 Agreement
- A section of hedge would be removed at the Grove Road/ Green Lane junction and dropped crossings provided to facilitate the crossing of these roads.
- Staggered metal railings would be provided to ensure that pedestrians and particularly children could not run straight out onto the road.
- Similar staggered railings would also be provided on the new section of footpath that leads to the bus stop.
- The pumping station required at the north eastern corner of the site would be 2 small cabinets and associated hardstanding that would be enclosed with hoop top railings and soft landscaping.
- The applicant Miller Homes had agreed to participate in a consultative forum and that this would form part of the planning conditions.

Members discussed the following points:

- That a standard condition be added to all large developments for the applicants to participate in local consultation forums.
- Section 106 agreement to address local employment issues

Members were informed that the applicant was eager to get on site and start the development.

The Panel was advised that the Euro Lock had been found to be an unsuitable deterrent against burglary therefore new locks were to be used at this development. Members requested that this be a standard condition for new developments but were advised that this was required by building

regulations and it was not therefore appropriate to impose a planning condition.

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and the prior completion of a section 106 Agreement as set out in the submitted report.

CHAIRS COMMENT

The Chair informed the Panel that this was the last North and East Plans Panel of this municipal year.

He thanked all Panel Members for their input and contributions over the past 12 months.

176 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 15th June 2017 at 1:30pm.

This page is intentionally left blank



Originator: David B Jones
Tel: 0113 24 77019

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 15th June 2017

Subject: APPLICATION 16/05185/FU – Change of use on ground floor from doctors surgery/pharmacy to Public Bar (A4), two storey rear extension; pavement seating area; external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, 39 Austhorpe Road, Leeds 15

APPLICANT	DATE VALID	TARGET DATE
J D Wetherspoon PLC	26.08.16	30.06.17

Electoral Wards Affected:

Crossgates & Whinmoor

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE planning permission for the following reasons:

1. The Local Planning Authority considers the proposed loading and unloading arrangements for the site which seek to route movements from Austhorpe Road via North Road to the rear of the building would cause pedestrian and vehicle conflict. Austhorpe Road is a busy and congested stretch of the highway network and in close proximity to a well-used bus shelter. The footway along North Road is narrow and there is not sufficient room for pedestrians and servicing trolleys to pass. As a result of a combination of these factors the proposed development would be detrimental to highway safety and is contrary to Policy T2 of the Core Strategy, saved UDP Review policy GP5 and the general highway guidance as contained within the National Planning Policy Framework.
2. The Local Planning Authority considers the parking and bin storage facilities proposed for the upper floor use of the building to be both constrained in nature and have practical difficulties in terms of their general usability. This could result in these facilities not being fully utilised which may give rise to amenity and highway/pedestrian safety concerns. As such, the proposed development would be

contrary to the intentions behind Core Strategy Policy T2, saved UDP Review policy GP5 and the general guidance as contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the level of interest in the proposals from local residents. Representations have been received for and against the proposal. The application is considered to be of a sensitive and controversial nature and that the proposed development could have significant impact on the local community and therefore it is appropriate to report the application to Panel for determination. Members are asked to consider this application on its own merits and having appropriate regard to the policies of the Development Plan.

2.0 PROPOSAL:

- 2.1 The application proposes the change of use of the existing doctors' surgery and pharmacy at ground and first floor level to a public house (A4 use) at a commercial property on Austhorpe Road. The existing dental surgery at first floor level is to remain.
- 2.2 In addition to this, a two storey extension is proposed to the rear as well as a beer garden. These would occupy part of the original rear parking area although some parking is retained for use by the dental surgery. Alterations to the front elevation of the building are also proposed. The works are described in the following paragraphs.
- 2.3 At ground floor level it is proposed to create the main customer trading area in the space that was formerly occupied by the doctors' surgery and pharmacy. This will involve the removal of existing partitions which formed individual consulting rooms, to form a large open plan space. To the rear of the site, a new two storey extension is proposed which at ground floor, will provide a new purpose built kitchen to serve the public house. Above this a store (cold) is proposed and is served by a goods lift accessed externally.
- 2.4 Externally, a beer garden will be provided to the rear of the main building (with a floorarea of circa 138sqm) along with three car parking spaces which are available to the dentist surgery at first floor level. These spaces continue to be accessed from North Road. A refuse store is to be provided to the rear, adjacent to beer garden.
- 2.5 The footway on North Road is shown to be partially widened and brought up to adoptable standards.
- 2.6 The existing ground floor entrance lobby to the first floor dentist will be retained as will the full extent of the dental surgery. Those parts of the first floor, including the rear extension which will not be occupied by the dental surgery, will provide customer toilets to the proposed public house as well as staff facilities and cold storage. The dental surgery will be entirely self-contained from the public house.
- 2.7 All plant will be located at roof level, including kitchen flue, condensers and vents/flues. The equipment is now shown to be contained within the roofspace of the rear proposed extension following the introduction of a pitched roof. The plant is

also identified to be attenuated so that it operates within acceptable noise limits. The proposed kitchen extract flue is proposed to contain carbon filtration systems to mitigate odour issues.

- 2.8 The front elevation of the building is to be provided with a new shop front and doors, with some minor reconfiguration of the fenestration at ground floor level. On the rear elevation, much of the existing pipework and plant will be removed and the first floor area will be clad in timber. At ground floor level on this elevation, opening doors are proposed. A new canopy/awning will be installed along the length of the existing rear elevation.
- 2.9 On the side elevation of the existing building, new window openings will be installed and on the side elevation of the projecting outbuildings, timber cladding will be installed to the first floor. The proposed extension which will contain the kitchen and cold store will be rendered at ground floor level and timber clad at first floor, with plant within the pitched roof at second floor level. A revised plan has been received which sets in a section of the extension away from the boundary with No. 43, which is in residential use.
- 2.10 The applicant set out preferred hours of opening in the Appendix to their Planning Statement, as follows:
- Sunday to Thursday – 07.00am – 00.30am;
Fridays and Saturdays – 07.00am – 01.30am.
- 2.11 In addition, there are certain non-standards hours the site will be opened. The proposed use will open for an additional one hour beyond the hours shown above on the following days:
- Maundy Thursday; Christmas Eve; Boxing Day; New Year's Eve; Sundays before Bank Holidays.
- 2.12 Servicing will take place to the front of the site on Austhorpe Road and manually carried down North Road into the proposed kitchen and cold store above. Delivery times and arrangements are proposed to be managed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located to the north side of Austhorpe Road which is the main shopping street within Cross Gates centre, running in an east-west direction. The site comprises a 2 storey building located on the junction of Austhorpe Road (to the south) and North Road (to the west). With the exception of part of the first floor which is occupied by a dental surgery, the remainder of the building is now vacant, having previously been occupied by a pharmacy and doctors' surgery.
- 3.2 The building is part two storey and part single storey, constructed in brick and roof tiles. The frontage at ground floor comprises a shop front and also includes the entrance up to the dental surgery at first floor. The existing ground floor has been boarded up recently. The first floor of the frontage has been painted white and comprises traditionally proportioned sash windows.
- 3.3 The front part of the building has a pitched roof and behind this, is a two storey element which has a flat roof. A small series of adjoining buildings which are two storey and single storey in height are located to the rear of this, adjacent to the

eastern boundary of the site. On the eastern part of the site's frontage, is a small single storey element which has a pitched roof. This elevation contains a boarded up opening and air conditioning equipment.

- 3.4 The western boundary of the site is defined by the western elevation of the building which comprises a brick facade punctuated by two windows at first floor level.
- 3.5 Beyond this, an open car park area is provided, with access being gained from North Street to the rear part of the western boundary. The rear elevation of the building faces onto this car park area and is of red brick construction and contains various wall mounted installations including air conditioning units, soil stacks and aerials.
- 3.6 Immediately to the rear of the site (to the north) is a narrow unmade ginnel and beyond this, terraced properties, which front onto North Road. To the west, on the opposite side of the junction between North Road and Austhorpe Road are commercial properties including estate agents and solicitors. The area to the north of the application site is predominantly residential in character.
- 3.7 To the east of the application site, set back from Austhorpe Road is a row of terraces which have their north elevations facing onto East View and their southern elevations onto a car park area located on Austhorpe Road. This terrace comprises a mix of commercial and residential uses, with the closest residential property (No.43) being built onto the eastern elevation of the outbuildings which form part of the application site and project from the rear of the main two storey building.
- 3.8 On the opposite side of Austhorpe Road are commercial properties and approximately 25 metres to the south, is the Cross Gates Shopping Centre, which includes a large car park. Cross Gates railway station is located approximately 350 metres to the south west of the site and provides direct access to Leeds City Centre. This section of Austhorpe Road and the land to the south of Austhorpe Road is predominantly commercial in character.
- 3.9 The application site is shown on Leeds City Council's adopted policies maps as being located within the defined Cross Gates Town Centre.

4.0 RELEVANT PLANNING HISTORY:

On-site

- 4.1 15/05889/FU - Change of use on ground floor from Doctors surgery/Pharmacy to Public Bar, two storey rear extension; pavement seating area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear. Withdrawn 07.12.15.
- 4.2 32/1/00/FU - Change of use of gymnasium to dental surgery. Approved 06.03.2000.

Off-site

- 4.3 15/02489/FU - The change of use of the Elinor Lupton Centre from educational facility (D1 use) to A4 public house together with minor external alterations. Listed building application for internal and external alterations to the Elinor Lupton Centre. Appeal against a refusal to grant planning permission. The appeal was allowed.

4.4 15/02492/FU - Change of use of social club to public house (A4); internal and external alterations; creation of external beer garden and associated works at 37 Main Street, Garforth – Approved 05.08.16

5.0 HISTORY OF NEGOTIATIONS:

5.1 Since the original submission, negotiations have taken place as follows:

- Removal of the front sitting out area adjacent to the bus shelter.
- Submission of Noise Impact Assessment, Sound Insulation Tests and Transport Statements
- Slight reduction in size of extension adjoining residential to rear of the site.
- Contribution of £15,000 to allow the highway authority to review the impact of the use when established and implement measures where necessary.
- Restrictions on hours of opening of the PH, hours of use of the beer garden and hours of delivery
- Restriction on noise levels of plant and machinery
- A revised building specification has now been proposed, which removes the externally sited plant from the flat roof area to the rear of the building and places it in an internal plant room contained within the revised structure of the building.
- Acoustic fencing.
- Improvements to design (negotiated prior to submission)

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by means of site notices and a notice published in the Yorkshire Evening Post. Site notices have been posted to advertise three sets of amended plans and additional/revised reports and allow further comments to be made.

Objections:

6.2 356 letters of objection were submitted in respect of the application, when originally advertised. Objections have been received from mainly local residents and local business, but also the Dental Surgery at first floor within the building, and their patients. The objections to the application in its original form are summarized as follows:

- Deliveries on Austhorpe Road will result in accidents and inconvenience on a busy stretch of road, where a bus lay-by is situated outside the premises.
- Austhorpe Road has a bad accident record, with recent fatalities, and introducing a large establishment selling alcohol would not be in the best interests of highway safety.
- The proposed parking is well below Council guidelines, and will result in massive on-street parking. Local TRO's are already breached, and not policed in the evening.
- The Cross Gates centre car park is not available after 6.00pm.
- North Road is too narrow for cars or service vehicles.
- Noise and disturbance from the building and in particular from the beer garden, which is in very close proximity to nearby houses. Acoustic fencing will not stop noise and smoke.
- The late licence would result in an increase in antisocial behaviour.

- The surrounding streets are very quiet in the evening, therefore, the change will be significant, and detrimental to living conditions.
- The vast majority of commercial premises close at 6.00pm, and do not cause harm to residents into the evening.
- People waiting for the buses, including many children will be adversely impacted upon by having people who have consumed alcohol being in very close proximity.
- The Neighbourhood Policing Team is ill-equipped to deal with possible disturbances at and off the premises.
- A finish of 1.00a.m. or later would be extremely harmful to residents.
- CCTV would only be effective on-site and doesn't deal with problems in surrounding footpaths, ginnels and streets.
- The best use would be enlarged dental surgery, and the dental surgery was 'gazumped' by Wetherspoons.
- The premises would adversely impact on the upstairs dental surgery through noise and disturbance, smoking and alcohol being consumed close to a dental practice.
- Noise and cooking smells from air conditioning/extractor fans
- It would be more appropriate to buy an existing PH, rather than creating an extra PH.
- The area is already well served by Public Houses and places to eat.
- The cheap food and drink will adversely impact other establishments, likely to lead to job losses elsewhere in the centre.
- Many of the support letters are not from those directly impacted upon by the proposals.
- The Public Consultation exercise carried out by the applicant was biased in favour of the proposal and should be disregarded.
- The existing poor state of the building has been created by Wetherspoons, who have made the building worse than it should be.

6.3 The application was readvertised by site notices on 28th October 2016, 6th January 2017, 27th January 2017 and 28th April 2017. An additional 170 letters of objection were submitted, mainly from previous objectors, reaffirming their objection, but the following points were also made:

- The proposal would result in the loss of a substantial retail frontage opportunity within the town centre.
- The opening of the link road will greatly increase congestion on Austhorpe Road.
- The recent revised transport plan for this development proposes the parking of urban artic vehicles on Austhorpe Road between the bus stop and the busy Church Lane junction, with provision that the unloading will not take place during peak travel time.
- There is an extremely busy road junction at all times of the day, with buses turning at least every 15 minutes in both directions. Church Lane is old and narrow with a large bus turning space required, additionally it is an important route for many schools in the area and is very busy from 3pm onwards.
- Objection on the grounds that there is not sufficient space for deliveries and the proposal will be hazardous to road safety for both pedestrians and vehicles.
- The Noise Impact Assessment focuses solely on the noise impact from fixed plant and the external terrace - it does not address the significant noise impact which will arise from customer flow to and from the premises.

An early decision to reject the application should allow for other more suitable options for the property to be explored and instigated.

6.4 An objection from the upstairs dental practice on the following grounds:

- The dental practice are noise sensitive premises, and the proposal therefore contrary to the NPPF, which advises that there should be no unacceptable noise impacts.
- Noise will be from the ground floor premises, through the party walls and from plant and equipment above, which will be intolerable.
- The proposal will not comply with the Health Technical Memorandum 08-81 in respect of noise levels.
- The practice will be unable to meet required standards of care.
- Concerns at anti-social behaviour and odour, due to close proximity of the premises.
- Parking is inadequate and poorly laid out.
- Servicing arrangements are inadequate and will lead to accidents.
- The extended hours of operation will impact on local residents, many of whom are patients.

Support:

6.5 125 letters in support were submitted in respect of the application, when originally advertised. The support is on the following grounds:

- Will provide local employment opportunities.
- Will bring a better atmosphere to the shopping centre during the day and evening.
- Will be a positive addition to the area.
- Wetherspoons premises are well run and always well maintained and attract families. There is no loud music.
- Wetherspoons always do a good job in refurbishing old buildings.
- Too many empty shops in the Cross Gates centre and Wetherspoons could help to bring new enterprises into the area.
- The building is boarded up and is rapidly becoming an eyesore.
- Sustainable central location where people can walk to. It is on a local bus stop route and near local taxi offices.
- Crossgates has in recent years deteriorated with many businesses and services leaving the area. Indeed, the vacant premises in question are as a result the Church View surgery being relocated some distance away. The Manston Surgery (across the road) has also been relocated which in turn will have led to reduced parking and footfall in the immediate vicinity. As such concerns over and increase in this regard should be discounted.
- Crossgates needs regenerating due to the number of shops which have left the Crossgates area in recently: Tesco, Bodycare, Fultons, Game and Superdrug to name but a few.
- There are a few nice restaurants in Crossgates now but few places nearby to enjoy a drink either before or after a meal. Indeed the proposed Wetherspoons itself will provide food (including breakfast) and should help encourage people to use Crossgates for shopping and hopefully lead to new businesses opening in the area. Indeed the proposed Wetherspoons itself will create a number of job opportunities (around 60). Crossgates should be a bustling centre of activity as it is the hub of the community.

- A pub situated in this location will be different than the same pub situated in the city centre. It is envisaged that many people local to the area use this place to socialise and will more reasonably priced offerings will offer value for money for residents and perhaps encourage people in nearby areas to visit and support local businesses.
- At the open evening we were assured deliveries would take place outside peak hours to avoid congestion. The recent improvements to the road layout on Austhorpe Road - the relocation of the pedestrian crossings and making Tranquility one way should also serve to reduce congestion in the area.
- The assumption that a Wetherspoons pub will encourage 'noise nuisance and criminal damage' is ridiculous and unfounded.
- A public house is appropriate in a mixed residential and commercial area.
- Wetherspoons have developed in Morley, Chapel Allerton and other town centres, similar to Cross Gates.
- Parking is not an issue as people do not drive to pubs.
- Austhorpe Road is already full of takeaways and restaurants, buses etc and is a busy area on a night.
- Licencing agreements will ensure the pub is not a nuisance to the nearby local residents.

6.6 The application was readvertised by site notices on 28th October 2016, 6th January 2017 and 27th January 2017. An additional 49 letters in support were submitted, mainly from previous supporters, reaffirming their support.

- There are already shops and outlets on Austhorpe Road. A pub with daily deliveries really isn't going to make that much of a difference.
- The newly opened Garforth Wetherspoons doesn't seem to have that many problems and you could argue that that's in an even busier location on Garforth Main Street.
- 'The Briggate' in Garforth has created 60 jobs for the local community - something Crossgates is crying out for.
- The current state of the building is a disgrace and it either needs razing to the ground or renovating.
- There is bound to be redevelopment and economic development in a town centre.

One letter of general comment:

6.7 Can see the pros and cons of the scheme, and would use the facility if approved.

Geographical distribution of respondents:

6.8 In respect of the representations, approximately 75% of the representations object to the application. Those living close to the application site are more likely to object to the proposal, and although a few living close to the site have supported the scheme, the supporters generally tend to live a greater distance from the application site.

Cross Gates Watch (CGW):

6.9 CGW's have submitted multiple and substantial objections to the application, that are summarised as follows:

- The Pub's location, size and capacity introduce a development that would radically and detrimentally change the character of the area. It would result in a significant reduction in the quality of life of local residents, and prevent the Dental Practice from providing a quality service (it might be forced to close).
- The area's unique nature of the old village and adjacent dwellings includes private unmade roads, dead ends, ginnels, nooks and crannies, and hidden areas, as well as poorly lit areas. But these unique characteristics make it highly vulnerable to a rapid decline in environmental amenity.
- The current interaction between Cross Gates Town Centre and local residents works because the hustle and bustle of the centre between 8am and 6pm (Monday to Saturday) is replaced then by a much quieter and peaceful environment in the evenings and night. This allows the residential area to maintain its character and provides a good living environment. Traffic and footfall surveys have confirmed this.
- The Applicant's Noise Assessments indicates that noise levels in the beer garden would be virtually non-existent. This went against common sense. It was found that the applicant had made a reduction of 5Db on the basis that all the people would be sat down. The Noise report also used insufficient numbers and in our view was far from robust.
- Regarding the Noise Assessment for the very large industrial kitchen vents on the new kitchen roof, these are very close to the attached residential building. They accept that it will cause a problem after 11pm, but then say that it will be OK because the kitchen vents will be turned off at 11pm (based upon last serving of food). This is impractical because the staff will have to clean up. The noise assessment is far from robust and will result in serious noise invasion for the next door and other local residents.
- The footpath at the rear of East View which abuts on to North Road is next to the houses, and only circa 1.5m from head height to bedroom windows. And other houses are generally between 4m and 6m from foot paths.
- Noise levels of patrons leaving the premises and in the vicinity would be at such a level (given the closeness to windows) that noise levels would exceed acceptable levels by a considerable margin, and would cause substantial annoyance to residents, and lead to a significant reduction in quality of life. We demonstrate that the area at the back of the proposed pub is highly susceptible to a rapid reduction in the quality of life of its residents because of the placing of this development in this location contrary to the Crime and Disorder Act 1998, and good design practice. It will increase crime and disorder and antisocial behaviour.
- The location of the pub would cause customers to be passing through unsafe, ill lit areas, contrary to the Chief Medical Officer's advice.
- The area behind the pub would be a haven for drug dealing.
- There will be a conflict between residents and customers.
- The Applicant is providing no on-site parking for the pub (three for the dentist due to his lease) despite the previous usage having nine spaces available (not including the three for the dentist). This does not meet the requirements of LCC 2016 Supplementary Parking Policy.
- In order to meet the requirements of the LCC parking Policy at full internal capacity, excluding the beer garden, but including staff, 176 car parking spaces would be required; at 40% of capacity it would still require 85 spaces. The foregoing will have a significant negative impact on parking in the streets around the development, the very thing that the parking policy is meant to prevent. Each street around the development needs to be considered to determine the likely impact in terms of safety, and ensuring

that parking does not cause local amenity problems for residents in compliance with the parking policy.

- The applicant's Transport Document for servicing the development details off-loading at the front of the building (14 HGV's per week, plus light vans) but fails to recognise that there was a bus stop with 244 buses stopping each day, and 242 on the other side of the road. They also failed to recognise that it was a bus clearway and no unloading is allowed. The current usage had no such problems: they offloaded in the rear car park.
- A previous planning appeal at 55 Austhorpe Road (Domino's pizza) had relevance to this application, and it had been refused on the basis of loss of amenity for local residents.
- The applicant's proposals to wrap the pub around a Dental Practice (a Dental Health Care Facility) is in direct conflict with the Department of Health Technical Memorandum 08-01: Acoustics, which says clearly that High Noise generating rooms should not be close to medium sensitive/sensitive rooms. A dental practice has both medium sensitive rooms and sensitive rooms. No specialist designer of healthcare facilities would approve of a pub being wrapped around a Dental Practice. It would be impossible for the Dentist to continue operating during the construction period, (due to noise and dust).
- We note that no noise analysis has been undertaken on the effect of the large mechanical plant compound placed on top of the Dentist's roof. We conclude that this will have a significant detrimental effect.
- There has been no consideration of the effect of vibration on sensitive equipment in the Dental Surgery, particularly from the plant compound on the roof of the Dental Surgery.
- The design is not inclusive (no parking for disabled, inadequate number of disabled Toilets).
- The transport assessment of the impact of the development is inadequate, and does not meet the requirements for a transport assessment of a development of this scale. Important issues are not considered, such as road safety.
- The applicant carried out a public consultation exercise, but did not consult this Association, the largest residents' association in East Leeds. Despite the Planning statement saying that this exercise demonstrated overwhelming support for the pub, this fatally flawed exercise showed nothing of the sort, and, if anything, the complete opposite.
- There is a severe lack of convenience (food) shopping facilities in the Cross Gates Town Centre, and this impacts on the vitality and viability of the Town Centre as locals go elsewhere. The building at 37-41 Austhorpe Road is in a good location and presents a golden opportunity to provide a significant sized food shop (bigger than the previous Co-op) and also retain the Dental Practice. This opportunity of a viable and compatible mixed use of the building would be highly beneficial to local people, cause far less amenity problems and would accord well with the aims of the Core Strategy.
- The alternative use as a proposed pub will on the other hand will result in a significant loss of amenity for many and be of little or no benefit to the local community.
- The Bin Enclosure is too close to the Smoking Shelter and the beer garden and is therefore poorly designed and located. It is too small and therefore not fit for purpose and will result in poor unplanned storage practices. The foregoing presents an unacceptable risk to the health and amenity of local residents and customers.

- The site is very constrained and everything is crammed in so as to avoid loss of customer space. The reality is that it is the wrong building in the wrong location for a proposed pub. It is not just a matter of increasing the size of the storage space, because that would impinge on another aspect of the development.
- None of the revised plans are considered an improvement over the original scheme, and a strong objection remains.
- The existing TRO's and location of the bus shelter and local pedestrian crossings have been only carried out recently, and in full consultation with residents, and there is no justification for the recently carried out works to be changed again

CGW Response to Environmental Health consultation response and the applicant's revised Noise assessment:

- It is clear from the foregoing discussion that this EH Consultation Report, while making many valid points, clearly fails to address several critical issues. A major one is that the Report nowhere recognises that the activity on the first floor is not offices, but a Health Care Facility, and that, as a consequence, completely erroneous procedures have been used by Dragon Fly to assess the impact on it of wrapping a Pub round it.
- The impact of the noise of patrons arriving, leaving and in the vicinity of the pub will have a considerable environmental health impact on surrounding residents, and this is not considered at all in this EH Consultation Report.
- The noise impact of the Beer Garden has not been properly assessed in this EH Consultation Report.
- The impact of mechanical plant on the roof has not been properly assessed. Thus the EH report does not cover all the significant areas required to properly evaluate noise and vibration issues in relation to this application. This means that the conclusion made that EH has no objection in principle is premature, and very likely to lead to significant noise and vibration problems if accepted in its current form.
- The Wetherspoons Noise Impact Assessment is fundamentally flawed and should carry no weight in either the Environmental Protection Team's (EPT) assessment or within the planning process.

6.10 Cross Gates Watch object to the proposed servicing arrangements due to existing congestion, narrow footpaths, size of vehicles and close proximity of general public.

7.0 CONSULTATIONS RESPONSES:

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

Statutory:

7.2 Coal Authority: No objections, subject to condition in respect of coal risk.

Non-statutory:

7.3 Transport Development Services: On balance, objections raised due to inadequacy of parking arrangements and inadequate servicing arrangements. See Appraisal section for details.

- 7.4 Flood Risk Management: No objections. No record of any flooding.
- 7.5 LCC Licensing: The Entertainment Licensing Section have no comments in relation to the planning application. The applicants will be required to apply for a premises licence under the Licensing Act 2003 to allow the sale of alcohol and regulated entertainment which will undergo a 28 day consultation period where responsible authorities and interested parties will be able to make comments on the application.
- 7.6 West Yorkshire Police: The Police do not tend to have problems with Wetherspoon's establishment - they do however have problems with some of its customers (depending on the site location). Generally the door staff work well with the Police and the CCTV inside most sites is of good quality. Measures that Wetherspoon's should look to include to reduce the likelihood of crime and disorder at this site – i.e. external CCTV, exterior lighting, security staff, parking security.
- 7.7 Environmental Health: Concerned about the lateness of the proposed opening hours. Conditions on delivery hours, hours of use of the outdoor amenity area, restrictions on plant noise levels all required. Further review of advice also to be provided following receipt of further representations.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any Neighbourhood Development Plans.

Local Planning Policy:

- 8.2 The following Core Strategy policies are considered to be relevant:

SP1: Delivery of spatial development strategy.
 SP2: Support for a centre first approach supported by sequential and impact assessments.
 P1: Identifies town and local centre designations.
 P2: Acceptable uses in and on the edge of town centres.
 P5: New Food Store provision encouraged in Cross Gates town centre
 P10: Seeks to ensure that new development is well designed and respect its context.
 EN5: Seeks to manage and mitigate flood risk.
 T2: Seeks to ensure that new development does not harm highway safety.

- 8.3 The application site lies within Cross Gates town centre as defined by the UDP Review (2006). The following saved policies are considered to be relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
 N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
 BD5: Seeks to ensure new development protects amenity.
 BD6: Alterations and extensions should not harm neighbouring amenity
 SF1A : Non Retail Uses within Shopping Frontages

SF9: Residual Shopping Frontages in Town Centres

Supplementary Planning Guidance:

8.4 The following documents are of relevance:

- Sustainable Urban Drainage (SPG22, adopted)
- Street Design Guide (SPD, adopted)
- Sustainable Design and Construction (SPD, adopted)
- Leeds Parking Guidelines

National Planning Policy:

- 8.5 The National Planning Policy Framework (2012) (NPPF) 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 NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.7 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design and a good standard of amenity for all existing and future occupants.
- 8.8 Paragraph 17 confirms that, within the overarching roles the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles include:
...Proactively drive and support sustainable economic development to deliver ... business ... and thriving local places the country needs.
- 8.9 Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity....
- 8.10 Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
- 8.11 Paragraph 197 - Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 8.12 Paragraph 123- Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; ...

8.13 The Noise Policy Statement for England (March 2010) sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

8.14 National Planning Practice Guidance – Noise (March 2014) - Advises on how planning can manage potential noise impacts in new development. The NPPG states that neither the Noise policy statement for England nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of the change of use
- Residential amenity
- Highways and parking
- Visual amenity
- Other matters
- Conclusions

10.0 APPRAISAL:

Principle of the change of use

10.1 In assessing the principle of the development, the starting point is that decisions should be made in accordance with the Development Plan unless other material considerations indicate otherwise.

10.2 The site is within Cross Gates, which is designated as a Town centre in the Development Plan under Core Strategy policy P1. As such, Policy P2 is applicable, which states:

“Town centres offer shopping and services intended to meet weekly and day-to-day requirements. The uses set out below are acceptable in principle in and will be directed towards the centres listed in Policy P1 [*which includes Cross Gates*].

- Shops, supermarkets and superstores,
- Non-retail services,
- Restaurants and cafes, drinking establishments and hot food takeaways,
- Intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels,

- Health care services,
- Civic functions and community facilities,
- Offices,
- Housing is encouraged in centres above ground floor in the primary and secondary shopping frontages, or outside the shopping frontages, providing it would not compromise the function of the town centre.”

10.3 A drinking establishment is an appropriate town centre use, under Policy P2. Under saved UDP policy SF9, the site is within the residual area of the centre, where such premises may provide an opportunity to accommodate a wide range of uses which could contribute to the overall attractiveness of a shopping centre without prejudicing the retail character of that centre. The drinking establishment use, therefore, complies with development plan policy, to increase the attractiveness of the centre, without impacting on its vitality and viability.

10.4 Under Policy S5, Cross Gates town centre is identified as a town centre where food store provision would be encouraged in order to expand the centre’s retail offer or expand their function. On this issue, the proposal will not lead to the loss of food retailing (the site is medical), and there are other opportunities, such as M&S site, which can accommodate food store retailing. There is a vacant building off Church Lane, within 70m of the site, to the north-west, which is currently being marketed for retail, which has a similar footprint to the application site, and is an opportunity for food retailing. Finally, as previously stated, the site is within the Residual Shopping Frontage of the centre, where a variety of town centre uses are encouraged under policy SF9. Accordingly, it is considered that the proposed food establishment use is acceptable in principle subject to other more detailed considerations which are appraised below.

(i) Economic Use

10.5 The proposals are estimated to generate in the order to 50 FTE jobs, and according to the applicant, the majority will be recruited from the local area. In addition to the effect of increased employment, an increase in household expenditure among the people who have gained employment through both the direct and indirect employment effects could be expected.

10.6 Further direct, indirect and induced jobs may also be generated throughout the construction phase, even if only for a temporary period.

10.7 Representations against the proposal state that the use would not create that many jobs, and may impact on other businesses in the locality with a similar offer, and drinkers would deter shoppers and reduce footfall. However, the proposal would certainly generate some local employment opportunities and as an acceptable town centre use the issue of competition between other uses offering the same/similar services is not considered to be an argument that carries any real weight from a planning perspective. Evidencing a specific link between this Public House proposal and the concerns about deterring other shoppers and footfall generally is also very difficult and no substantive information on this matter has been provided.

10.8 Appropriate weight can however be given to the fact that there would clearly be some job creation, and that the nature of the jobs would result in employment, particularly for younger local people, and that the proposal represents economic investment in the town centre.

(ii) Re-use of building

- 10.9 The buildings are currently sat empty and are not positively contributing to the appearance of the area or indeed the vitality and viability of Cross Gates town centre.
- 10.10 The proposal would enhance this part of the Town Centre and would boost the vitality and viability, attracting customers throughout the day and into the evening. The enhancement to the Town Centre may encourage other investment as the proposals have the potential to increase footfall which will benefit existing businesses as well as attracting new ones into the vacant units that exist. The application proposals represent opportunity to secure the long term occupation of the buildings and generate significant economic benefits for Cross Gates.
- 10.11 In terms of the re-use, the applicant states that the building has been marketed without success, and that the only realistic proposal to secure the use of the building is as a Public House. However, it is understood the first floor dental practice was initially interested in taking the entire building, before it was subsequently sold to Wetherspoons. It cannot therefore be said with certainty that the Public House proposal is the only realistic use for the building. From a policy standpoint, as outlined above, the premises would be suitable for a large store or many other town centre uses, including medical.
- 10.12 The only certainty is that a Public House use would bring about the re-use of the property, and appropriate weight needs to be afforded to this aspect.

Residential amenity

- 10.13 There are a number of elements associated with the use of a Public House that may impact upon the amenities of residents. Each is examined in turn in the following paragraphs.
- (i) Disturbance associated with customer parking:
- 10.14 Careful consideration has been given to the impact the development will have on the residential amenity of nearby residents. During the daytime the proposal is not envisaged to cause any serious harm to local residents by reason of noise and disturbance but there is some potential for noise and disturbance to occur during the evening, particularly on Friday and Saturdays. Noise would result from the to-ing and fro-ing of vehicles to the premises, including the delivery and pick-up of patrons by taxis. Most of these activities are expected to take place along the Austhorpe Road frontage although it is also possible that, because of the limited parking available compared with the floor area of the premises, some vehicle parking may take place within the nearby residential streets. Parking is unrestricted here after 18.00 hours and most other uses within the Cross Gates town centre boundary that also operate during the evenings do not have dedicated off-street parking. With this context in mind and having considered the information provided by the applicant relating to the parking position of similar proposals and also having considered the drinking establishment nature of the use within the context of Cross Gates, the anticipated volume and incidence of such parking taking place is not expected to be significant. Any on street parking is also likely to be distributed across a number of streets so will not necessarily be focused. For these reasons the potential for disturbance is not considered to be significant and an amenity objection to the proposal due to parking concerns is not advanced. Furthermore, if permission is forthcoming, the applicant has agreed to pay a contribution towards extending the existing day-time parking restrictions TRO into the evening, should parking become

an issue. Should this prove to be necessary, it is also likely to further dilute/reduce any potential parking issues as by its very nature the works would focus on 'concentrations'.

(ii) Disturbance associated with deliveries, loading/unloading:

- 10.15 The deliveries of foods and drinks will be unloaded from the delivery vehicle onto Austhorpe Road and from this point onwards the metal cages containing the goods will be rolled to rear of the building via North Road. Whilst rolling the cages, there will be unavoidable rattling noises, (metal on metal contact) and squeaking noises if the equipment is not properly maintained. There is likely to be some noise impact from these operations on the nearby residents.
- 10.16 As such, the Environmental Health Officer recommends a planning condition should be imposed on any permission, such that the hours of delivery to and from the premises including refuse collection shall be restricted to between 08.00-18.00 hours (Monday to Friday) and 10.00-16.00 hours on Saturdays with no deliveries or collections on Sundays and Bank Holidays. On that basis this element of the scheme is considered to be acceptable.

(iii) Use of external drinking area/beer garden:

- 10.17 The noise report estimates for peak periods 32 people will be in the in the beer garden and 1/3 will be using raised voices. Although no figures are given for the combined noise in the beer garden, it is stated that 1 male talking loudly will give a noise of 65dBA at a distance of 1m. It is the Environmental Health Officer's understanding that the maximum occupancy of the beer garden will be 85 people rather than 32 people. Given the close proximity of the proposed beer garden to the residential properties, Environmental Health Officers are not convinced that the patrons using the external areas (either sitting or standing) will not give rise to noise levels likely to impact on residential amenity particularly in the evenings and nights and summer time when the residents will have their windows open for ventilation or are more likely to use their own garden.
- 10.18 The Environmental Health Officers considers a planning condition such that the use of the external seating / drinking area (excluding smoking shelter) is required. In light of this advice it is considered, that subject to an appropriate condition, the use of the beer garden is acceptable. Notwithstanding this initial assessment, Environmental Health Officers are reviewing additional information that has very recently been submitted by objections and any further comments will be reported to the Panel verbally as part of the officer presentation.

(iv) Plant and equipment noise

- 10.19 A revised noise assessment with supporting documentation has been submitted by the applicant. The noise assessment describes predicted noise levels following changes to the structure of the plant room, to reduce noise disturbance from operating plant at the nearest noise sensitive receptors.
- 10.20 A previous consultation response by the Environmental Health Officer had highlighted concerns regarding noise disturbance from plant and equipment proposed to be located on the flat roof structure to the rear of the premises.
- 10.21 An assessment of the original noise report relating to plant and equipment on the roof identified potential noise disturbance, in that the BS4142 assessment had not

included rating penalties for the proposed plant, to take account of factors such as tonality, impulsivity, intermittency or specific noise readily distinct from the residual environment.

- 10.22 A revised building specification has now been proposed, which removes the externally sited plant from the flat roof area to the rear of the building and places it in an internal plant room contained within the revised structure of the building. The building now includes a pitched roof over the flat roofed area. The revisions proposed to the design of the building to include an internal plant room, have improved the barrier effect in regard to operating plant and equipment.
- 10.23 Based on the revised noise assessment data, Environmental Health Officers consider the introduction of an internal plant room in the building design will reduce noise disturbance from plant and equipment at the nearest noise sensitive receptor (including the dental surgery) to below the Lowest Observed Adverse Effect Level (LOAEL).
- 10.24 Provided the final building design as approved includes the revision of an internal plant room as proposed, Environmental Health Officers do not consider operation of the plant and equipment will cause an adverse impact to the nearest noise sensitive receptor.
- 10.25 On this basis, the previously made objections by Environmental Health Officers to the scheme are withdrawn and subject to a condition as outlined above, the noise impact associated with the plant and equipment is considered acceptable.

(v) Management of the premises:

- 10.26 The applicant has provided additional details of the proposed management plan for the site. The applicant also clearly has a good track record of managing establishments in the City and this has been endorsed by the Police however this cannot be taken into account in the determination of this application. The management plan has been developed to protect all persons who will live, work or engage in other activities in the immediate vicinity of the site including noise disturbance from the outside areas ancillary to the operation of the premises. In formulation of this plan, regard has been had in a particular to the proximity of nearby residential properties in close proximity to the premises, with a view to ensuring the public house is compatible with them. Ensuring implementation of this plan will be the responsibility of the Premises Manager and their team with the support of the premises Area Manager and Regional Manager. All staff at the premises will be expected to be familiar with its contents.
- 10.27 The key points of the plans are set out below:
- The premises will operate as a traditional JD Wetherspoon without music of any type so there will be no music noise escape when customers exit or enter the premises before or after using the external area.
 - The arrangements for smokers will be reviewed with the LPA three months after opening, to confirm that it is operating satisfactorily.
 - There shall be no use of the beer garden after 22.00 in order to minimise noise disturbance. Signage advising of this restriction will be placed adjacent to the entrance of the beer garden. Smokers will be allowed to use the canopy area after 2200 up until the close of the premises. The area will be checked and monitored regularly by the Duty Manager and the area will have CCTV coverage which can be monitored from behind the bar. JDW will operate a zero tolerance

policy for this area and will review the management plan on a regular basis to ensure the plan is being enforced.

- Members of staff will conduct regular checks of the terrace areas at all times the premises are open to the public. The site will also be subject to CCTV coverage. Coverage will operate for 24 hours with images retained for 30 days.
- Signage will be erected within the outside terrace areas and by all exits to the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely. Information as to local private hire/taxi operators will be displayed at the premises and customers who have ordered a vehicle will be allowed to wait inside the premises until that vehicle arrives.
- The premises will liaise with local private hire/taxi operators to establish a “pick – up protocol” which will require drivers not to sound horns, leave engines running for prolonged periods of time or play music at levels likely to cause disturbance whilst waiting for customers. A recommended location for ‘pick-ups’ will be provided.
- A telephone number will be circulated to residents to allow any complaints as to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints of noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.
- Deliveries, collections and outside disposal of waste and bottles from the premises will be at times which will not disturb our neighbours. Glass bins will not be emptied between 2100 and 0900 the following day.
- The premises management will ensure that staff are made aware of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities and staff will be advised to keep their noise levels to a minimum when they are using the external areas and arriving and leaving the premises at the beginning and end of trading hours.
- Regular residents meetings will be convened unless it is apparent through poor attendance that such meetings are no longer necessary. The meetings will allow for issues which arise from the operational issues of the premises to be discussed.

10.28 This plan will be reviewed by the Premises Manager on a regular basis and where it is identified upon review that amendments are necessary, it will be updated. Should Plans Panel be minded to support the proposal, the implementation and review of the Management Plan would form a planning condition.

10.29 It is acknowledged that introducing a Public House in the area will add to general levels of existing noise and disturbance and more people generally in the area. The impact of car based travel and people waiting for taxis at the end of the night is considered likely to generate the biggest impacts on residential amenity, and potentially the parking of cars in nearby streets. The overall numbers of people will undoubtedly add some noise and potential disturbance in the area, although the extent of this is not envisaged to be so significant as to warrant a refusal of the application. Overall it is considered that the development will not result in any significant harm which cannot be controlled through planning conditions and good management practice to the nearby residents and other nearby properties. As such, the proposal accords with saved Policy GP5 of the UDP.

(vi) Impact on residents from the extension:

- 10.30 Revised plans have been submitted which set the first floor of the proposed rear extension away from the boundary with the adjoining residential property at No. 43. In addition, although the proposed extension is in relative close proximity to 3 North Road, that property presents a blank elevation towards the application site, with its main windows facing in an easterly direction, and would not be overlooked or be detracted from by loss of light. No openings are proposed in the elevation which would overlook adjoining residential properties. As such, it is considered that the two storey extension would not dominate, overshadow or overlook adjoining residential properties. As such, the proposal accords with saved Policy GP5 of the UDP.

Highways and parking

(i) Accessibility:

- 10.31 The site is within the town centre boundary as defined by the Core Strategy. The site is accessible via alternative transport modes.
- 10.32 The Core Strategy Accessibility Standards recommend that social Infrastructure uses be within a 5 min walk of a bus stop offering a 15 min service frequency to a major public transport interchange or a 10 min walk to a rail station offering a 30 min frequency service.
- 10.33 Numerous bus services are accessible within a 5 minute walk of the site including the frequent services 40 and 56. These services also extend into the evenings and weekend periods. In addition Cross Gates railway station is within a 10 minute walk of the site. The Core Strategy Accessibility Indicator is the population within a 30 min journey time of the site. The population within this journey time is considerable.
- 10.34 The site is clearly very accessible by walking and public transport.
- 10.35 The site is also within reasonable distance of advisory cycle routes and cycle lanes on the highway network. These routes also give access to the strategic City Connect cycle scheme.
- 10.36 Notwithstanding the above, the immediate pedestrian infrastructure on North Road is substandard. As requested by Highways Officers, the latest plans show the footway/dropped crossing widened to 2m north of the existing building. This would also improve the access visibility as detailed in the following section. The widening to adoptable standards would need to be secured by condition.
- 10.37 For the reasons set out above the accessibility of the site is considered to be acceptable.

(ii) Vehicular Access

- 10.38 The latest plan has removed the restriction to visibility that was created by the previous layout. The long dropped crossing should be removed and reinstated as footway with full height kerbs and the access entrance properly defined.
- 10.39 The latest plans show the removal of the high brick wall at the northern boundary of the site being replaced by a 1m high boundary fence. This will improve visibility to

the north. Final details including restricting the height to no more than 1m should be controlled by condition.

(iii) Parking

- 10.40 Highways officers have considered the amount of parking against the requirements in the Council's Parking SPD. It is concluded there can be no objection on lack of on-site parking as it is difficult to justify in the context of the NPPF which states that development should only be refused on transport grounds where the impacts are 'severe'.
- 10.41 During the weekday and weekend daytime periods it is considered that a significant number of vehicular trips at the Cross Gates site would be combined / linked with other trips that already take place in the town centre. It is considered that the number of people making specific trips by car, only to the proposal, will be relatively limited.
- 10.42 During the evenings it is considered that a number of customers arriving by car would be dropped off or arrive by taxi, and the actual parking demand should be safely accommodated on-street in surrounding roads. This parking could take place safely from a highway perspective.
- 10.43 Notwithstanding this, the applicant has agreed to a Section 106 traffic management contribution of £15,000 to allow the highway authority to review the impact of the use when established and implement measures where necessary. The S106 can include a claw-back clause should the use of the money not be necessary.
- 10.44 Notwithstanding the above, from a highways perspective it is desirable that the parking to the rear be retained to maximise the level of parking in the town centre. Alternatively, it would be possible to retain some additional parking on the site and still maintain a beer garden. The applicant has indicated that they are not prepared to make this change and as discussed above officers do not consider this translates into a highway reason for refusal noting the advice contained in the NPPF on this matter.
- 10.45 Details of cycle parking to the front of the property could be agreed through condition which can also be positioned so are not to cause any access difficulties which has been raised as a concern in the representations received.

(iv) Servicing

- 10.46 The surrounding highway network to the site is challenging in terms of how the site can be serviced. North Road to the west, and the routes that it leads to, are narrow and unsuitable for larger vehicles and therefore do not provide a suitable means to service the proposal. The proposed extensions at the rear of the building have inevitably led to reduction in the parking/turning area. The extensions have therefore reduced and restricted space at the rear of the building for smaller delivery vehicles. The eastern boundary does not have a frontage with the highway, and the northern frontage is a private street/track called East View which does not appear to offer an alternative servicing arrangement. Austhorpe Road is the most obvious location for larger vehicles to service the use, but a bus stop and its associated clearway extends across the frontage of the site. Servicing would therefore have to take place to the east of the bus stop clearway where there are double yellow lines but loading is permitted for a period of up to 30 minutes.

- 10.47 The applicant has submitted an updated Transport Delivery Management Plan dated 22 March 2017 which confirms that servicing will be focused in this area. However, servicing from this location is far from ideal for a number of reasons. Firstly, servicing from here will have some impact on the use of the bus stop (which has a very high frequency of bus service and use), and buses will have to pull out from the stop to pass a service vehicle on what is a busy stretch of road with other parking and general activity associated with the town centre. Servicing will therefore add a further level of disruption at this location which has a known accident history. Secondly, servicing would be in close proximity of Church Lane, the closer a vehicle gets to Church Lane, the greater the impact on visibility of the junction, visibility when emerging from the junction, and the ability of vehicles to turn left safely into Austhorpe Road. Thirdly, the route from a service vehicle past the entire site frontage is generally busy with pedestrians and people at the bus stop.
- 10.48 The plan confirms that servicing would involve vehicles parking to the immediate east of the eastbound bus stop on Austhorpe Road, then deliveries being transported to the rear of the building via North Road rather than through the Austhorpe Road entrance. This will inevitably lead to service vehicles being parked on Austhorpe Road for longer than would be the case than if servicing were taken through the front of the building, with the resultant disruption and issues referred to above exacerbated.
- 10.49 The developer has proposed that a banks person is used to ensure that the narrow North Road footway is clear of pedestrians before goods are moved along it. However, the use of North Road has previously been highlighted as an area of concern due to the width of the footway, and the need to wheel cages and trolleys along this route. The applicant has confirmed that cages would have a width of up to 730mm. The width of the footway narrows down to as little as 810mm on North Road (adjacent to street furniture) leaving a tolerance of only 40mm either side, this is not considered suitable as it gives rise to the possibility of cage wheels falling from the kerb. In addition, blue badge holders are known to regularly park on this stretch of North Road where wing mirrors inevitably overhang the footway to the extent that cages could not pass. Highways Officers are concerned that that the proposal relies on the use of a banks person, with the risk remaining that a pedestrian would still step into the road, and/or that as a result of the narrowness of the footway, cages and trolleys will be taken along the carriageway. The use of North Road also increases the travel distance of cages which in turn is likely to add to the overall loading/unloading time on what is a very busy section of the highway, particularly from a pedestrian perspective due to the positioning of the bus stop.
- 10.50 The applicant has confirmed servicing through the front of the building is unacceptable so a condition to secure this cannot be applied as this would effectively tie them to a form of development that has not been applied for and it is not prepared to accept. The reason stated is because it would lead to conflict with customers and damage the interior of the building.
- 10.51 Traffic Officers have also been consulted on the proposals and proposed servicing arrangements, and advise that relocating the bus stop is not supported since a stop is required in this area and other constraints mean it cannot be moved. The position of the existing bus stop is therefore fixed. Further dialogue with the Traffic Authority has considered the implications of deliveries taking place in front of the bus stop and the associated potential for conflict with buses at the bus stop and the proximity to Church Lane. The distance between where buses actually dock at the shelter and the end of the clearway is approximately 8m. This would allow still allow a bus to pull out if a service vehicle is parked in front of the bus. However, it is essential that

the positioning of a service vehicle is controlled so not to conflict with Church Lane. Although the number of service vehicles is not particularly high, it would take place in a sensitive location and the characteristics of servicing a pub are different to the former use as a doctor's surgery/pharmacist. The change of use brings with it more challenging servicing requirements on Austhorpe Road. A build-out at the Church Lane junction is required to control the positioning of a delivery vehicle and improve visibility of and from the junction. The exact dimensions of the build-out would be subject to detailed design to achieve the optimum layout of enhancing visibility and allowing the left turn into Church Lane.

- 10.52 In summary, although the timing of deliveries could be restricted to avoid peak traffic periods and other identified sensitive times and a build-out towards the Church Lane junction with Austhorpe Road can be provided to provide the required visibility requirements, the proposal to service the use via North Road is not only likely to extend the time period during which loading and unloading takes place, it would also introduce pedestrian and vehicle conflict in what is already a very sensitive part of the highway network. For these reasons, the proposed servicing arrangements for the use cannot be supported.

(v) Internal Layout - Rear Yard

- 10.53 One of the three car parking spaces has now been converted to a disabled parking space which is supported. This has been achieved by adjusting the bin storage area. However, the bin store cannot be accessed except through the beer garden or if the adjacent parking space is empty (although no gate is indicated into the rear parking area). The applicant has confirmed that the dentist will be able to utilise the bin storage space and this could be controlled by condition. However, it is unclear how the dentist would access the bin store as access through the beer garden does not appear practical for a separate business user.
- 10.54 Tracking has now been provided showing how all three of the spaces can be accessed and how they can be exited. However, the tracking diagrams only serve to highlight how tight the parking and manoeuvring area proposed is. Several of the manoeuvres show the vehicle swept paths with very little or no tolerance to adjacent spaces or physical boundaries within the area. More generally, it is also questionable whether the bin storage area is sufficient for the proposed Public House and dentist, as any overspill storage or access difficulties are likely to further impact on the usability of the spaces shown..
- 10.55 It is considered that the parking/turning area to be unnecessarily constrained. A further reason for refusal relating to these concerns is therefore advanced.

(vi) Fall-back position in relation to highway matters:

- 10.56 The applicant states the application site has historically been used as a doctors' surgery (D1 use) and pharmacy (A1 use) although these have now relocated elsewhere within Cross Gates. These uses, in themselves will have generated traffic, deliveries and general activity although the availability of both parking and space at the rear is such that these areas were used more frequently. It is inevitable that any future occupier, including the current applicant will need to service the building and will attract customers, some of which travelling by car. This existing baseline situation is therefore an important material consideration as although the building is currently vacant, it has consent for commercial uses. The applicant states that many of the issues raised by Highway Officers would therefore exist however the building is occupied.

10.57 Officers however do not agree that the existing permitted uses would create the same highway impacts and therefore consider the fall-back position to be given little weight. The principal existing use is Class D2. And the servicing requirements for a Public House are very different to the previous doctors surgery and can be considered on their own merits. In addition to the proposed change of use, the applicant is proposing a relatively large extension to the rear and beer garden which impacts significantly on the parking and servicing arrangements that have historically been available at the site. For these reasons officers do not consider the fall-back position to be of such relevance to alter the overall highway assessment that has been reached regarding the acceptability of the current planning application.

(vii) Off-site highways works:

10.58 Footway widening/kerb reinstatement/access works to the North Road frontage are necessary, as detailed above, requiring a S38/278 (as appropriate) with the Highway Authority.

10.59 Build-outs/footway widening and associated changes to road markings at the junction of Church Lane and Austhorpe Road are necessary requiring a S278 with the Highway Authority.

10.60 The applicant has agreed to a S106 contribution towards traffic management measures / TRO's.

(viii) Road safety

10.61 As detailed above the car park turning area and proposed servicing arrangements are not supported. The proposal is considered to be contrary to Core Strategy Policy T2, and advice in the NPPF.

Visual amenity

10.62 The application property is currently vacant and boarded-up and therefore its re-use is considered to have a positive visual impact on this part of Austhorpe Road. The site is prominent in the street scene, and abuts a bus shelter which is very busy. Although objectors state that it is the applicant who has blighted the building, the building is boarded up and is likely to be so until an economic reuse of the building is implemented.

10.63 The proposed building's overall usage and aesthetics are going to be altered. Aesthetically, the building will be improved by repairs and repainting to the front of the building to complement the character of the wider streetscape. The rear of the building will be renovated in a more contemporary way, to conceal existing unsightly services, visible from North Road, and merge the existing and new buildings. The use of hardwood timber windows is supported.

10.64 The extension would be constructed in vertical timber boarding at first floor, with render at ground floor. The ground floor of the building is to be predominantly designed to house the customer area of the Public House. The customer area will have fully glazed summer opening doors onto the rear beer garden as well as the street frontage - giving a greater connection between inside and out. The beer garden will be enclosed by a 1800mm high boundary fence. The kitchen has been provided with a large open space to service the pub and allowing good separation

between public areas and service areas. The kitchen is accessed from a rear gate for deliveries and refuse collection.

- 10.65 In addition, the plant equipment is to be sited to the roof top, within a pitched roof at second floor level, and hidden from ground level view. The proposed external works will also comprise the laying out of tables and chairs, low fencing to the perimeter, block paving, smoking shelter and the acoustic fencing. Overall, the proposed external works are considered to be respectful to the appearance of the application property and will not be harmful and can improve the current visual amenity of Austhorpe Road, North Road or the wider area.

Other matters

(i) Health

- 10.66 The proposal is not envisaged to have any serious impacts on health and wellbeing or to add significantly to issues associated with alcohol. The management plans coupled with the planning conditions are designed to ensure this premises can operate effectively without causing harm to the neighbours. The Police have been contacted about the proposal and recognise the applicant's ability to operate effectively and to help reduce crime and disorder and antisocial behavior. These elements accord with the aims of the Core Strategy and the Vision for Leeds. The effects on health for patrons, staff and neighbours associated with the proposed public house are also considered to be acceptable which again accords with one of the central aims of narrowing the health inequality gap which is part of the Vision for Leeds.

(ii) Crime and disorder

- 10.67 It would be for an applicant for a licence to demonstrate that its operation would not impact on the prevention of crime and disorder, the prevention of public nuisance, public safety or the protection of children from harm. In the event of planning permission being granted, the appellant would need to satisfy the four licensable objectives referred to above under the Licensing Act 2003. This operates as a separate regime to that of planning and which should provide concerned residents with a degree of extra assurance as to the management of the proposal. For example, planning permission was granted to Wetherspoons at premises in Headingley, however an application for a licence was declined.

(iii) Flood Risk

- 10.68 There are no records of flooding incidents at the site, and Flood Risk Management raise no objections.

(iv) Coal Risk

- 10.69 The applicant's Preliminary Geoenvironmental Investigation Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping, and borehole records. Based on this review of existing sources of geological and mining information the Report concludes that shallow mining poses a risk to the proposed development that cannot be entirely discounted. Accordingly, appropriate recommendations are included for intrusive site investigation works in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if

necessary. The Coal Authority also welcomes the fact that due consideration has been afforded to the potential risk posed by mine gas to the proposed development, which would need to be considered further should shallow coal mine workings be encountered. The Coal Authority therefore raises no objections, subject to the imposition of a suitable condition.

(v) Loss of retail opportunities

10.70 It has been stated in representations that the proposal is contrary to UDP Policy S2, which states:

'Non-retail development within the above centres will not normally be permitted where it would reduce significantly the shopping function of a centre, or lead to the loss of development or redevelopment opportunities capable of accommodating major retailing.'

However, this policy is not a 'saved' policy was superseded by Core Strategy policies SP2, P1, P2 and P9.

11.0 CONCLUSION

11.1 In reaching a recommendation for the proposed development it is important to acknowledge that the recommendation is finely balanced and that some further comments from the Environmental Health officer are still expected. However, in assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development and proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

11.2 The economic benefits associated with the proposed development in terms of local employment opportunities and spend are acknowledged and are material planning considerations in favour of the development. As is the bringing back into active use a vacant building (at ground floor level) which has a poor external appearance and currently makes no contribution to the centre or the local economy.

11.3 Although reuse of the building is clearly desirable in principle, the detailed proposals seek a change of use and extension/alterations to accommodate a Public House use. In assessing the acceptability of all these changes, the site is noted to abut a congested section of road in close proximity to a well used bus shelter. The proposed servicing arrangements via North Road specifically would be harmful to users of the highway, including pedestrians and significant weight is given to this harm. Furthermore, whilst the absence of off-street parking associated with the proposed change of use is not formally objected to, the parking and servicing facilities that are proposed for the upper floor use are considered to be sub-standard/impractical and this is likely to impact on their overall usability, contributing further to the highway concerns that already exist with the proposal.

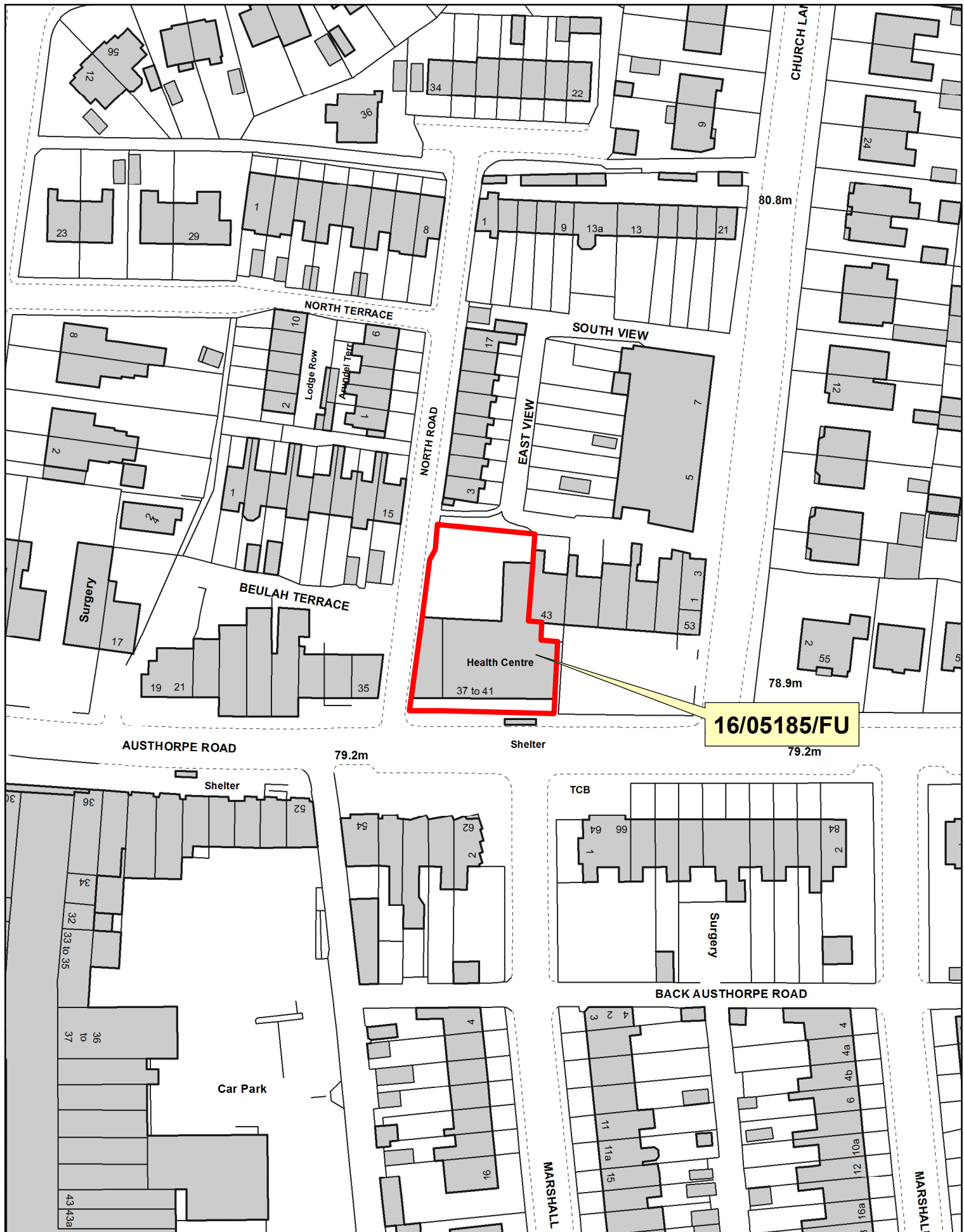
11.4 In terms of amenity considerations, there is still concern about the proposed opening hours and how this might adversely impact on nearby residents. Alterations have nevertheless been provided to ensure plant and machinery is contained within the envelope of the proposed extension and this will improve their overall acoustic performance. Other measures are also proposed in the form of direct management and physical measures (e.g. an acoustic fence around the beer garden) to help mitigate any noise and disturbance concerns.

11.5 In conclusion, various elements of the proposal accord with the relevant provisions of the development plan and the NPPF. However, overall Members are advised that these material considerations when added together do not outweigh the harm that has been identified to highway safety. Overall therefore, officers conclude on the planning balance that the application should be refused for the specified reasons. A further update regarding the amenity impacts of the development will also be provided to ensure this matter is fully considered in the light of the late representations received.

Background Papers:

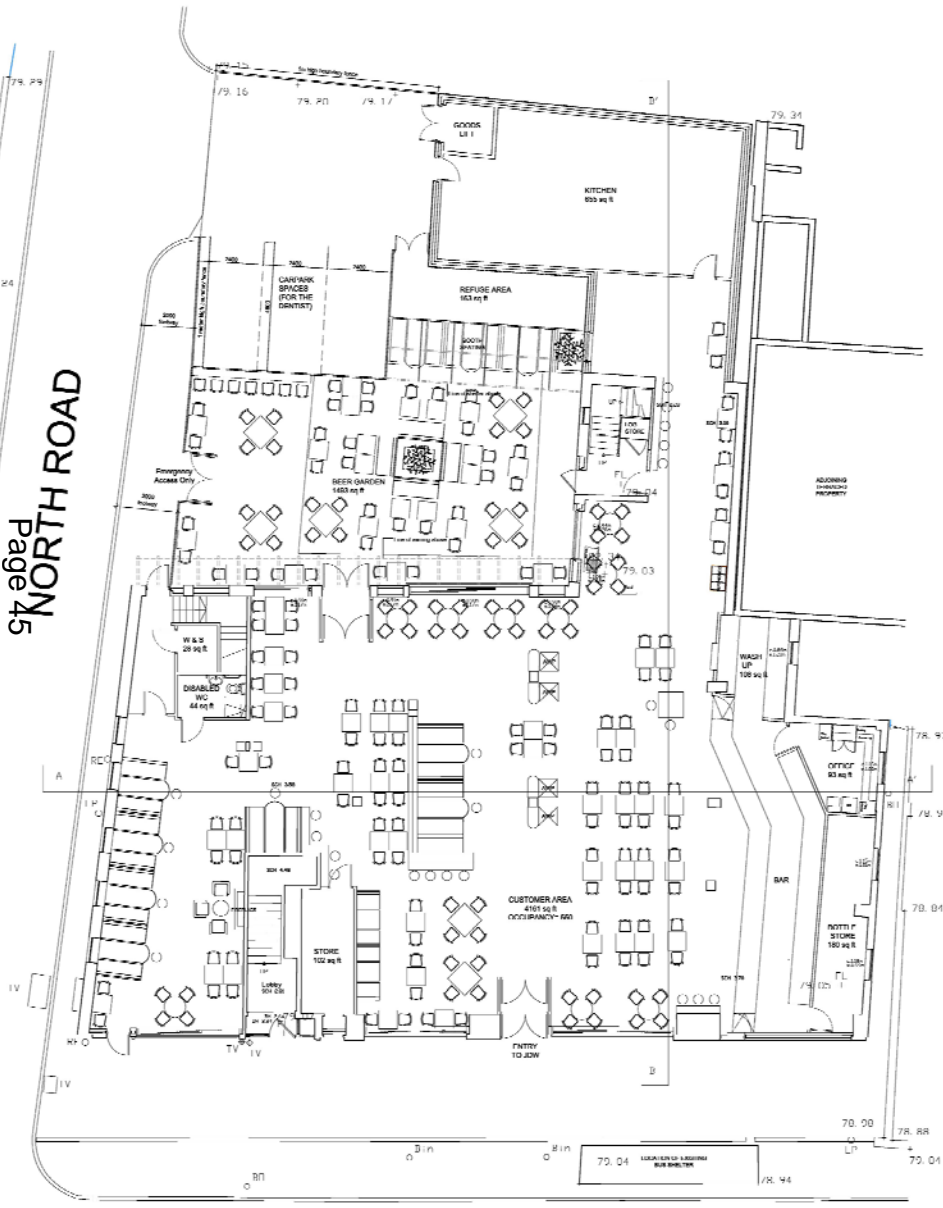
Application file.

Certificate of Ownership

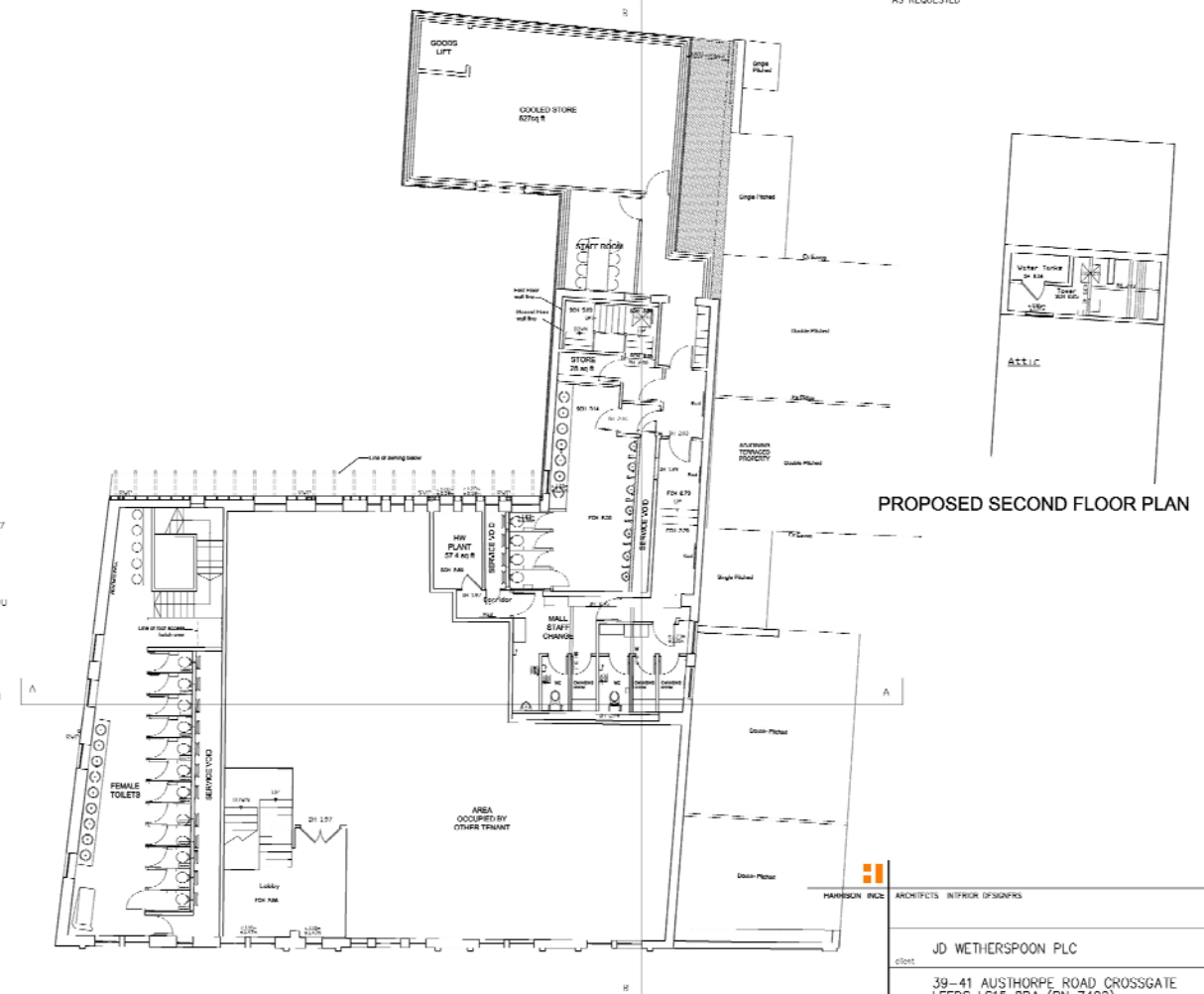


NORTH AND EAST PLANS PANEL





PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Do not scale off this drawing. All dimensions to be checked on site prior to construction and construction. This drawing is the property of Harrison Inc. Harrison and should not be reproduced without permission. All discrepancies to be brought to the attention of the architect immediately. The drawings to be read in conjunction with the specification / bill of materials and related drawings.

Revisions			
-	HKSI ISSUE	24.09.15	AM
A	REVISED CAR PARKING LAYOUT	11.04.16	LR
B	REVISED CAR PARKING, UPGRADE TO GOODS LIFT, REVISION TO REFER CASKIDEN	05.06.16	OC
C	REVISED CAR PARKING	12.05.16	JW
D	ADDITION OF DIMENSIONS TO PLAN	13.05.16	JW
E	AMMENDMENT TO WINDOW PLACEMENTS	02.06.16	JW
F	REMOVAL OF PAVEMENT SEATING RESIDE DENTIST AS AGREED WITH CLIENT	05.07.16	JW
G	ADDITION OF BICYCLE HOOPS	05.07.16	JW
H	REMOVAL OF PAVEMENT SEATING & BUS STOP LOCATION	10.08.16	JW
I	DESIGN CHANGE: HOSE COUNCIL FEEDBACK	19.10.16	JW
J	2m WIDE FOOTPATH OUTSIDE BEER GARDEN AS REQUESTED	16.01.17	JW

PROPOSED SECOND FLOOR PLAN

HARRISON INC. ARCHITECTS INTERIOR DESIGNERS

client: **JD WETHERSPOON PLC**

project: **39-41 AUSTHORPE ROAD CROSSGATE LEEDS LS15 8BA (PN 7402)**

PROPOSED FLOOR PLANS

title

date: SEP 2015	scale: 1:100 @ A1
job no: JD420	draw no: AL01 J
drawn: (AM)/AM	checked:

© 2015 HARRISON INC. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF HARRISON INC. AND SHOULD NOT BE REPRODUCED WITHOUT PERMISSION.

This page is intentionally left blank



Originator: S Woodham

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 15th June 2017

Subject: 16/07106/FU – Demolition of existing bungalow and erection of detached house at 402 Street Lane, Roundhay, Leeds, LS17 6RW

APPLICANT

Mr H Singh

DATE VALID

22nd December 2016

TARGET DATE

18th April 2017

Electoral Wards Affected:

Moortown

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

- 1) Standard Time Limit
- 2) Plans to be approved
- 3) Materials as detailed on application form
- 4) No insertion of windows and doors in the side elevations
- 5) Obscure glazed to side windows
- 6) Removal of PD rights for further extensions and insertion of windows
- 7) Amended Remediation Statement
- 8) Verification Report
- 9) Importing Soil
- 10) Removal of asbestos – demolition
- 11) Hours of construction
- 12) Demolition and Construction Methodology Statement
- 13) Vehicle space to be laid out

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel in response to a request from Councillor Alex Sobel, who considers that the proposal will give rise to concerns affecting

more than neighbouring properties and in particular, raises concerns relating to the loss of low level dwellings such as bungalows, loss of privacy and loss of natural light from this proposed building.

2.0 PROPOSAL

- 2.1 The application proposes to demolish the existing bungalow and to erect a detached house. The plans have now been revised since the original submission. The ground floor will accommodate a lounge, family dining kitchen area, utility room and an integral garage. The first floor will provide 4 bedrooms, 2 en-suites and a house bathroom. The vehicular entrance has been revised since submission and now remains in the existing position. The proposed dwelling will be hipped roofed with a two storey front gable and will be constructed out of render. There will be off street parking whilst retaining garden space to the front. The private amenity space to the rear will not be impacted upon
- 2.2 The height to the ridge is approx. 8.3m and the height to the eaves is approx. 5.2m. The width (including the garage) is approx. 13.4m and the length is approx. 11.5m. The height to the ridge of the proposed attached garage is approx. 3m and the eaves height is approx. 2.2m. The first floor element is set approx. 4.6m from the boundary with No 400 Street Lane and at ground floor the distance is 1.2m. The distance to the other side boundary with No 404 Street Lane is approx. 2.5m.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to an existing single storey detached dwelling which is located on Street Lane. The property is set within a residential area which is characterised to the west of the application site as two storey dwellings and to the east of the application site there are single storey dwellings.
- 3.2 The existing dwelling is constructed from brick with a white render the roof type is hipped. The main amenity space lies to the rear of the property which is enclosed by a 1.8 meter wall. Parking is currently provided by the existing driveway to the front. Parking will not be affected by the proposal.

4.0 RELEVANT PLANNING HISTORY

- 4.1 15/02354/FU – Alterations involving gable roof extension to both sides with dormer window to rear forming new first floor; single storey side and rear extension. Status Refused 17-Jun-15
- 4.2 14/04568/FU - Alterations including raise roof height to form new first floor; two storey, single storey side extension and two storey rear extension Status: Refused Decision Date: 24-SEP-14
Dismissed at appeal. The main issues raised were the effect of the proposal on the living conditions of the residents of No 400 Street Lane in respect of outlook and privacy.
- 4.3 H30/100/91/ - Alterations and extension to form utility room, bathroom, shower room, enlarged bed room, enlarged bathroom Status: Refused Decision Date: 18-JUN-91
- 4.4 H30/251/91/ - Alterations to form utility room and extensions to form shower room, bathroom, 2 enlarged bedrooms and enlarged bathroom Status: Approved Decision Date: 23-AUG-91

5.0 HISTORY OF NEGOTIATIONS

5.1 No pre-application advice was sought in relation to the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Nine neighbours were notified by letter dated 05th January 2017.

6.2 Objections have been received from 3 local residents and a Ward Member Cllr Alex Sobel.

6.3 Cllr Sobel objections raised are:

- Supports the Moortown Community Group objection based on their points made which were included in the Leeds Planning Design Statement on the loss of low level dwellings such as bungalows, one of which is 402 Street Lane. The community are therefore in a position of possibly losing yet another bungalow to development which provide an important resource in our aim to keep older people in their own homes and out of residential care.

6.3 The objections raised relate to the following:

- Bungalows are an important aspect of the housing mix in Moortown;
- Proposal will impact the standard of living;
- Proposal set a precedent;
- Proposals will impact natural light
- Proposal will be rendered and not in keeping;
- Proposal could lead to structural damage;
- Overlooking towards neighbouring properties;
- Proposal will upset the balance of the appearance of the area;
- Proposal will create highways concerns.

7.0 CONSULTEE RESPONSES

7.1 Highways – The original submission concerns were raised with regards to the access and turning into or out of the site. The plans have been revised and the access will remain in the same location and turning will be provided to the front of the house. Therefore no objections to this proposal

7.2 Coal Authority – No objections

7.3 Flood Risk Management – No objections

7.4 Contaminated Land – Recommending standard conditions and a ground gas risk assessment. Conditions will therefore imposed and are set out at the head of this report.

8.0 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Core Strategy, saved policies within the Leeds

Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Development Plans.

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- P10 Seeks to ensure that new development is well designed and respect its context.
T2 Seeks to ensure that new development does not harm highway safety

The following saved UDP policies are also relevant:

- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Natural Resources and Waste Local Plan

Water 1: Water Efficiency

Water 7: Surface Water Run-off

Relevant Supplementary Planning Guidance/Documents:

Neighbourhoods for Living

Street Design Guide

Leeds Parking Supplementary Planning Document

National Planning Policy

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

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

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Neighbour Amenity
- 3) Design and Character
- 4) Highway Safety
- 5) Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of the development is considered to be acceptable since it is replacing one dwelling with another, and therefore there is no net increase in housing relating to the proposal. Therefore, the main issues in determining the current proposal relate to its design and impact upon the character of the area, and upon the living conditions of neighbours, as discussed below. Furthermore, the demolition of the dwelling does not require consent. Accordingly the proposal complies with policies P10 and T2 of the Core Strategy, GP5 of the saved UDP policies.

Neighbour Amenity

- 10.2 Core Strategy Policy P10 notes that developments should “[protect] ... residential and general amenity...”. Saved UDP policy GP5 notes that developments should protect amenity and policy BD6 notes that “all alterations...should respect the scale, form, detailing and materials of the original building”. Neighbourhoods for Living SPD gives guidance in respect of new dwellings and the degree of separation required to protect privacy and prevent overdominance.

Overshadowing:

- 10.3 Due to the orientation of the sun in relation to the proposed new dwelling, the majority of overshadowing will be on the side elevation of the neighbouring property at No 404 Street Lane and the host property’s own rear garden area. The minimal impact upon No 404 is not considered to be significant and detrimental to their living conditions. In terms of the impact upon No 400, there will be some overshadowing in the late afternoon, but given the distance to the boundary there will be no detrimental impact on this neighbouring property. Therefore, it is considered, the proposal would not significantly impact neighbouring properties residential amenity in terms of overshadowing.

Overdominance:

- 10.4 In considering the 2015 appeal outlined at paragraph 4.0 above, the Inspector raised concerns regarding the increase in scale of the appeal proposal near to the boundary which would accentuate the sense of enclosure from within the rear garden of No 400. The dismissed appeal was two storey positioned 2m away from the common boundary line. This scheme is set further away from the boundary with No 400 by 4.6m (at first floor level) reducing concerns raised by the Inspector. The single storey element which is now for a day room is set off the boundary by 1.2m. However this has negligible impact on issues of amenity. Concerns were also raised about potential overshadowing but given the proposed dwelling is set further away from no 400 it is considered that overshadowing will be reduced sufficiently from the previous refusal (14/04568/FU) to alleviate these concerns. In this respect, the current proposal addresses the concerns previous raised by the Inspector.
- 10.5 The proposed development will not project further towards the rear than the existing bungalow on site, so will be in line with the existing neighbouring properties.
- 10.6 The roof design will be hipped further reducing concerns of dominance to the neighbouring properties.

Overlooking:

- 10.7 In the previously dismissed appeal, the planning Inspector raised concerns with regards to overlooking. Given that this proposal is now set away from the boundary with No 400 (whereas the appeal proposal was not), concerns of overlooking have been reduced. There will be some element of overlooking but it is considered that this will be to a similar extent to that in most domestic situations where rows of dwellings exist and views over rear gardens are possible from oblique angles.
- 10.8 It is proposed to install windows and doors into the front, side and rear elevations of the proposed dwelling which will face the applicants own front and rear garden area, and also the public highway. At ground floor level these windows will serve an entrance, lounge, family dining and kitchen area, day room, utility room and garage door. The first floor windows will serve a landing, to an en-suite, house bathroom and four bedrooms. Conditions are proposed to install and retain obscure glazing to the windows in the side elevations in order to mitigate any overlooking and also to restricting additional openings in the side elevations of the proposed dwelling.
- 10.9 In order to prevent any further harm to the living conditions of neighbours through the construction of further extensions, roof alterations and the insertion of windows, it is considered that there is clear justification for removal of permitted development rights under Class A, B, C, D, E of the GPDO 2015. Accordingly the proposal complies with policies P10 of the Core Strategy and GP5 of the saved UDP policies and guidance within Neighbourhoods for Living.

Design and Character

- 10.10 The design of the proposed two storey dwelling is to be hipped roofed, rendered with a two storey gable frontage and an integral garage. The dwelling will not go further out at the rear, from what already exists.
- 10.11 The character of Street Lane is a mixture of bungalows, semi-detached and detached dwellings. The properties are constructed of different materials ranging from brick to render. The two storey dwellings have a two storey gable frontage; this frontage will be mirrored in the proposed replacement dwelling. Accordingly the proposal complies with guidance within the Core Strategy Policy P9

Highway Considerations

- 10.12 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety.
- 10.13 The scheme has been revised since the original submission. The plans have been revised so that the proposed new vehicular entrance has been removed and the existing access will remain, there are therefore no additional concerns regarding highway safety. The design has also been amended to include an integral garage rather than one attached. Cars will be able to enter and leave in a forward gear due to the turning area shown within the front garden. A condition has been added stating that the vehicle turning space to be laid out before the property is occupied.

- 10.14 The site can accommodate two off street car parking spaces which satisfies the council's parking standards. It is therefore considered that the proposal will not be detrimental to highway and pedestrian safety.
- 10.15 It is acknowledged that some of the objections refer to the impact on parking in the locality. In response, the proposal provides more than two off street car parking spaces. The proposal is therefore policy compliant in respect of the parking provision. It is also worthy to note that the property is to be occupied by a single family unit and any potential sub-division would require the benefit of planning permission. Accordingly the proposal complies with Core Strategy policy T2 and saved UDP policy GP5.

CIL Liability

- 10.16 This revised development is over the 100m² and is therefore CIL liable. However exemptions might be claimed for self-build. CIL is not however a material consideration.

Representations

- 10.17 It is considered that the comments made by Cllr Alex Sobel and occupiers of neighbouring properties have been addressed in the report. From a flood risk management and drainage perspective, no concerns are raised given the like for like nature of the replacement dwelling and absence of any objections from the Flood Risk Management Officer. The demolition of the dwelling and the impact during this process and construction of the replacement dwelling can be controlled through the imposition of conditions relating to construction hours and a demolition and construction methodology statement.

11.0 CONCLUSION

- 11.1 The main body of the report explains that the proposal complies with the relevant Core Strategy and saved UDP policies. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

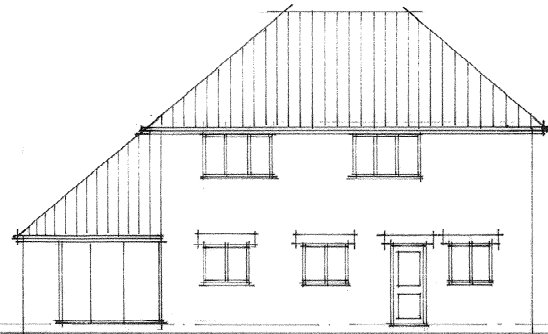
Application files: 16/07106/FU
Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr H Singh)



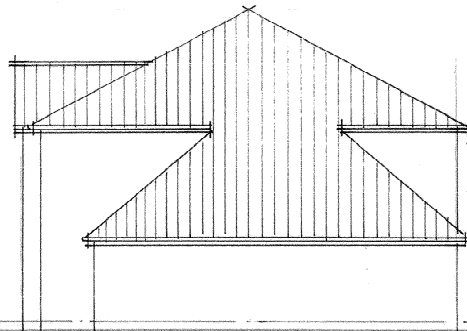
NORTH AND EAST PLANS PANEL



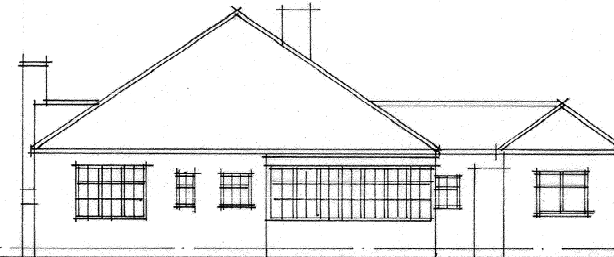
NOTES:
 DRAWING AND DESIGN ARE COPYRIGHT OF THE PRACTICE UNLESS SPECIFIC CONSENT IN WRITING HAS BEEN GIVEN.
 ALL WORKS ARISING FROM THE INFORMATION CONTAINED ON THE DRAWINGS ARE TO BE IN ACCORDANCE WITH THE STATUTORY APPROVALS, BUILDING CONTROL, AND RELEVANT CODES OF PRACTICE AND/OR BRITISH STANDARDS UNLESS SPECIFIC DIRECTION IS GIVEN.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CDM, REGULATIONS FOR HEALTH AND SAFETY UNLESS EXEMPTION IS SPECIFICALLY GIVEN.
 DO NOT SCALE OR TAKE DIMENSIONS FROM THIS DRAWING.
 ALL CONSTRUCTIONAL DIMENSIONS CONTAINED IN THE DRAWINGS SHOULD BE CHECKED ON SITE.
 ALL DISCREPANCIES ARE TO BE NOTIFIED TO THE PRACTICE WITHOUT DELAY.



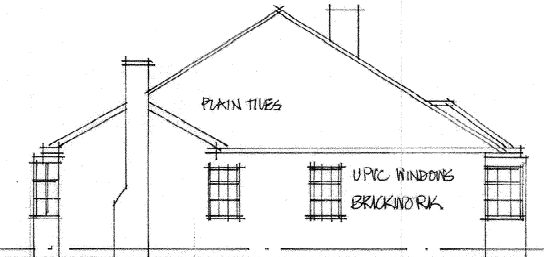
REAR PROPOSED



SIDE PROPOSED



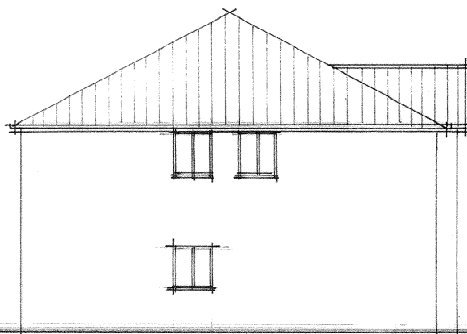
EXISTING REAR



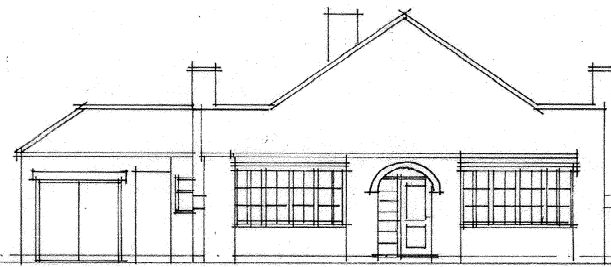
EXISTING SIDE



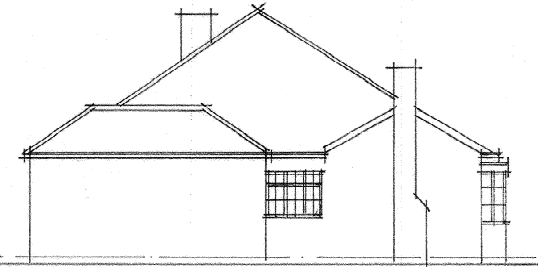
FRONT PROPOSED



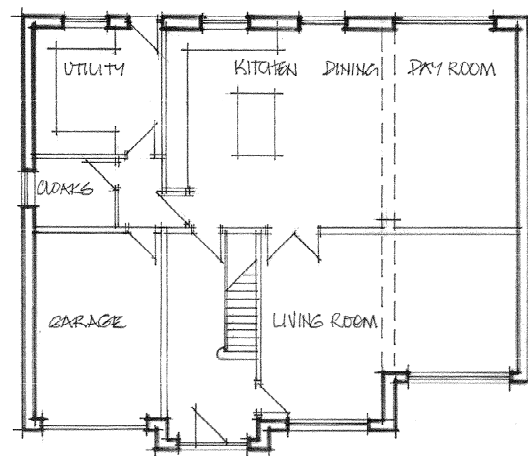
SIDE PROPOSED



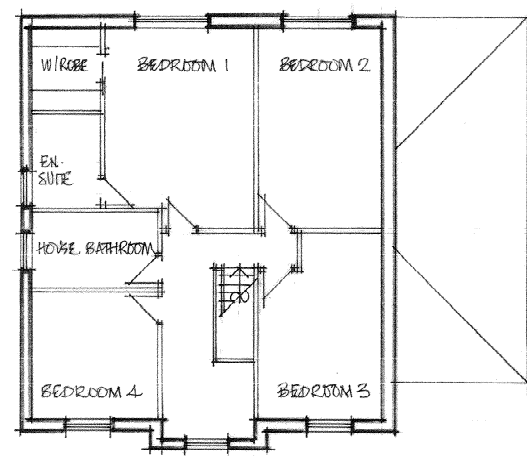
EXISTING FRONT



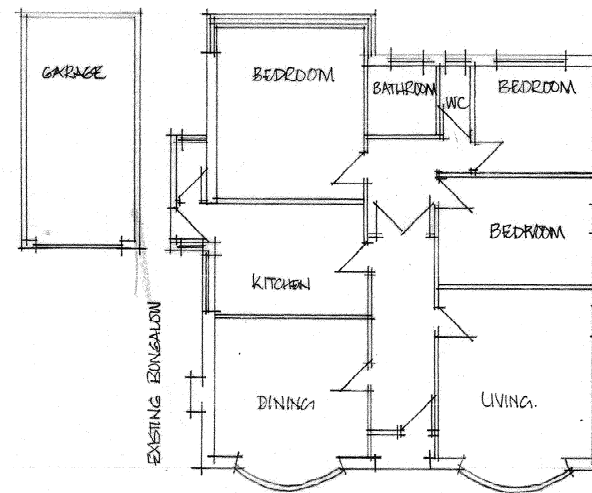
EXISTING SIDE



GROUND FLOOR PROPOSED



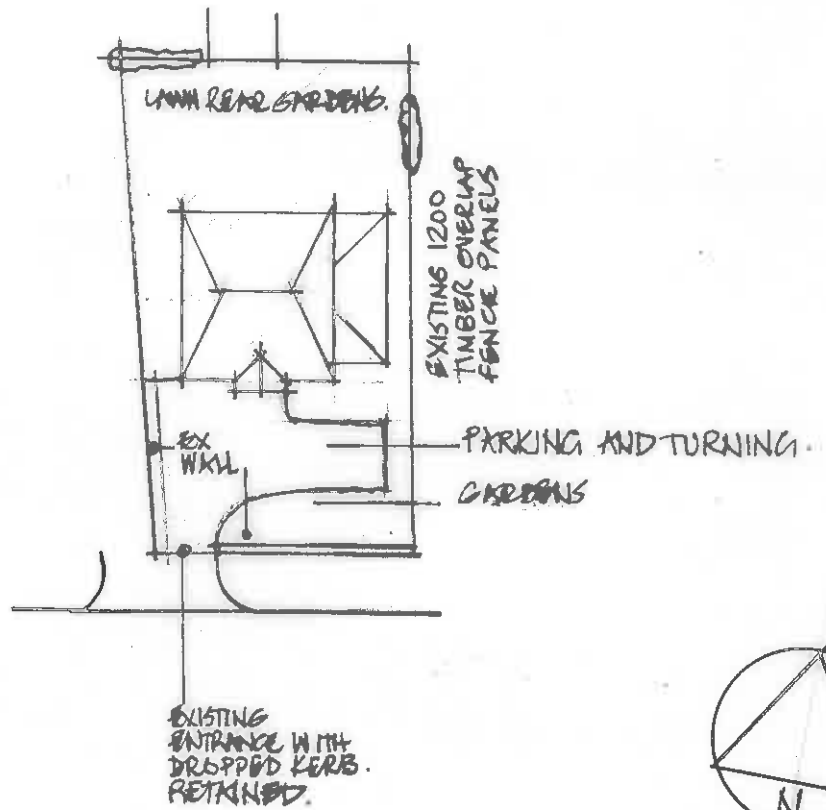
FIRST FLOOR PROPOSED



EXISTING FOR REMOVAL

Date: _____ Revision Description: _____
MJF
 ARCHITECTS LTD
 659a Roundhay Road
 Oakwood
 Leeds
 LS8 4BA
 T:0113 240 0012

Project: **402 STREET LANE LEEDS.**
 Drawing Description: **PROPOSED REPLACEMENT DWELLING.**
 Client: **MR H. SINGH**
 Scale: **1:100**
 Drawn/Checked by: **1432-3**





Originator- U Dadhiwala Tel: 0113 247 8059

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15 June 2017

Subject: 17/00009/FU– Demolition of existing house and the erection of a block of 12 flats at No.21 Allerton Park, Chapel Allerton, Leeds LS7 4ND

APPLICANT	DATE VALID	TARGET DATE
Land And Property Investment Services	03 rd January 2017	4 th April 2017

<p>Electoral Wards Affected:</p> <p>Chapel Allerton Ward</p> <table style="width: 100%;"> <tr> <td style="border: 1px solid black; width: 50px; text-align: center; padding: 2px;">Yes</td> <td style="padding-left: 10px;">Ward Members consulted (referred to in report)</td> </tr> </table>	Yes	Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <table style="width: 100%;"> <tr> <td style="padding: 5px;">Equality and Diversity</td> <td style="text-align: right; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Community Cohesion</td> <td style="text-align: right; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Narrowing the Gap</td> <td style="text-align: right; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Equality and Diversity	<input type="checkbox"/>	Community Cohesion	<input type="checkbox"/>	Narrowing the Gap	<input type="checkbox"/>
Yes	Ward Members consulted (referred to in report)								
Equality and Diversity	<input type="checkbox"/>								
Community Cohesion	<input type="checkbox"/>								
Narrowing the Gap	<input type="checkbox"/>								

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted.
4. Detail of window and door details
5. Side windows to be obscure glazed.
6. Submission of arboricultural method statement
7. Tree protection
8. Tree replacement scheme
9. Details of any new boundary treatments including all railings, walls and fences
10. No insertion of additional windows in the side elevation.
11. Details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage.
12. Implementation of approved visibly splays and sightlines (2.4m x43m)
13. The gradient of the access route and access ramp not to exceed 1 in 10.
14. Cycle and motorcycle facilities
15. Details of bin storage facilities
16. Parking spaces to be laid out
17. Construction Works Management Plan

18. All car parking spaces to be made available for any resident of the development and to remain unallocated.
19. Electric Vehicle Charging Points to be provided on site
20. Any soil or soil forming materials brought to site to be tested for contamination.
21. Notified the LPA where unexpected significant contamination is encountered.
22. Removal of Asbestos from the site.
23. Suffice water drainage scheme to be submitted and implemented
24. Bat survey and mitigation measures to be provided.
25. No works to or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours)

1.0 INTRODUCTION

- 1.1 This application seeks permission to demolish the existing dwelling that occupies the site and to construct a block of 12 flats. This application has been brought to Plans Panel at the request of the local Ward Members, due to the large levels of public interest in the application.
- 1.2 The application is recommended for approval as planning policy does not count against the principle of flats, the scale of development and its spatial setting has regard to the prevailing character of the area, it meets the Councils guidance in respect of separation to neighbouring properties and the parking provision accords with guidelines.

2.0 PROPOSAL

- 2.1 The proposed block of 12 flats will appear as a two storey structure with basement level car parking. The structure will take a simple rectangular form with pitched roof. It will be rendered white whilst the larger glazed windows will give the structure a more contemporary feel. The footprint of the building will measure a maximum of 26m in width, 25m in depth; the building will be 9.2m height. The proposed 12 flats will be set on three floors with four 2-bedroom flats on the ground level. At first floor level four two bed flats and a 1-bed flat will be created. With the roof space, two 2-beds and a 1-bed flat will be created. Each habitable room will be served with windows.
- 2.2 The site will be accessed off Allerton Park, 7 parking spaces are proposed to the front of the site and 14 spaces at basement level. Garden areas are shown to the rear of the site.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a detached bungalow located on fairly large plot which is well landscaped with mature trees and shrubs. The existing dwelling is located within the Allerton Park section of the Gledhow Valley Conservation Area. It is a brick built, hipped roof bungalow augmented with transverse gables to its front. The property has a balanced form, and is not necessarily of particular historic significance. The wider streetscene of Allerton Park is mixed, and there are examples of some distinctly contemporary buildings, the redbrick, hipped roof application dwelling sits amongst other more discreetly positioned buildings. The neighbouring dwelling is a white rendered bungalow that features more modern windows and also dormers to the front. There are also two storey buildings on this side of the street.

3.2 Allerton Park is a tear-shaped a fairly secluded enclave of residential development. The Conservation Area Appraisal highlights that the streets looped shape is reminiscent of the road layout of Roundhay Park designed by George Corson. The houses on the street date mainly from the early 20th century when the land was sold off for individual villas. They are set well back from the road in generous plots. Planted trees within the deep gardens and within the verge of Allerton Park provide a dominant feature of the area.

4.0 RELEVANT PLANNING HISTORY:

4.1 H30/744/80/- Alterations and extension, to form one bedroom flat to side of detached bungalow.

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application has been with Officers for some time and the scheme has evolved into the scheme now before Members. Multiple amendments have been negotiated by Officers in order to achieve a scheme that ties in better with Allerton Park. The number of flats has also been reduced from 14 to 12 which reduces parking needs and allows for an improved parking layout within the basement.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by site notice dated the 27 January 2017 and was advertised in the Yorkshire Evening Post on 27th January 2017. Following the submission of revised drawings the application was re-advertised. Site Notice was posted on 12th May 2017 and all original contributors were re-consulted with notification letters being set out on 9th of May 2017. On 22nd May 2017 further site notices were posted.

6.2 98 objection letters have been received and 1 letter making general comments. The following concerns have been raised.

- Overdevelopment of the site.
- The property will overshadow the dwelling on Gledhow Lane
- Given the number of objection, the original application should have been refused.
- Poor design and the harm caused to the character of the Conservation Area.
- Harm to the special character of the area.
- Loss garden area.
- Impact upon wildlife
- Too many flats in the street
- The scheme will result in tree loss
- Impact upon highway safety and the increase in on street parking
- Drainage concerns
- The proposal will lead to on street parking
- Bin storage too close to the highway and should be set back
- Overlook neighbouring dwellings
- The approval of the scheme will set a precedent for other such developments
- The scheme conflicts with local and national planning policies
- Lack of community involvement on the part of the applicant
- Insufficient number of site notices posted

- Planning permission to increase the scale of the neighbouring dwelling was refused, and similar planning policies should apply
- Noise and traffic
- Impact on local services
- Revised scheme does not overcome issues
- There is a large number of vacant flats in the area and further flats are not required.
- The proposal will cause drainage issues

6.3 19 support comments have been received. The following comments have been made;

- The design of the building is of a good standard and the building will not harm the character of the area.
- Allow local residents from to down size
- The development will support the growing young professional community
- Meet housing demand
- No impact upon traffic
- The development will be good for local business

7.0 CONSULTATIONS RESPONSES:

7.1 Highways

No objections subject to conditions.

7.2 West Yorkshire Police

Advises that video intercom systems have proven to reduced unauthorised access into apartment blocks and should be a serious consideration for resident safety and that the developer must ensure that letterboxes and robust enough to prevent attack, identity theft is now a major crime type.

7.3 The above advice will be imposed as an advisory note should permission be granted.

7.4 Mains Drainage

No objections subject to conditions.

7.5 Contaminated Land

No objection subject to conditions.

7.6 Landscape

No objection, subject to conditions

7.8 Conservation Officer

No objection The Conservation Officer was involved in the negotiations regarding alterations to the proposal following its initial submission.

7.9 Yorkshire Water

No objection, subjection to conditions

7.10 Nature Conservation Officer

Recommends that a bat survey is carried out in order to ascertain the level of bat activity within the site. With regards to nesting birds, a condition is recommended

that ensure No works to or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours)

8.0 PLANNING POLICIES:

8.1 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.

Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

Policy H2: Relates to new housing on non-allocated sites

Policy P10: Seeks to ensure that new development is well designed and respect its context.

Policy P11 Seeks to ensure developments within the conservation area protects and or enhance local character

Policy T2: Accessibility requirements and new development

Saved UDP policies:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: Seeks to ensure new development protects amenity.

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25: Refers to boundaries around sites

Policy N19: Developments within conservation areas.

8.2 Gledhow Valley Conservation Area Appraisal- identifies this Allerton Park as being within Character Area 3.

National Planning Policy (NPPF)

8.3 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 and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.4 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

8.5 Guidance on conditions is provided within the Planning Policy Guidance (PPG).

DCLG - Technical Housing Standards 2015:

8.6 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.

Community Infrastructure Levy

- 8.9 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 £29,486.00. This information is provided for Members information only however and it is not material to the decision on this application.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Nature Conservation
- 7) Public Representations

10.0 APPRAISAL

Principle of Development

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The proposal also accords with policy H4 of the Core Strategy. The application site is located within a wider established area of a residential settlement and is in current use as a residential site with one detached property occupying the site with associated off-street parking and gardens. The site is close to local facilities and public transport routes and as such is considered to be in a sustainable location and the number of dwellings proposed does not exceed the capacity of transport, educational and health infrastructure, and the Highways Officer has not raised any concerns relating to whether the location of the site meeting the Accessibility Standards in Table 2 of Appendix 3.
- 10.2 The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to residential development on land that has previously been developed in terms of the existing built structures and hard-standing areas; as such it can be regarded as Brownfield. The garden land is however classified as Greenfield.
- 10.3 In this instance it is considered that the principle of re-developing the site for further residential use is acceptable as the Brownfield land utilised would include the

existing dwellings foot-print, hard-standing areas whilst the Greenfield land that would be lost would not be significant and the site would still retain a substantial level of garden land thereby responding to the theme of large properties in plots that offer large garden spaces.

- 10.4 It is not considered that the loss of a family home in this location is necessarily harmful to the residential character of the area as apartments could still be occupied by families depending on the nature of the scheme. The site lies within the built up area and there is no fundamental policy objection to the principle of a development of apartments on this site and the provision of apartments would provide greater housing choices within the localised area.
- 10.5 The proposed apartment block is of domestic scale within the spatial context of the area. Moreover, the development would retain the substantial garden area to the rear and most of the tree cover, thereby presenting a residential scheme that responds to the area's particular residential context. Officers take full note of the comments made in representation by a number of local residents that more apartments on the street would be harmful to the local character; however there is no policy context that would support the refusal of apartments in principle on the basis that Allerton Park is over supplied with apartments. Therefore, Officers are of the view that the principle of development is acceptable.

Character and Appearance

- 10.6 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located within the Conservation Area wherein national and local planning policy also requires new to preserve and, or in enhance its character.
- 10.7 The proposal lies within Gledhow Valley Conservation Area. In this area the character is that of detached dwellings and flats. The detached property is not classed as a positive building within the conservation area, and therefore its loss will not be harmful to the local character. However, the surrounding properties are positive buildings therefore careful consideration still needs to be undertaken when determining the design of the proposal.
- 10.8 Allerton Park, is lined with grass verges and trees and has an attractive and established residential character where large properties are set within generous plots with mature landscaping. There is a good degree of variance along the length of street in terms of architectural styles, with roof forms, heights and footprints also varying.
- 10.9 The application proposes one apartment block finished largely in render under a slate roof. The building would read as a two storey structure with accommodation in the roof space and would comprise of twelve apartments, with basement level parking. There would be private amenity space to the rear which will be formed as a communal garden area. The site would be laid out with the main aspect of the building facing towards Allerton Park and to maintain the immediate character of the area the proposed building would be set well back into the site on a similar building line to the existing building. The proposed design, scale and height of the building is considered to respond to the localised character of Allerton Park, where buildings

existing building exhibit single, double and three storey scales. Although; the footprint is larger than the existing as is the height, the variance in the scale of buildings in the area means that the increase in scale and massing will not harm the character of the Conservation Area. The proposal being set within a large plot, means that this level of development can be accommodated within the site without resulting in an over intensive or cramped use of the site or an undue loss of separation to the adjacent properties, thus retaining the streets sense of spaciousness.

10.10 The proposed hipped roof and the traditional simple shape and form of the building are contextually responsive to the traditional form of buildings in the area, whilst the white render is similar to the adjacent bungalow and render can also be found elsewhere on the street. It is considered that the resulting building would have an architectural vernacular at the front that is considered to respond to the scale and the character of the immediate area.

10.11 In addition, the submitted plans show the retention of the existing landscaping and conditions can secure details of a landscaping scheme and the preservation of the existing levels of 'green-screening'. The Landscape Officer has assessed the scheme and has concluded that the amount of tree cover that will be retained is acceptable and that the proposal will not be harmful to the trees within the site. This will mean that the well-established and robust planted coverage will continue to frame the site, responding to the leafy character of the area and will act to partially screen the side massing of the dwelling.

10.12 Access into the site would be gained through the existing punctuation in the front boundary; the existing vehicular access would be retained with seven parking spaces to the front of the site, with further parking being provided at basement level. The parking area will be sufficiently screened by planting and parking areas to the street frontage is not uncommon on the street. Therefore, this element of the scheme is not particularly problematic in terms of its impact upon the character of the Conservation Area.

10.13 In light of the above, it is considered that the proposed building would appear from the street-scene as a building of modern architectural vernacular of a reasonable height and mass and would sit well within the character of the immediate surroundings. The Conservation Officer has assessed the scheme and has come to the same conclusion.

Residential Amenity

10.14 The proposed building would be set back into the site on a similar line to the existing dwelling on site. The structure will be a two storey scale and the closest element of the building to the side of No.23 will maintain a separation distance of 3.4m. This is considered an acceptable relationship. The element of the building that projects beyond the rear wall of No.23 will be set approximately 10m away from the boundary. In relation to No. 352 Gledhow Lane the structure will maintain 8m with much of the massing being softened by the mature trees and shrubs that lines the side boundary of the site. It is considered that separation distances are acceptable and that the building will maintain distances from the neighbouring dwellings that is adequate to ensure the scheme will not give raise to issues of overshadowing, overlooking, loss of privacy or over-dominance. The proposed windows will generally overlook the garden area of the application sight and will not offer direct views of the neighbouring dwellings. The windows in the side elevation are

secondary in nature that can be conditioned to be obscure glazed to avoid over looking.

- 10.15 The issue of noise and disturbance must also be given due consideration as 12 apartments would be created with parking at basement level. The proximity of the proposed ramp and basement parking entrance would be set adjacent to No. 352 Gledhow Lane thus there would be an increase of activity towards the eastern boundary. As the ramp leading down to the basement will be enclosed within the structure itself and will maintain a separation distance of 8m from the boundary, it is not considered that the use of the basement car park will have a harmful impact upon the amenity of the neighbours. It is also noted that the “comings and goings” from the site in general will increase, however, the associated traffic movement for 12 flats is not expected to be materially significant and not to a level that would harm the living conditions of the neighbouring residents.
- 10.16 There would be a good sized communal garden area provided which is considered to be acceptable and accord with the advice given in SPG13 -Neighbourhoods for Living, which advises that private amenity for flats should have a minimum area of 25% of the total gross floor area excluding vehicular provisions. The internal floor areas are also of a good size and meets space standards. Windows offering good light penetration and outlook for habitable rooms are provided. It is noted that the rooms in the roof space are served with rooflights. Due to the scale of the windows and the angle at which they are positioned on the roof, these windows will offer sufficient light into and outlook from the habitable rooms in the roof.

Highway matters

- 10.17 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.18 The proposal is for eleven two bedroom flats and a one-bedroom flat (12 flats in total) with 21 parking spaces provided. The number of proposed car parking spaces and the parking layout are considered to be acceptable.
- 10.19 The submitted plans indicate that the basement parking has a 7.5m aisle width that would accommodate larger cars and the access ramp has been indicated at a gradient of 1 in 10. The basement parking layout and entrance from the ramp are acceptable and all parking spaces are accessible. Therefore, it is not considered that the proposal will raise highway safety issues. The Highways Officer has assessed the scheme and has raised no issues.

Landscaping

- 10.20 The submitted site layout plan shows that there will be some smaller trees to the rear of the site that will be removed and also some hedges and shrubs to the front. However, a good level of landscaping and, more importantly, the larger trees within the site will be retained. The Landscape Officer has assessed the scheme and has raised no concern with regards to the level of tree removal and has concluded that the development will not harm the more mature trees within the site. A condition can be imposed to ensure the retained trees and hedges a fully protected during the construction period.

Nature Conservation

- 10.21 Bats are known to be active in the area. The Nature Conservation Officer has commented that confirmation is required as to whether there are bats within the site. It is considered that this information can be obtained via condition requiring a bat scoping survey being carried out. Where bats are found to be present then a mitigation measures can be taken.
- 10.22 There are also concerns that the removal of trees and shrubs on the site may disturb nesting birds. In order to protect nesting birds, a condition has been attached to ensure no removal of hedgerows, trees or shrubs takes place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) the works commences. Subject to this condition being attached the Nature Conservation there a no concerns relating to the potential harm to any birds that may be residing within the site.

Public Representation

- 10.23 The concerns raised by the members of the public relating to design, layout and the impact of the development upon the character of the Conservation Area have all been discussed in the report. These issues were also assessed by the Conservation Officer, who have raised no issues.
- 10.24 The concerns raised with regards to the scheme having an adverse impact upon neighbouring dwellings by way of overshadowing, dominance and overlooking have also been addressed within the report.
- 10.25 The highways concerns were assessed by the Highways Officer who has raised no objection to the scheme.
- 10.26 The concerns raised with regards to the loss garden area, is noted. However, it is considered that the level of garden space that will be retained is adequate to serve the needs of the applicant and sufficient to ensure that the character of the area will not be harmed.
- 10.27 The concerns raised with regards to the impact upon wildlife, is noted. This issue has been evaluated by the Nature Conservation Officer, who has made comment on the potential presence of bats on the site. It is considered that this issue can be addressed by a condition requiring a bat survey being carried out and for the implementation of mitigation measures should bats be found within the site.
- 10.28 The comments made that the bin storage too close to the highway, is noted. However, the bin storage area will be screened by existing landscaping and therefore will not have an adverse impact upon visual amenity or the Character of the Conservation Area.
- 10.29 The comments made that the proposal will set a precedent for other such developments in the area, is not supported. All applications are assessed on their own individual merits, and it is an accepted principle that there is no such thing as a precedent in Planning. If other schemes are submitted they will be assessed accordingly.
- 10.30 The comments made that the proposal conflicts with local and national planning policies, are not supported. It is considered that the proposal will not conflict with national or local planning policy guidance as discussed in the main body of this report.

- 10.31 Objectors have also commented that there has been a lack of community involvement on behalf of the applicant. Although the LPA and the National Planning Policy Guidance recommends that the applicants engage with the public, whilst the Council supports pre-application involvement between developers and the local community it is not a statutory obligation and therefore the application cannot be refused on this issue.
- 10.32 The comments made that an insufficient number of site notices posted, is noted. One site notice was put up outside the site, which was felt to be adequate to advertise the application given that it is on a single aspect road. Over and above this, identifiable neighbours were sent letters and the application was also advertised in the press. The revised plans were also advertised and in all five site notices were posted around Allerton Park to publicise the revised scheme. In addition, all the original objectors were written too. It is considered that the level of advertisement of the application was adequate and exceeded the minimum statutory requirements for publicity.
- 10.35 The comments made that the planning permission to increase the scale of the neighbouring dwelling was refused and that similar planning policies should apply to refuse this scheme, is noted. This application has been judged on policies relevant to the nuances of the particular development proposed and in this case the proposed scheme does not conflict with the policies relevant to it. The two schemes are different in that this is dealing with a redevelopment of the site and the other development was for extensions.
- 10.36 The concerns raised relating noise and traffic has been addressed within the report.
- 10.37 The objection relating to the impact on local services is noted. It is not considered that the proposal for an additional 11 dwellings in the area will not materially increase the demand on local services.
- 10.38 The comments made that there is a large number of vacant flats in the area and further flats are not required, is noted. It is not considered however that the proposal for further flats in the area can be objected too on this ground especially in the absence of any evidential data. Even so, the character of the flatted development in Allerton Park itself is likely to be different to flatted developments elsewhere even in relatively close proximity due to the generous nature of the units and site that is proposed.
- 10.39 The issues raise relating to tree loss, is noted. This issue was assessed by the Landscape Officer who has raised no concerns with the amount of trees that will be removed. It is considered that the remaining trees will adequately preserve the leafy character of the Conservation Area.
- 10.40 Concerns raised with regards to the drainage issues that may result from the additional dwellings on the site, has been addressed by the Drainage Officer who has raised no concerns.

11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context whilst Highways have found that the parking provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the

relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers:

Application file: 17/00009/FU

Certificate of ownership: Certificate 'A' signed by the agent



NOTES
 Contractor must verify all dimensions on site before commencing any work or shop drawings.
 Report any discrepancies before commencing work to the Architect. If this drawing exceeds the quantities taken in any way, the architects are to be informed before the work is initiated.
 Only figured dimensions to be taken from this drawing. Do not scale off this drawing.
 Drawings based on Ordnance Survey and/or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals.
 Work within the Construction (Design & Management) Regulations 2007 is not to start until a Health & Safety Plan has been produced.
 This drawing is Copyright and must not be reproduced without consent of Nick Brown Architects Ltd.

Rev.	Description	Drawn	Date	Ch'ked	Date
-	Planning Submission	C.N	12.12.2016	M.C	12.12.2016
A	Revision As Per LPA Comments		04.05.2017	M.C	04.05.2017

KEY
 - Site Boundary

0 1 2 3 4 5

▲ Z

GLEDHOW LANE

ALLERTON PARK

2 x motor cycles

Bin store

NICK BROWN : ARCHITECTS

Project			
21 Allerton Park			
Leeds			
LS7 4ND			
Drawing Title:			
Proposed Site Plan			
Scale:	Date:	Drawn:	Checked:
1:200@A3	04.05.2017	C.N	M.C
Drawing Number:	Revision:		
2016-127_P102	A		

5B Calls Landing
 36-38 The Calls
 Leeds
 LS2 7EW
 0113 323 5733
 www.nickbrownarchitects.com



Originator: Daniel Child

Tel: 0113 37 87988

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15th June 2017

Subject: 16/03692/OT – Outline application (with all matters reserved) for residential development for up to 23 dwellings at Rudgate Park, Walton, Wetherby, LS23 7EJ.

APPLICANT	DATE VALID	TARGET DATE
Homes and Communities Agency	21 st June 2016	01 st July 2017 (Requested Extension)

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

RECOMMENDATION: DEFER AND DELEGATE approval to the Chief Planning Officer, subject to the conditions set out below and the completion of a Section 106 agreement to secure the following:

- a) 35% Affordable housing provision on site
- b) Sustainable transport fund contribution (£11,068.75 on the basis of 23 dwellings)

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

1. Time limit (outline).
2. Matters reserved (Appearance, Landscaping, Layout, Scale).
3. Plans to be approved.
4. Materials (walling, roofing, windows, doors and surfacing).
5. Details of fences, walls to be provided.
6. Statement of construction practice including construction access.
7. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
8. Laying out Retention of parking and turning areas.

9. No tree felling except in accordance with the submitted tree survey.
10. Protection of retained trees.
11. Details of levels to be agreed.
12. Biodiversity enhancement measures.
13. Infiltration drainage study in accordance with BRE Digest 365.
14. Surface water drainage works to be approved and implemented (at greenfield run-off rates of 5 litres per second if infiltration drainage techniques are not possible).
15. Maximum level of development to be 23 dwellings.
16. Contaminated land study/remediation/verification reports.
17. Reporting/remediation of any unexpected contamination.
18. Verification of imported soil as contaminant free.
19. Hard and soft landscaping details (including lighting and excrescences) and landscaping scheme implementation.
20. Biodiversity enhancement measures.
21. Electric vehicle charging point scheme.
22. Scheme for upgrade of local bus stops.

1.0 INTRODUCTION:

- 1.1 The application proposes 23 dwellings on the site of a former Prison Officer's Social Club and adjacent land at Rudgate Park near Wetherby. The submitted indicative masterplan details access from Grange Avenue and the provision of an area of greenspace to the eastern end of the site. The application is presented to Plans Panel following a request from Ward Cllr John Procter for Panel consideration, as the site is part of a wider site that will have implications for the locality.

2.0 PROPOSAL:

- 2.1 The application is submitted by the Homes and Communities Agency and the application proposes in outline (with all matters reserved) the redevelopment of the site of the former Prison Officer's Social Club at Rudgate Park for the provision of up to 23 dwellings. The application envisages a mix of dwellings, including 2, 3 and 4 bedroom units. The proposals would provide for affordable housing on site and greenspace would be provided as part of the development.
- 2.2 The majority of the proposed development is on brownfield land formerly occupied by the former Prison Officer's Social Club. The remaining area is contained within the existing field boundary and broadly in line with the development edge of existing properties on Rudgate Park and Grange Avenue.
- 2.3 The proposed development would result in the removal of some low quality existing trees adjacent to the former Prison Officer's Social Club. Existing high quality trees would be retained as part of the proposed development. Proposed tree planting would be undertaken to mitigate the loss of existing trees and from the indicative masterplan the boundaries would be planted with trees, hedgerows and shrubs, to create a buffer to existing properties and surrounding green space, details of which would be provided at the detailed reserved matters stage.
- 2.4 The application is supported by the following documents:
 - Location Plan (detailing means of access)
 - Illustrative Masterplan
 - Design Framework
 - Planning Statement

- Design and Access Statement
- Drainage Strategy
- Transport Assessment
- Tree Survey and Constraints Report

3.0 SITE AND SURROUNDINGS:

3.1 The application site is located on land at Rudgate Park, on the site of a former Prison Officer's Social Club about a mile northeast of the old village of Thorp Arch, north of HMP Wealston. Rudgate Park is accessed via Grange Avenue, which in turn is accessed from Walton Road. The site is adjacent (to the east of) a further 175 dwellings in the relatively recent developments of Walton Chase, Woodlands Drive and the Rudgate Park area on the road to Walton. The site is relatively flat with a few semi-mature tree specimens. To the south east are two single-storey, semi-detached, red brick built dwellings which front Grange Avenue. To the north is the existing residential development on Rudgate Park, Northfields and Rudgate Mews. To the south is a protected playing field and to the east is open greenfield land.

4.0 RELEVANT PLANNING HISTORY:

4.1 16/00114/DEM - Determination for demolition of Prison Officers Social Club. Approved.

4.2 PREAPP/16/00089 – Outline residential development (the application site).

4.3 PREAPP/17/00121 – Outline residential development (the 'blue land' i.e. the wider Phase 3 site in the Submission Draft Site Allocations for the Outer North East).

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was the subject of pre application discussions. The applicant was advised of the need to consider the requirements of Neighbourhoods for Living SPD, specifically in terms of layout, separation between dwellings, outdoor amenity space, buffer planting, and general layout considerations. Affordable housing and greenspace requirements were referred to. In highways terms the required geometry of the road layout was informed by pre-application discussions, and in landscape terms the need to retrain mature trees was flagged. During the course of the consideration of the application the applicant has amended the proposal to include greenspace provision in accordance with current policy requirements, and has agreed to the provision of policy compliant on-site affordable housing provision.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was publicised as a major development by means of site and press notices and immediate neighbours of the site were notified in writing. Following the receipt of amended plans which included the addition of an area of open space to the east of the development, neighbours were re- consulted and amended plans notices placed around the site. In response 2 third party letters of objection were initially received, followed by two further letters of objection in response to publicity over the amended plans. Objection raised therein may be summarised as follows:

- The application raises drainage concerns as the area suffers significantly with drainage as a result of an historic and overloaded combined surface water/sewer through the village of Walton. Flooding has occurred on a 1 in 8 week frequency

as a result of an overloaded or blocked sewer and this is acknowledged by Yorkshire Water but yet to be resolved. Surcharging from chambers affects properties in Walton and on the Trading Estate.

- The development is intended to connect to existing drainage which is known to be overloaded so any mapping of local surface water drainage must be proved by CCTV survey.
- The proposal will increase the risk of flooding at existing properties.
- The proposal would double the number of houses in this postcode and there are no play areas for children; the small estate does not need to get any bigger.
- Parking difficulties exist in the locality and the proposal would exacerbate them and be harmful to highway safety.
- There are no shops in the locality.
- The indicative layout shows houses to the rear of a single storey property and any upstairs windows would therefore result in a loss of privacy.
- Grange Avenue is unadopted with shared responsibility for maintenance, and heavy construction traffic should the application be approved could have financial implications for owners of adjacent dwelling No 16 Grange Avenue.

6.2 Thorp Arch Parish Council has responded to notification of the application with the comment that “Thorpe Arch Parish Council supports the application which is in line with the Draft Neighbourhood Development Plan”.

7.0 CONSULTATION RESPONSES

7.1 LCC Highways: Summary: Whilst not fully endorsing the assessment methodology and trip generation used in the Transport Statement Highways agree with the findings of the assessment; traffic generated by the proposed development will have no material impact on the operation of the highway network. Subject to the submission of a revised red line boundary plan [now received] including the unadopted section of Grange Avenue that is required in order to obtain access to the dwellings fronting Grange Avenue, the proposed access arrangements are considered acceptable and the proposal is acceptable in principle. The site does not however fully meet Core Strategy Accessibility Standards and the acceptability of the principle a residential development in this location therefore requires further consideration in the light of housing need in the outer north east segment of the city and other planning considerations.

7.2 West Yorkshire Combined Authority: Summary: There are several bus services running next to the development serving various locations including Leeds, Seacroft, Boston Spa, Wetherby and Harrogate. Bus stop 14494 should have a shelter installed including seating and lighting at a cost of around £10,000. Future residents would benefit if live bus information were provided at a cost of approximately £10,000 (including 10 years maintenance) at bus stop number 10223. Good pedestrian access to and from the site and to and from bus stops should be provided, taking into account the needs of the elderly and mobility impaired. The developer should contribute to sustainable travel incentives through a sustainable travel fund. The contribution appropriate for this development would be £11,068.75.

7.3 LCC Flood Risk Management: Summary: No objections subject to conditions to address the discharge rate from the site (not to exceed 4 litres per second unless proven to be impractical).

7.4 LCC Contaminated Land: Summary: The proposed end development is a more sensitive end use and as such a minimum of a Phase 1 desk study is required, and

depending on the outcome a Phase 2 site investigation and remediation statement may also be required.

- 7.5 Ainsty (2008) Internal Drainage Board (AIDB): Summary: The Board have no objection to the principle of this development, but feel it appropriate that the applicant clarifies the drainage strategy and prove any connectivity that is proposed to enable an evaluation to be undertaken in terms of flood risk. AIDB have assets adjacent to the site in the form of Broad Wath; this watercourse is known to be the subject of high flows during storm events. The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or to outfall directly into a watercourse in the Board area. The Board recommends that any approval granted should improve conditions to require the prior approval of drainage works.
- 7.6 West Yorkshire Police (Architectural Liaison Officer): Summary: The applicant is encouraged to discuss Part Q of the Building Regulations: the use of Euro Profile locks; defensible rear accesses; the location of utility meters; dusk till dawn lighting; alarms and/or CCTV; and doors and windows, prior to the submission of full details.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Local Plan and any made Neighbourhood Development Plan.

Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 6	Housing requirement and allocation of housing land
Spatial Policy 7	Distribution of housing land and allocations
Policy H2	New housing on non allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy T2	Accessibility requirements and new development
Policy P10	Design
Policy P12	Landscape

- 8.3 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1	Land use and the proposals map
GP5	General planning considerations
H14	Affordable Housing in rural areas

N23/N25 Landscape design and boundary treatment
LD1 Landscape schemes

8.4 Natural Resources and Waste Local Plan

Air 1 The management of air quality through development
Water 1 Water efficiency
Water 6 Flood risk assessments
Water 7 Surface water run-off
Land 1 Contaminated land [and brownfield sites]
Land 2 Development and trees

Supplementary Planning Guidance:

- 8.5 SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG25 Greening the Build Edge (adopted)
SPG39 Thorp Arch Village Design Statement
Street Design Guide SPD (adopted).
SPD Leeds Parking SPD (adopted).

Emerging Site Allocations Plan

- 8.6 The application site forms part of a 6.33 hectares Phase 3 housing site, as described under site reference HG2-227 of the 'Submission Draft Site Allocations for the Outer North East', which has a stated capacity of 142 units.

Thorp Arch Draft Neighbourhood Plan

- 8.7 The Thorp Arch Draft Neighbourhood Plan is about to be submitted for independent examination and a Referendum is likely to take place later in the year. The draft plan supports the development of the majority of the site for housing and this is discussed in more detail below.

National Planning Policy Framework:

- 8.8 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Annex 1 Implementation

Decision-taking

- 8.9 The NPPF seeks to boost the supply of housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development. With specific regard to housing applications the NPPF states at paragraph 47 that to boost the supply of housing local planning authorities must

identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period), to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

8.10 Paragraph 49 of the National Planning Policy Framework states the following:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

8.11 The Council is currently in the position that it does not have a 5 year housing supply and the policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date. Paragraph 14 of the NPPF is, therefore, now particularly relevant, which states the following:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking 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.”

8.12 It is important to note that an ‘out of date’ policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

DCLG - Technical Housing Standards 2015:

8.13 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 looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. The proposal is in any event is in outline, with consideration of layout appearance and scale to be reserved.

9.0 MAIN ISSUES

1. Principle of development
2. Highways and access
3. Affordable housing
4. Housing mix and density
5. Drainage and flood risk
6. Greenspace
7. Nature Conservation
8. Residential amenity
9. Other matters
10. CIL

10.0 APPRAISAL

Principle of Development:

- 10.1 The site is not allocated for housing under the housing policies of the saved Unitary Development Plan (Review). The 'Submission Draft Site Allocations for the Outer North East' proposes to allocate this site (as part of a wider allocation) for housing, as does the Draft Thorp Arch Draft Neighbourhood Plan. Both of these plans are emerging documents however and therefore cannot be afforded full weight.
- 10.2 The conclusion of the recent appeal decisions concerning large scale housing developments was that the Council is unable to demonstrate a 5-year housing land supply and it is considered to be consistently under-delivering. The key assessment in determining this application is therefore the extent to which weight can be attached to the policies of the existing and emerging Local Plan, in light of a shortfall in the 5-year housing land supply. The application needs to be considered against the relevant adopted policies, the detail of which is set out below. However, in the absence of a 5 year land supply, there also needs to be a balancing exercise within the parameters that there is a presumption in favour of granting permission, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 10.3 Having regard to relevant policies within the Adopted Core Strategy, it is noted that the Core Strategy was published after the NPPF, and was found to be sound. Accordingly, full weight can be attached to the distribution strategy for the appropriate location of development as set out in Core Strategy Spatial Policies SP1, SP6 and SP7.
- 10.4 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages. Thorp Arch would fall in this latter category. In recognition of this the submission Draft Site Allocations for the Outer North East proposes that the site is a delivered in later phases of the plan (Phase III).
- 10.5 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) (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 (which identifies a need for 5000 new homes in the Outer North East Housing Market Character Area within which the site is located, representing 8% of the City-wide distribution) using the following considerations:

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

- 10.6 In terms of a sustainable location (SP6 (i)), the site does not sufficiently meet the Accessibility Standards established at Table 2, Appendix 3 of the Core Strategy. This weighs against the grant of planning permission. With regard to access to facilities and services, including education and health infrastructure, the matter of education would be addressed through the Community Infrastructure Levy (CIL). The Adopted Regulation 123 List advises that CIL can be gathered for primary education, except for large scale residential development identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations. This application does not fall within the category of being identified for on-site provision nor is it a large-scale major site that is considered to create such a level of need for school places that it cannot be accommodated elsewhere, to the extent that on-site provision is warranted or justified. Accordingly, the appropriate mechanism to address concerns relating to primary school provision is CIL. Regard should also be had to the relatively limited number of houses proposed as part of this development.
- 10.7 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to, on average, 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. The Site Allocations Plan cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. The site would benefit from access to the services at the nearest town, Wetherby that is approximately 4 miles away.
- 10.8 Turning to SP6 (ii) to (vi) the site is part brownfield and part greenfield. Neither Spatial Policy 6 nor the NPPF preclude the development of such sites. It is also clearly outside of the Green Belt and will therefore not impact upon it. The standards and design of the development, which will be determined at Reserved Matters stage, should offer the opportunity to enhance the distinctiveness of the locality and provide a high quality design standard for new homes having regard to the Thorp Arch Village Design Statement and emerging Neighbourhood Plan. The impact with regard to nature conservation and flood risk has been fully considered and no technical

objections have been raised to the development, subject to the imposition of appropriate planning conditions, including those set out at the header of this report.

- 10.9 Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.
- 10.10 In considering the criteria of Policy H2 above and the definition of previously developed land in the NPPF, the site is part brownfield site part greenfield site. The application site is currently un-allocated land within 'new' Thorp Arch which is situated between existing developments in a semi-urbanised setting. As such it does not make a significant contribution to the visual, historic or spatial character of the area so as to conflict with H2 in these regards. The site does not fully meet Core Strategy Accessibility Standards, but it is a relatively small scale proposal that is not in an unduly isolated location, or without any access to public transport, the nearest bus stop being 145m away. Of relatively limited scale at up to 23 units, and naturally subject to the consideration of local impacts which follows below, the proposal could not reasonably be said to exceed the capacity of local infrastructure. The site has limited nature conservation value and is not suitable for outdoor recreation, so the development proposal could not be demonstrated to unduly conflict with Policy H2 in these regards either.
- 10.11 The Thorp Arch Draft Neighbourhood Plan is about to be submitted for independent examination and a Referendum is likely to take place later in the year. Policy H1 of the submitted plan supports development of the majority of the site for residential use. The neighbourhood plan seeks to ensure that; a) the development provides access to nearby greenspace for leisure purposes; b) it incorporates an appropriate level of green spaces and recreational facilities on the site for the benefit of residents; c) reflects the best local design features of neighbouring properties, and; d) provides adequate parking (2 off road spaces per dwelling on average). Policy H2 'Housing Type and Mix' is an aspirational policy that seeks meet local housing needs, in particular downsizing. Whilst the emerging neighbourhood plan cannot be given weight, it is obvious that the draft plan is supportive of residential development of the site and seeks to deliver for local housing needs.
- 10.12 The application site forms part of a 6.33 hectares Phase 3 housing site, as described under site reference HG2-227 of the 'Submission draft Site Allocations for the Outer North East' which has a stated capacity of 142 units. The proposal is not considered to unduly prejudice those proposals. However, the submission has not however been examined and cannot therefore be given significant weight at this point in time. That said, the draft plan site assessment does concludes that the site is part of an area of vacant land that is situated between existing residential development and Thorp Arch Trading Estate, a small part of which is brownfield containing derelict buildings and which is located within an urbanised setting outside of the Green Belt.
- 10.13 Whilst unallocated land within the lowest tier of the settlement hierarchy, and whilst the draft site allocations plan has not been examined and cannot therefore be given any significant weight, the proposal is for a relatively small scale housing development of up to 23 dwellings. The proposal would make good use of previously developed land, in a way that would not exceed the capacity of local infrastructure, or unduly conflict with Core Strategy policy H2. The site would deliver policy compliant on-site

affordable housing and significant weight can be given to this consideration. In view of these considerations the proposal is therefore acceptable in principle when considered against the guidance set out in the NPPF and adopted local planning policies in the round. Having regard to the absence of a 5 year land supply and the guidance at Paras 49 and 14 of the NPPF above, in the situation where the Council's housing policies are considered to be out-of-date, specific policies in the NPPF do not indicate development should be restricted in this case, and the accessibility shortcomings of the site, for a relatively small development, do not significantly and demonstrably outweigh the benefits, when assessed against the framework as a whole. The development is therefore acceptable in principle.

Highways and access

- 10.14 The submitted indicative masterplan show access from Grange Avenue and from Rudgate Park (which is in turn also accessed from Grange Avenue). Rudgate Park itself is adopted and designed as a local residential street with a 5.5m wide carriageway and 2.0m wide footpath on the southern side. The proposed junction with Rudgate Park shown on the indicative masterplan demonstrates the required visibility splays of 43m are achievable and the accesses shown to Grange Avenue similarly have adequate forward visibility. In road safety terms the submitted Transport Assessment finds that the traffic generated by the proposals would not have any material impact on the operation of the highway network and there are no reported road traffic accidents on the local highway network in the vicinity during the preceding five year period. For these reasons it is not considered that the proposal would be harmful to highway safety considerations.
- 10.15 Under any reserved matters application the internal layout will need to be constructed to adoptable standards under Section 38 of the Highway Act 1980. The indicative masterplan is broadly compliant with the Street Design Guide, subject to some refinement in relation to tracking for larger waste collection vehicles. The layout shown on the illustrative master plan will require the formal closure of part the highway but precise layout, parking, servicing and bin areas would all be considered at reserved matters stage.
- 10.16 WYCA have been consulted and have requested that a bus shelter be installed at bus stop number 14494 (Walton Road northbound stop) and that Metro's live bus information display be provided at bus stop number 10223 (Walton Road southbound stop) and that a contribution is sought to promote sustainable travel.

Affordable housing

- 10.17 Under Core Strategy policy H5 (Affordable Housing) affordable housing is required to be delivered on-site, off-site, or in the form of a financial contribution, with on-site provision preferred unless otherwise robustly justified. For developments such as this over 15 units within Zone 1 a 35% affordable housing provision is required. It also requires secure arrangements in the form of S106 agreements to ensure delivery and affordability. In this case, on the basis of 23 dwellings, that would equate to 8 affordable dwellings. The Homes and Communities Agency have agreed to heads of terms to meet this policy requirement under a Section 106 Agreement and significant weight should be given to this consideration.

Housing mix and density

- 10.18 The development is outline so the precise mix of housing types and sizes are not known at this stage. The submitted Design and Access Statement does however

indicate that a mixture of detached and semi-detached dwellings is envisaged, typically of two-storeys in height, with an opportunity for bungalows on self-build plots. The preferred housing mix under Core Strategy policy H4 is as follows, together with the submitted mix, is as follows:

Type*	Max %	Min %	Target %	Submitted
Houses	90	50	75	100%
Flats	50	10	25	0%

Size*	Max %	Min %	Target %	Submitted
1 bed	50	0	10	0%
2 bed	80	30	50	13%
3 bed	70	20	30	83%
4 bed+	50	0	10	4%

10.19 In terms of housing type, the schedule of accommodation submitted with the application envisages a mixture of two, three and four bed dwellings but no flats. In terms of housing size, the schedule envisages no one bed units, 13 % two bed units, 83% three bed units and 4% four bed units, so the envisaged mix would be heavy on three bed units and light on two bed units in relation to policy H4. The proposal would have no flats in relation to policy H4 and housing type, against a minimum of 10%. However these are indicative details and the precise mix of housing type and size is as yet unknown at this stage. These are therefore matters which can be considered appropriately more fully at reserved matters stage when the precise appearance, scale and layout are known.

10.20 For smaller settlements a minimum density of 30 dwellings per hectare is required under Core Strategy policy H3, unless there are overriding reasons concerning townscape, character, design, or highway capacity. The development is below this level, however, the proposals are not an overly inefficient use of land, and it is considered that a density below the minimum is justified in this case by the need to secure an acceptable form of development that respects local character, appropriate landscaping to site boundaries, and to allow for the retention of an open aspect to the approach to the development and the incorporation of greenspace provision in accordance with other policy considerations.

Drainage and flood risk

10.21 The Local Plan, the Natural Resources and Waste Local Plan, and guidance within the NPPF, together, all seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The application is accompanied by a drainage strategy. In considering the above policy requirements and the submitted strategy it should be noted that the site is not within a flood risk area and it has not been known to flood. An objector however points to surface water flooding elsewhere in the Parish due to combined sewers surcharging. Yorkshire Water, Ainsty Internal Drainage board, and the Council’s Flood Risk Management Team, do not however raise any objection to the proposed development in response to consultation, subject to the use of conditions and a surface water run-off rate of no more than 4 litres per second unless infeasible.

10.22 In response to the neighbor objection the applicant states that mains drainage connections are proposed and highlight that Yorkshire Water raise no objection on capacity grounds. They also point to the fact that the objector’s property is some 500m to the north of the application site. The application is in outline only, so at this stage the balance between hard and soft landscaped areas is not known, but the

submitted drainage strategy highlights the use oversized pipes and manholes as sustainable measures to attenuate the flow of water to the required levels. Subject to the use of conditions, as an outline application, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards.

Greenspace

- 10.23 Core Strategy policy G4 (New Green Space Provision) requires the provision of 80 square metres of greenspace per residential unit for sites of 10 or more dwellings, that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of greenspace. In this case this would equate to 0.184ha. Following negotiations the submitted amended indicative masterplan provides for an area of policy compliant greenspace to the east of the site, which is acceptable and the application is thereby considered to be policy compliant in this regard.

Nature Conservation

- 10.24 The application site is not the subject of any planning policy designation for its nature conservation interest. The site of the proposed development is part previously developed land, part mown grassland, and is not of itself of significant nature conservation value. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 11 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.

Drainage and flood risk

- 10.25 The Local Plan and guidance within the NPPF seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The site is not within a flood risk area and it has not been known to flood. The application is in outline only, so at this stage the balance between hard and soft landscaped areas is not known. The Council's Flood Risk Management Team comments that records indicate the ground conditions in the locality are highly suitable for infiltration drainage methods, and that these should be employed where feasible for the drainage of surface water from the dwellings, driveways, and any other hard surfaces. If infiltration drainage is not possible the advice is that an agreed greenfield surface water discharge rate of 5 litres per second should be sought, and that these requirements can be covered by condition. Subject to such conditions the proposal would not result in a form of development that is at undue risk of flooding, or which would increase the risk of flooding elsewhere, and is therefore policy compliant in this regards.

Impact on residential amenity

- 10.26 It is considered possible to accommodate the level of development proposed whilst meeting the traditional guideline separation distances and outdoor amenity space requirement set out in Neighbourhoods for Living, and without causing undue harm to neighbouring residential amenity or privacy in relation to local plan policy notwithstanding the objection received in this regard. The precise layout, scale and appearance are however matters reserved for later considerations, at which point neighbours would be given the opportunity to comment on the precise details, position

of windows and massing and scale of dwellings, and conditions are recommended to ensure the prior approval of precise boundary treatment, materials and surfacing.

Contaminated land

- 10.27 The Council's contaminated land team recommends Phase I and Phase II desk studies be required, together with any necessary remediation statements, in recognition of the sites former uses. The HCA have responded to this point to confirm that they have tendered for site investigation works and accept the need for the use of Grampian conditions in this regard in view of the more sensitive residential end use proposed. It is not considered that contamination would preclude the grant of planning permission on this previously developed site and it is therefore policy compliant in this regard, subject to the use of conditions.

CIL

- 10.28 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floorspace would be calculated at reserved matters stage when the precise layout and scale is known. This information is not material to the decision and is provided for Member's information only.

Other matters

- 10.29 In terms of ecology although part of a much wider site that is close to a site of ecological interest (to the southeast) the site is not of ecological interests with no specific policy designation for any nature conservation interest. The requirements of Core Strategy policy G9 and the NPPF to secure biodiversity enhancements under development proposals can be met through a requirement by condition for a scheme of biodiversity enhancements. The existing Category A tree identified in the submitted survey is to be retained to the southwest boundary of the site; other tree loss of less significant specimens is capable of being mitigated in time by new planting to boundaries and within the site, which is capable of being addressed under condition together with protection of the retained tree. In order to comply with the aims and objectives of Core Strategy policy EN1 Climate Change, Air 1 of the Natural Resources and Waste Local Plan, and Paragraph 35 of the NPPF, a scheme for the provision of electric vehicle charging points should be required by condition.

11.0 CONCLUSION

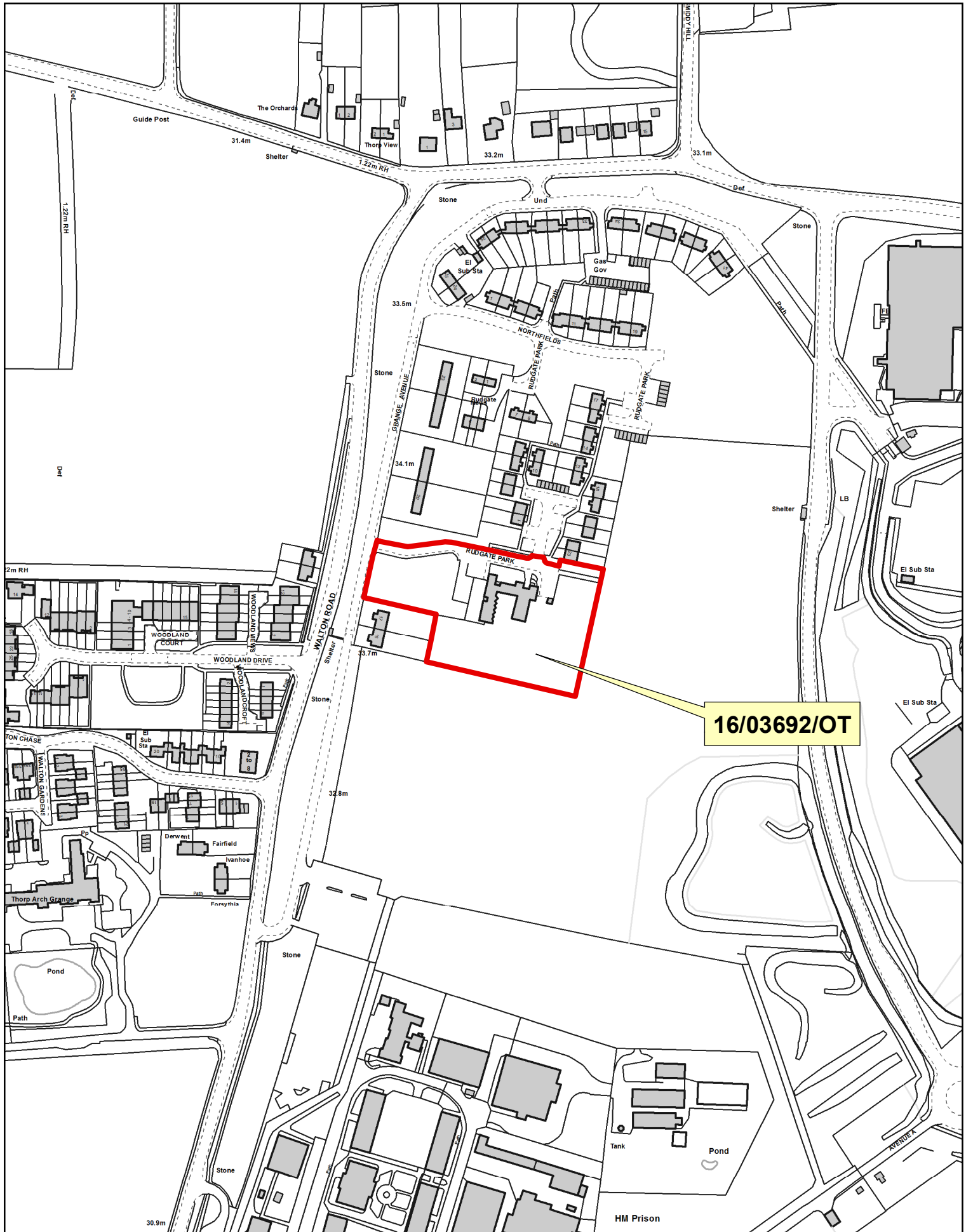
- 11.1 The application proposes a relatively small residential development of up to 23 dwellings on a site in a semi-urbanised part of Thorp Arch, between existing developments, on land which is not part of the Green Belt. The site is partly previously developed land and the proposal would not exceed local infrastructure requirements or be harmful to highway safety or flood risk considerations. The development site is not one which is of wider nature conservation or recreational value, and whilst the site does not fully meet Core Strategy accessibility requirements, given its limited scale and the contribution it would make to the local supply of affordable housing, to which significant weight should be given, on balance the proposal is considered to be policy compliant and acceptable in principle.
- 11.2 The NPPF seeks to boost housing supply, prioritise the development of previously developed land, and sets out the presumption in favour of sustainable development.

Policies in the NPPF do not indicate that planning permission should be restricted in this case. Whilst the emerging Neighbourhood Plan cannot be given significant weight the application is in accordance with it and whilst significant weight cannot also be given to Draft Site Allocations for the Outer North East, the site is part of a wider Phase 3 site. For the reasons set out above and in the absence of a 5 year land supply it not considered that any adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits, when considered against the NPPF as a whole, and planning permission should therefore be granted. The recommendation is subject to a S106 agreement and conditions as set out at the header of this report, to secure policy compliant on site affordable housing delivery and sustainable transport fund contributions. Conditions should include those required to address other policy requirements, in relation to reserved matters design detail, landscaping, tree protection and biodiversity enhancement measures. Conditions should also be imposed to address drainage and any contaminated land issues, and should require a scheme for the provision of electric vehicle charging facilities and upgrade of local bus stops.

Background Papers:

Application file: 16/03692/OT

Certificate of Ownership: Certificate A completed.

















NORTH AND EAST PLANS PANEL





KEY

-  Application Boundary
-  Existing Trees
-  Existing Houses
-  2 Storey House
-  2.5 Storey House
-  Garage
-  Tarmac Road
-  Shared Space Street Type 3a
-  Level Surface Street Type 3b
-  Private Amenity Space
-  Amenity Grassland
-  Tree Planting
-  Hedgerow Planting
-  Shrub planting



Reproduced by permission of Ordnance Survey on behalf of Her Majesty's Stationery Office.
© Crown Copyright and database right 2010. All rights reserved.

C	Public open space added	AJG	NH	09/05/17
B	Update to Application Boundary	WF	NH	12/12/16
Rev	Description	Drawn	Approved	Date



Genesis Centre, Birchwood Science Park, Warrington WA3 7BH
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Rudgate Park, Thorp Arch, Wetherby

Title
Illustrative Masterplan

Drawing Number
D5602.003C

Drawn	Checked	Approved	Scale	Date
NKH	SL	GDA	NTS	18/05/16

This page is intentionally left blank