

#### **NORTH AND EAST PLANS PANEL**

Meeting to be held in Civic Hall, Leeds on Thursday, 21st December, 2017 at 1.30 pm

#### **MEMBERSHIP**

#### Councillors

R Grahame S Hamilton S McKenna E Nash K Ritchie N Walshaw (Chair) **B** Cleasby

J Procter P Wadsworth G Wilkinson

Agenda compiled by: Debbie Oldham Governance Services Civic Hall

Tel: 0113 3788656

### AGENDA

Item No	Ward	Item Not Open		Page No
			SITE VISIT LETTER	
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			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)	
			(*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)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			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.	
			2 To consider whether or not to accept the officers recommendation in respect of the above information.	
			3 If so, to formally pass the following resolution:-	
			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:-	

Item No	Ward	Item Not Open		Page No
3			LATE ITEMS	
			To identify items which have been admitted to the agenda by the Chair for consideration	
			(The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS	
			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.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES	3 - 14
			To approve the minutes of the North and East Plans Panel meeting held on 16 <sup>th</sup> November 2017.	
7	Cross Gates and Whinmoor		APPEAL SUMMARY 16/07555/FU - CONSTRUCTION OF 13 HOUSES FORMER SITE OF STANKS FIRE STATION SHERBURN ROAD SWARCLIFFE LS14 5DW	15 - 24
			To receive the report of the Chief Planning Officer on an Appeal Summary for the construction of 13 houses at former site of Stanks Fire Station, Sherburn Road, Swarcliffe LS14 5DW.	
			(Report attached)	
8	Harewood		17/00029/OT - OUTLINE APPLICATION FOR 26 DWELLINGS AND MEANS OF ACCESS RIDGE MEADOWS, NORTHGATE LANE/TIBGARTH, LINTON, WETHERBY, LS22 4GS	25 - 64
			To receive the report of the Chief Planning Officer for an outline application for 26 dwellings and means of access at Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS	
			(Report attached)	

No	Ward	Item Not Open		Page No
9	Temple Newsam		17/04217/FU - CHANGE OF USE OF WOODLAND TO A GO APE HIGH ROPES COURSE WITH AN ASSOCIATED RECEPTION CABIN TEMPLE NEWSAM PARK, TEMPLE NEWSAM ROAD, OFF SELBY ROAD, LS15 0AE	65 - 78
			To consider the report of the Chief Planning Officer on a change of use of woodland to a Go Ape high ropes course with an associated reception cabin at Temple Newsam Park, Temple Newsam Road, Off Selby Road, LS15 0AE	
			(Report attached)	
10	Harewood		17/03940/FU - SITING OF ONE STATIC RESIDENTIAL CARAVAN AND RENOVATION OF THE OLD TELEPHONE EXCHANGE BUILDING INTO AN AMENITY BLOCK WITH ASSOCIATED GROUND WORKS AND LANDSCAPING THE OLD TELEPHONE EXCHANGE SITE, COAL ROAD, WHINMOOR, S14 2SA	79 - 96
			To consider the report of the Chief Planning Officer for the siting of one static residential caravan and renovation of the old telephone exchange building into an amenity block with associated ground works and landscaping at The Old Telephone Exchange Site, Coal Road, Whinmoor, LS14 2SA	
			(Report attached)	
11	Roundhay		17/05844/FU - TWO STOREY NEW BUILD DETACHED HOUSE WITH INTEGRATED GARAGE ELMETE WALK, ROUNDHAY, LEEDS, LS8 2LB	97 - 108
			To receive the report of the Chief Planning Officer for an application for a two storey new build detached house with integrated garage at 7 Elmete Walk, Roundhay, Leeds, LS8 2LB.	
			(Report attached)	

tem No	Ward	Item Not Open		Page No
12			DATE AND TIME OF NEXT MEETING  To note that the next meeting of North and East Plans Panel will be Thursday 18th January 2018 at 1:30pm.	

### Third Party Recording

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

Use of Recordings by Third Parties- code of practice

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





To all Members of North and East Plans Panel

#### **Planning Services**

The Leonardo Building 2 Rossington Street Leeds LS2 8HD

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

Our reference: NE Site Visits Date: 12<sup>th</sup> December 2017

**Dear Councillor** 

#### SITE VISITS - NORTH AND EAST PLANS PANEL - THURSDAY 21st December 2017

Prior to the meeting of the North and East Plans Panel on Thursday 21<sup>st</sup> December 2017 the following site visits will take place:

Time	Ward	
10.55am		Depart Civic Hall
11.10am –	Roundhay	17/05844/FU – 7 Elmete Walk, Roundhay, LS8 2LB
11.20am	-	·
11.30am –	Harewood	17/03940/FU – The Old Telephone Exchange, Coal Road,
11.40am		LS14 2SA
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.55am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 10.50am. If you are making your own way to the site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury Group Manager







#### NORTH AND EAST PLANS PANEL

#### THURSDAY, 16TH NOVEMBER, 2017

**PRESENT:** Councillor N Walshaw in the Chair

Councillors B Cleasby, R Grahame, P Gruen, S Hamilton, M Harland, E Nash,

P Wadsworth and G Wilkinson

#### **CHAIRS COMMENT**

The Chair welcomed everyone to the meeting and introductions were made by the Panel.

The Chair reminded Members that applications should be considered with an open mind in accordance with the Council's Constitution and protocol. He went on to say that Councillors once they cross the threshold into this room are no longer Elected Members of a particular party but members of North and East Plans Panel and that all of us including myself as Chair take that very seriously and approach things with an open mind and certainly no predestination on this Panel.

#### 65 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of documents.

#### 66 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt documents.

#### 67 Late Items

There were no formal late items. However there was supplementary information in relation to Item 7 - 17/00307/FU Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth. This had been circulated to all Members prior to the meeting.

#### 68 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made. However Steve Butler, Head of Development Management explained that he would not take part during discussions relating to item 9 of the agenda – 17/00307/FU – Land off Ninelands Lane, Garforth as he lived nearby.

#### 69 Apologies for Absence

Apologies for absence were received from Councillor Stuart McKenna and Councillor Kevin Ritchie.

Councillor Mary Harland was at the meeting as a substitute for Councillor McKenna and Councillor Peter Gruen was at the meeting as substitute for Councillor Ritchie.

#### 70 Minutes

The minutes of the meeting held on 19<sup>th</sup> October 2017 were approved as a correct record.

71 17/00307/FU - Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land Off Ninelands Lane Garforth, Leeds, LS25

Further to minute 58 of the meeting held on 19<sup>th</sup> October 2017 the Chief Planning Officer submitting a report in respect of the demolition of existing buildings, development of 241dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth.

Further to minute 58 above the Head of Development Management left his seat and took no part in discussions on this item.

The application was previously deferred as the Panel had requested more information from Yorkshire Water in relation to the capacity of the drainage and sewage system and its ability to cope with the demands of the proposed development and for more information on flooding issues.

Yorkshire Water had supplied further information as requested which had been circulated to the Panel and published to the web site as supplementary information prior to the meeting.

It was noted that a resident of Hazel Mews had distributed his representation to Panel Members.

Cllr.S.McKenna who was unable to attend the meeting had written the following representation which was read out to the Plans Panel. "Members I've still concerns over the drainage and flooding issues, at the last plans meeting I mentioned numerous times about the flooding in Ninelands Lane and Garforth in general. I'm still not convinced the developer is addressing the problems over the drainage for the proposed 241 dwellings. Panel Members know the issues regarding flooding in Garforth and I believe at the moment this could add to the problems if not taken seriously. I don't believe any new information has come forward to convince me that this should be passed, we need to be convinced totally this site won't flood or add to more flooding."

Plans, maps and photographs were shown throughout the presentation.

Members' attention was drawn to 1.3 of the submitted report which provided a table to show improvements in cumulative discharge rates, inclusive of both foul and surface water, during key events. It was also noted that the applicant had highlighted at 1.4 of the submitted report the benefits associated with the proposed drainage strategy.

The Panel were also shown diagrams on the proposed drainage system which would slowly release water into the drainage system.

The additional information provided by Yorkshire Water confirmed it's no objection response remained. Yorkshire Water had confirmed that the originally suggested conditions 19 and 20 as detailed in Appendix A of the submitted report had not altered.

Yorkshire Water had provided additional information on the following points:-

- Proposed foul water connection point;
- Network connections/infrastructure beyond the site;
- Existing network callouts/issues within the area;
- Future Yorkshire Water proposals.

Members were asked to note the two additional conditions related to drainage as follows:

- No. 25: Water saving devices within the proposed development, so as to reduce water usage down to 105 litres per person per day.
- No.26: Water butts (250 litres minimum per dwelling) to minimise use of mains water.

Members heard that the site as it is currently is some of the cause of the problems due to the amount of hardstanding which causes issues with water run- off. The new development will include garden areas which should slow the run off into the drainage system. The Members were advised that Yorkshire Water and Flood Risk Management were supportive of the development on this site.

The Chair reminded Members as part of their consideration the use of a Consultative Forum had been found helpful where there had been long term issues.

Cllr. Mark Dobson spoke at the meeting saying that he had expected more after the debate at the previous meeting. He was of the view that the report was not comprehensive from Yorkshire Water. He was also surprised that this application had come back so soon in the process. He said that he was under the impression that Yorkshire Water would have provided a more detailed report. He said that the suggestion that a new housing development would not produce as much effluent as was produced by the existing site was not acceptable.

Cllr. Dobson asked Members to take the information relating to the presence of cooking fat in the system 'with a pinch of salt' as there were no takeaway outlets in the area.

Cllr. Dobson mentioned the slides shown at the previous meeting of raw sewage and sanitary products floating down the road. He explained that this photograph had been taken during floods which had happened in August 2017. He said that he did not believe that the commercial premises of Stocks Blocks was part of the issue as it had been closed for almost six months when this had happened. Cllr. Dobson was of the opinion that the effluent was being produced by the houses within the area and the connector system used by Yorkshire Water.

In response to Panel Members Cllr. Dobson informed the Panel of the following points:-

- He accepts that the new system proposed would be an improvement to what exists. However he was of the view that there was not sufficient details provided by Yorkshire Water and he still did not know where the water would go to.
- He had been a councillor in Garforth for 10 years and in that time many solutions to the flood issues had been considered including the use of balancing tanks. The Garforth Flood Alleviation Group had been formed and they had done a lot of work such as:
  - Tank at Glebeland development
  - Culvert at Ninelands Lane
  - West Garforth slow release system
- The housing developments built in the sixties had not had drainage or sewage developed to address where the water and sewage would go.
- Historical records had been requested on numerous occasions but he was constantly told that the information had been lost.

Jonathan Dunbavin the agent and Gary Little the Engineering Manager of Redrow Homes were at the meeting and addressed the Members.

Mr Little in response to Members questions advised Members of his qualifications. He also provided more clarification on how the proposed drainage system would work in relation to the Stocks Blocks site. He said that the offer of two systems recognised the difficulties in this area for run-off water and foul water. He said that the proposed system would reduce the discharge from this site from 700 litres per second to around 100 litres per second.

Members were advised that surface water would not go into the foul water drain. Foul Water would go into a combined system further down to the South West of Garforth.

Members heard that a storage tank likened to the size of an Olympic swimming pool by officers would be sufficient attenuation for a 100 year storm and cope with climate change.

Officers advised Members that the developers were not responsible for flooding issues in the Garforth area but were responsible in ensuring that the problem was not made any worse by the proposals.

Mr Little explained that the use of a gravity feed was better than a pump as they did not break down as much required less maintenance and that it created a vortex within the stored water in the 'swimming pool' which slowly released the water into the drainage system.

An officer from the Council's Flood Risk Management team explained that with the new proposed system surface water run-off would not be able to feed into the foul drain only flushing toilets would feed into the foul drain.

Members were advised that a survey had been undertaken by Environmental Health but not detailed enough to list every manhole. It was noted that this would be part of the remit of Yorkshire Water.

The Panel requested that a letter be sent from the Chair outlining the concerns of the North and East Plans Panel on the wider concerns of flood issues in the Garforth area.

Members were provided with information on the housing types proposed for the development and shown some designs. Members were informed that there would be 1 block of flats and that 15% of the dwellings would be affordable housing which would be 'pepper potted' through the scheme. The Panel were also shown a map which indicated where the affordable houses would be located.

Members were advised of the different house types:-

- 24 different types to be provided
- Broad range of 1 bedroom to 4 bedroom properties
- There are to be no dwellings above 3 storeys
- 1 block of flats on the scheme

It was noted that materials are still to be finalised.

Members were concerned that a number of the affordable homes seemed to be located within one area of the scheme and requested that they be more evenly distributed throughout the development. Members also requested that the affordable houses should be no different to other properties on the development.

It was noted that the Hazel Mews was 21 metres from the proposed new properties which was an acceptable distance in planning terms. The ash pile located at this part of the site needs to be removed with a proposal for new planting in this area.

Steve Varley the LCC Design Officer informed Members that he was to discuss the house types proposed for this scheme. He said that Redrow have

generally have a good design pedigree and architectural background, however, some of the proposed designs need addressing.

In response to Members questions in relation to the building of bungalows in this scheme, Members were informed that a survey had indicated that there was not a demand for bungalows within this area.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer as set out at pages 19 and 20 of the submitted report and including the additional conditions set out at page 1 of the supplementary information with a slight amendment to Condition 26 to include reduction of surface water runoff.

#### Also to include:-

- Additional condition to establish a Consultative Forum;
- A letter from the Chair to Yorkshire Water; and
- To address the distribution of affordable housing

# 17/02203/FU - Two storey rear extension to form new studio flat and additional ground floor space (sui generis) First Floor And Second Floor, 55 Austhorpe Road, Cross Gates, Leeds, LS15 8EQ

The report of the Chief Planning Officer requested Members to consider an application for a two storey rear extension to form new studio flat and extension to ground floor loan shop (sui generis) at 55 Austhorpe Road, Leeds, LS15 8EQ.

The application had been brought to Plans Panel for determination as the proposal had generated some concern locally and Highways Officers had not supported the proposal.

Members were informed that the application related to the first and second floors of 55 Austhorpe Road, a detached red brick property with commercial premises to the ground floor and residential to the upper two floors. It was noted that first and second floors were located within the roof space.

Members heard that the property was located on the corner of Austhorpe Road and Church Lane with parking to two sides and access from both roads. The character of the area is both commercial and residential with flats above shops.

Maps photographs and diagrams were shown at the meeting.

Members were informed that the new extension was to be built in the same materials as the shop front. It was noted that the proposed flat complied with the space standards.

Members were informed that the location of the access point from the current parking area when leaving the car park was restricted. The proposal was for a

new wider access point more centrally positioned onto Austhorpe Road. It was noted that a revised layout of the parking area had been submitted. The revised proposal would reduce the number of parking spaces from 14 to 10 with 6 of the spaces being reserved for the upper floor flats. Planning Officers were of the view that this was acceptable in planning terms.

Members heard that Highways officers did not support the proposals as they were of the view that the revised plan constituted an over-development of the site and that a reduction in off-street parking would not be in the interests of highways safety. It would also put additional pressure on parking in the town centre. Members were also informed that Highways Officers had concerns about the proposed new wider access point onto Austhorpe Road due to its proximity of the junction with Church Lane.

Members heard that comments had been received from Cllr. Peter Gruen and were read out at the meeting:-

- "I have no objection to the principle as the Centre needs to remain vibrant, diverse and competitive, flexible and agile. This application is right at the edge, however as long as the new residential units are space and amenity compliant, I do not object;
- 2. Concerned the Highways comments have been brushed aside by planning colleagues. Objections are a relative rarity and should therefore be given considerable weight. 2 Issues a deterioration in proper parking spaces and there usability –road safety issues at the access.
  - It begs the question whether the site is being used too intensively at the expense of more and better parking spaces?
  - The report alludes to the many traffic and pedestrian conflicts which take place along a hugely busy road, I believe more weight should be given to this.
- I note a comment regarding undischarged conditions from previous application on this site. I hope Panel Members will take such a history into account, when deciding how enforceable conditions in this report are.
  - In summary, I would hope that a further, detailed discussion with all involved, including myself, can take place to seek a viable way forward"

Cllr. Ron Grahame declared a non- pecuniary interest at this point as his wife is a Ward Councillor for Crossgates and Whinmoor. He said that he would take no further part in this item.

Mr Eamonn Judge assisted by Keith Furness attended the meeting and addressed the Panel highlighting the following points:-

- Parking issues were contrary to Highways advice
- Parking on pavements
- Attention drawn to 10.12 of the submitted report in relation to planning application for Wetherspoons which is currently at appeal
- No disabled parking proposed
- Parking spaces too near to property entrance
- Access point too close to a junction

- Waste management issues highlighted in relation to collection and bin sizes and distance of proposed bins to road
- No amenity space for residents

There were no questions from Members.

Tom Cook the agent attended the meeting. He responded to Members questions informing them of the following points:-

- The extension was a small increase to the ground floor;
- The bins would be serviced from Church Lane;
- Measurement was 16 metres from bin store to Church Lane:
- The proposal was for 1 additional flat, there would be no food waste only paper therefore there should be no difference to waste collections;
- Proposed parking bay 5 could be used as disabled parking as this wider:
- Currently there were 3 employee at the offices which may increase to 4 in the future.

Mr Cook said that he was open to suggestions from the Panel on parking resolutions.

The Panel debated the layout of the parking bays, the access to the parking area and the general area in relation to roads, and transport links. The Panel heard from both Planning and Highways officers about differences in criteria and guidance in relation to this application.

Cllr. Peter Gruen offered a meeting with all the Ward Members and interested parties to try and resolve this issue.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted report, with consultation with Ward Members.

# 17/04886/FU - Replacement dwelling with garage and associated landscaping 5 Wensley Drive, Chapel Allerton, Leeds, LS7 3QP

The report of the Chief Planning Officer set out an application for a replacement dwelling with garage and associated landscaping at 5 Wensley Drive, Chapel Allerton Leeds LS7 3QP.

The Panel had visited the site earlier in the day. Members were made aware that the objector at number 7 Wensley Drive had written to request that the application was heard at the Plans Panel, as the objector would not be able to attend the Panel meeting to voice her concerns.

The objector had raised a number of concerns with regards to the scheme, these were similar to those that had been highlighted within the submitted report. In addition to those concerns the objector states that the Panel report did not adequately address the concerns that were originally raised.

Members' attention was drawn to 10.9 of the submitted report noting that the distance between numbers 7 and 5 was 5 metres which was considered as acceptable in planning terms. It was also noted that the difference in ground levels with number 7 being set higher than the application would not have a negative impact upon the internal living conditions of number 7 by way of over-shadowing or dominance. Members heard that there may be some impact on the patio area of number 7 however, the impact of light to this area differs throughout the year and the view changes. It was noted that there is no inherent right to view and this would be insufficient impact to refuse the application.

Members heard that there was 3.8 metres beyond the wall at 2 story level and 2 metres at single storey level. It was the officers' view that the plans had been misinterpreted that an area of decking had been thought to be part of the building.

It was noted that the proposed build would not impact on the trees on the site.

Members were advised of additional conditions of obscure glazing to side window and of removal of permitted development rights for extension and outbuildings.

Members heard that concerns had been raised that the building was more designed as a House in Multiple Occupation (HMO). It was noted the Panel could not take into consideration on future build.

Cllr Wilkinson was disappointed that a bungalow was to be demolished and requested that it be checked that the obscure glazed window would not be able to open.

**RESOLVED** - To grant permission as set out in the submitted report with the following additional conditions:-

- 1. Obscure glaze side window
- 2. Removal of permitted development rights for extension and outbuildings.

# 74 17/03445/FU - Change of use of house (use class C3) to a house in multiple occupation (use class C4), 20 Reginald Mount, Leeds, LS7 3HN

The report of the Chief Planning Officer set out an application for change of use of house (use class C3) to a house in multiple occupation (use class C4) at 20 Reginald Mount, Leeds, LS7 3HN.

This application was presented to Plan Panel at the request of Ward Councillors Jane Dowson, Mohammed Rafique and Eileen Taylor who had raised concerns on high concentration of HMOs, parking and that HMOs could undermine the balance and health of communities.

Members had visited the site earlier in the day, maps, plans and photographs were shown at the meeting including a map of known HMOs in the area.

It was noted that there was a number of HMOs in the area but it was less than 3%.

Members noted that the property was of traditional Victorian terrace house which looked small but projected out towards the rear. The proposed layout was similar to that already used as the current house.

**RESOLVED** - To grant permission as set out in the submitted report.

## 75 17/04161/FU - Two storey detached outbuilding to rear 2A Allerton Park, Chapel Allerton, Leeds, LS7 4ND

The report of the Chief Planning Officer requested consideration on an application for a two storey detached outbuilding to the rear of 2A Allerton Park, Chapel Allerton, Leeds LS7 4ND.

Panel Members had visited the site earlier in the day. Plans and photographs were shown throughout the presentation.

Members were informed that the application site was a subdivision of a larger site of number 2 Allerton Park.

Members heard that the applicant was looking to build a summer house to the rear of the property which would be reached by a decked walkway from the main house.

Concerns had been raised that the new building may be used as a separate property for residential use. Members were reminded that should this be so at a future date this would be subject to a further planning application.

Concerns had also been raised in relation to the impact on trees and the modern design of the building. Members were advised that there would be minimal construction and a condition was specified for tree protection, replacement and landscaping. It was noted that although the building design was not conventional it would not be visible to public view.

Members were informed that the building proposed a mezzanine floor and this was to be conditioned to prevent the mezzanine floor coming to the end of the building.

Members were made aware of an objection received from the occupants of 18a Allerton Park which is located to the rear of the site. Their concerns related to:

• The panel report failing to make reference to the distance the outbuilding would be located from 18a Allerton Park.

- The rear elevation window directly overlooks number 18a. The panel report suggests the trees which are present near the boundary would screen views out from the window. The objector highlights that trees cannot be used for this reason as they have a limited life span and loose leaves in winter.
- Number 18a is significantly lower ground to the garden level of 2a and 2 Allerton Park. Therefore the proposed structure would appear as a 3 storey in height.

Members were advised the measurements had been checked are were 10 metres from the boundary and 19 metres from the property itself. Trees used as screening are tied in the distance, it was the officers' view that impact would be minimal.

Mr Bull occupant of 2 Allerton Park attended the meeting and explained to the Panel that in his opinion there were inaccuracies in the drawings relating to the boundary with his garage and 2 silver birch trees instead of 3 shown and the structure is shown in various position on various plans.

Mr Bull said that he had spoken with Cllr. Rafique on 4th November and he had said that the proposed building was too big and overbearing.

Mr Bull said that Conservation officers had raised concerns.

Mr Bull informed Members that there had been 14 local objections with non in support of the application.

Mr Bull said that he had 3 main areas of objection they were:-

- Visual intrusion
- Overlooking
- Use

He went on to say that a 2 storey garden house would be a visual intrusion at 6.5 metres high, due to the difference in ground levels he said that the building would loom between 8 and 9.5 metres above his property. The roof height he said was 1 metre lower than the apex of his roof and exceeded the height of his eaves by 3 metres. Mr Bull said that it would be 8.5 metres away at its nearest point.

Mr Bull said that the building would look discordant with its surrounding due to its size, the materials to be used and its dissimilarity to neighbouring properties.

Mr Bull informed the Panel that a window on the mezzanine would directly overlook his garden. A window on the south side directly over looks a balcony to his bedroom.

Mr Bull raised his concerns in the use of the proposed building as being for commercial use to rent out, office space, B&B, or for applicant whilst he rents out his current property.

Mr Bull suggested some conditions to be considered should the Panel decide to grant the application.

When asked if a smaller structure would be acceptable Mr Bull replied that something further away from his boundary towards the flats would be more acceptable. Principle concern is height and closeness to his boundary. He spoke about the current boundary being open and was of the view that screen and fencing structures would be erected in future.

Mr Lyons the applicant was at the meeting and informed the Panel that his motivation for the proposed building was his current property is a 3 bedroom house and he would like to invite friends and family to visit he did not intend to use it for commercial use.

Mr Lyons explained that a number of positions within his garden had been considered. However the tree officer was particular about its position to preserve the tree roots.

Mr Lyons informed Members that there was a window on the south, south east of the property but it was 9 metres away from Mr Bull's property.

Mr Lyons said that he was happy with the conditions set out in the report but was of the opinion that conditions should not be attached to withdraw any of the windows.

Clarification was provided to Members that conditions within the submitted report already addressed three of the conditions proposed by Mr Bull

Members noted that moving the structure towards the trees would damage the roots.

**RESOLVED** -To grant permission as set out in the submitted report.

#### 76 Date and Time of Next Meeting

To note the next meeting of the North and East Plans Panel will be on Thursday 21st December 2017 at 1:30pm

### Agenda Item 7



Originator: James Bacon

Tel: 0113 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: Appeal by Mr Darren Hirst (Just Design Ltd) against a refusal to grant planning permission (Ref: 16/07555/FU) for the construction of 13 dwellings at the Former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14.

The appeal was dismissed.

Electoral Wards Affected:	Specific Implications For:
Cross Gates and Whinmoor	Equality and Diversity
	Community Cohesion
Yes Ward Members consulted (referred to in report)	Narrowing the Gap
RECOMMENDATION: Members are asked to note the following approximately ap	opeal decision.

#### 1.0 BACKGROUND

1.1 This planning application was considered at North and East Plans Panel on 11<sup>th</sup> May 2017. Members resolved to accept the officer recommendation that planning permission be refused. The reasons for refusal were:

The Local Planning Authority considers the proposed development would represent an overdevelopment of the site as evidenced by its layout design and off-street parking arrangements resulting in the creation of large areas of frontage parking and an internal parking court which provides a poor quality environment and is not well overlooked. 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 occupants and the site appearance. Accordingly, the proposed development is contrary to the Core Strategy (2014) policies P10, P12 and T2, the saved UDP Review

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(2006) policies GP5, BD5, N23, N25 and LD1 and the design guidance contained within the Neighbourhoods for Living (SPG), Street Design Guide (SPD) and the NPPF.'

'In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the greenspace, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the requirements of the saved UDP Review (2006) policy GP5 and related Supplementary Planning Documents and contrary to Core Strategy (2014) policies G4 and ID2 and guidance in the National Planning Policy Framework.'

#### 2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 Firstly, the Inspector confirmed that the appellant had submitted a Unilateral Undertaking (UU) in respect of a contribution towards the provision of greenspace. The Inspector was advised that the UU addressed the second reason for refusal and consequently, the Inspectors did not consider the issue of the provision of greenspace further.
- 2.2 The main issues highlighted by the Inspector were:
  - Whether the proposed development would be likely to increase opportunities for crime and antisocial behavior and provide a safe or secure environment;
  - The effect of the proposal on the character and appearance of the area; and
  - Whether future occupiers would be likely to experience acceptable living conditions in terms of privacy, outlook and outdoor amenity space.

#### 3.0 SUMMARY OF COMMENTS

- 3.1 The appeal Inspector noted the evidence of a higher than national average crime figures for the local area (incl. anti-social behavior and criminal damage) and that efforts have been made to remove remote and non-overlooked parking courts and replace them with alternative parking solutions elsewhere on the Swarcliffe estate.
- 3.2 The Inspector commented that the proposed rear parking court would be enclosed by boundary fences and retaining structures preventing passive surveillance from grounds floors of the dwellings or rear gardens and give rise to secluded areas within the courts. Passive surveillance from first floor windows would be limited and the design and layout of the court is such that it would not give rise to a safe and secure environment. The Inspector was unconvinced that proposed measures, such as lighting, CCTV and the absence of landscaping (to avoid hiding places being created) would be sufficient to adequately deter crime and antisocial behaviour. In addition, the Inspector was not convinced that alternative boundary treatments to increase passive surveillance would be beneficial given impacts on secure rear gardens.
- 3.3 The Inspector noted that the site is subject to a Tree Preservation Order and whilst having regard to the stated condition of the trees considered the group of trees has considerable amenity value in an area where there are relatively few trees. The Inspector considered that the proposed replacement tree planting would not be adequate in the long term as they would be in relative close proximity to the proposed dwellings and parking areas and would be likely to come under pressure to lop, top, or fell as the trees mature.

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- The Inspector considered that the proposed dwellings would not appear out of character or that the frontage parking proposed would be excessive. To conclude this issue, the Inspector found the proposal to have an unacceptable effect on the character and appearance of the area where concerned with landscape matters and referred to the retention of existing features (i.e. existing trees) which make a positive visual contribution.
- 3.5 The Inspector did not consider that the gradients across the proposed development would render the garden areas unusable and that the layout, boundary treatments and separation distances would not be unacceptable in terms of privacy of future occupiers.
- 3.6 The Inspector also had regard to the appellant's query to the size of appeal site, that the proposal provide sufficient parking, use of local materials/ craftsmen, delivery of housing and density targets.

#### Conclusion

3.7 The Inspector concluded that the proposal is likely to increase opportunities for crime and antisocial behaviour and would have an unacceptable effect on the character and appearance of the area where the landscape is concerned.

#### 4.0 DECISION

4.1 The appeal was dismissed.

#### 5.0 IMPLICATIONS

The appeal decision reinforces the importance for layouts of development proposals to provide safe and secure environments as well as safeguarding landscape features which contribute positively to the character and appearance of an area. Achieving high quality design is advocated within the City Council's policies and supplementary design guidance.

#### **Background papers:**

Application file: 16/07555/FU

### **Appeal Decision**

Site visit made on 2 October 2017

#### by Philip Lewis BA (Hons) MA MRTPI

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

#### Appeal Ref: APP/N4720/W/17/3178647 Former site of Stanks Fire Station, Sherburn Road, Swarcliffe, Leeds LS14 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Darren Hirst, Just Design Homes Ltd against the decision of Leeds City Council.
- The application Ref 16/07555/FU, dated 25 November 2016, was refused by notice dated 12 May 2017.
- The development proposed was originally described as 'construction of 14 dwellings'.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural matters**

- 2. During the Council's consideration of the application the proposed development was changed to the construction of 13 dwellings and a number of detailed amendments made to the scheme. The Council determined the application on that basis and so shall I.
- 3. The appellant has submitted an additional plan with the appeal¹ showing site cross sections. This plan does not change the appeal scheme and I am satisfied that no interests would be prejudiced by me considering it and so I have taken it into account in making my decision.
- 4. The Council refused the appeal for two reasons. One of the reasons related to the absence of a planning obligation in respect of contributions towards the provision of greenspace. During the appeal, the appellant submitted a planning obligation in the form of a Unilateral Undertaking (UU). I wrote to the Council seeking their views on the UU and it was confirmed that it's provision addresses the reason for refusal. Consequently I shall not consider the issue of the provision of greenspace further. Additionally, as I am dismissing the appeal I shall not consider the adequacy of the UU in my decision.

#### **Main Issues**

- 5. Having had regard to the issues set out within the Council's remaining reason for refusal, I consider that the main issues for the appeal are:
  - Whether the proposed development would be likely to increase opportunities for crime and antisocial behaviour and provide a safe or secure environment;

<sup>&</sup>lt;sup>1</sup> Proposed site sections Revision S

- The effect of the proposal on the character and appearance of the area; and
- Whether future occupiers would be likely to experience acceptable living conditions in terms of privacy, outlook and outdoor amenity space.

#### Reasons

Crime and antisocial behaviour

- 6. Policy P10 of the Leeds Core Strategy 2014 (Core Strategy) is concerned with design and amongst other things sets out that proposals will be supported where they accord with listed key principles including that car parking should be designed in a positive manner and be integral to the development and development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion. Saved Policy GP5 of the Leeds Unitary Development Plan 2006 (UDP) sets out that development proposals should resolve detailed planning considerations, include the prevention of crime.
- 7. The National Planning Policy Framework (the Framework) in paragraph 58 includes amongst other things that planning decision should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life.
- 8. The appeal site has frontages onto Sledmere Place, Sherburn Road and Stanks Drive, with the proposed dwellings arranged so that each would have a road frontage. To the rear of the dwellings and accessed from Stanks Drive would be a parking court. This would be bounded by the rear garden boundary fences and retaining walls of a number of the proposed dwellings and an existing footpath linking Sledmere Place and Stanks Drive.
- 9. Whilst I have had regard to the appellants Crime Prevention Strategy, I have also had regard to the evidence regarding the higher than national average crime figures for the local area, including anti-social behaviour and criminal damage and that efforts have been made to remove remote and non-overlooked parking courts and replace them with alternative parking solutions elsewhere on the Swarcliffe estate.
- 10. I have had regard to the appellant's comments that internal garage court is overlooked by all the houses and so meets national guidelines. However, the proposed rear parking court would be enclosed by boundary fences and retaining structures which would prevent any passive surveillance from the ground floors of the dwellings or rear gardens and give rise to secluded areas within the courts. Whilst several first floor bedroom windows would overlook the parking court, any such passive surveillance would be limited and the design and layout of the court is such that it would not give rise to a safe or secure environment.
- 11. The appellant proposes that the parking court is lit, that CCTV monitored by each household would assist in deterring potential criminal activity and that there would be no landscaping which could create hiding places and secluded areas. Additionally, it is suggested that different boundary treatments could be used. However, there are no details of the proposed CCTV scheme before me, and the design of the court is such that there would be areas secluded by the boundary treatments. I am not convinced that the proposed measures would be sufficient to adequately deter crime and antisocial behaviour. Furthermore,

- on the balance of evidence, I am not convinced that the use of alternative boundary treatments to increase passive surveillance would be beneficial overall, given the implications for the provision of secure rear gardens.
- 12. To conclude on this matter, the appeal proposal is likely to increase opportunities for crime and antisocial behaviour and would not provide a safe or secure environment contrary to Core Strategy Policy P10, saved UDP Policy GP5, saved UDP Policy N25 which includes that boundaries of sites should be designed in a positive manner and with the Framework. It would also fail to accord with the guidance contained in the Council's Neighbourhoods a Guide for Residential Design in Leeds (Design Guide) and Street Design Guide Supplementary Planning Document in respect of safer places and car parking.

#### Character and appearance

- 13. The appeal site is subject to a Tree Preservation Order (TPO) relating to 7 trees. Whilst I have had regard to the appellant's Arboricultural Impact Assessment (AIA) and the stated condition of the trees, I consider that the group of trees has considerable amenity value, in an area where there are relatively few trees.
- 14. Whilst most of the trees on the Sherburn Road frontage would be retained, the appeal scheme requires the removal of a sycamore, which the AIA indicates is in good physical condition and of moderate quality. This tree is significant within the context of the immediate area. Additionally, there is a cherry tree also in good physical condition, which is stated to be of a low quality. The appeal scheme also requires the removal of a cheery tree which is stated to be unsuitable for retention. Two of the retained trees would be close to and would overhang proposed parking spaces which might lead to future pressure to lop, top, or fell the trees and few details are provided as to the effect of changes to ground level upon the retained trees.
- 15. Although the appeal scheme includes the planting of 16 new trees, I note that these would be in relative close proximity to the proposed dwellings and parking areas and consider that these would also be likely to come under pressure to lop, top, or fell as the trees mature. Consequently, I do not consider that the replacement planting would be adequate over the long term.
- 16. The proposed dwellings would be arranged in short terraces along the street frontages and the design of the dwellings proposed would not appear out of character with nearby dwellings. Whilst curtilage parking does not appear to be a typical feature of the area, I nevertheless do not find that the frontage parking proposed to be excessive, nor consider that parking would dominate the frontages. It is proposed that bin stores are provided to the front of a number of some dwellings. Should I be minded to allow the appeal, I could specify a planning condition requiring the submission of the details of the appearance of the bin stores for approval.
- 17. I find that the appeal scheme would have an unacceptable effect on the character and appearance of the area contrary to Core Strategy Policies P10 and P12, which are concerned with landscape and saved UDP Policy GP5. In addition it would conflict with saved UDP Policy LD1 which is concerned with landscaping and includes amongst other things that sufficient space is allowed around buildings to enable existing trees to be retained in a healthy condition and new trees to grow without significant adverse effect on amenity or

structural stability of buildings. Furthermore, the proposal conflicts with saved UDP Policy N23, which includes amongst other things, that existing features which make a positive visual contribution should be retained where possible.

#### Living conditions

18. Each of the proposed dwellings would be provided with enclosed rear gardens of a length in excess of 10 metres and whilst garden slopes are indicated as being up to 1:10, this would not be so steep so as to render them unusable. Due to the layout of the dwellings, boundary treatments and the separation distances the appeal scheme should not be unacceptable in terms of privacy for future occupiers. The submitted cross section plans indicate that the combined height of boundary treatments and retaining walls would be no more than about 2.15 metres which I do not consider to be excessive. Consequently, I find that future occupiers would be likely to experience acceptable living conditions in terms of privacy, outlook and outdoor amenity space. In this regard the appeal proposal does not conflict in part with Core Strategy Policy P10 or with the relevant guidance in the Council's Design Guide. This does not however outweigh my findings in respect of the other main issues.

#### Other matters

- 19. I have had regard to the outline planning permission<sup>2</sup> granted for the appeal site and the comments by the appellant regarding an error in the original planning application regarding the size of the appeal site. I take taken into account that the appeal scheme was designed so as to meet the Councils Design Guide and that the density of development accords with relevant Council policy.
- 20. I have also taken into account that the scheme provides for sufficient parking spaces to meet Council policy and has been designed so to minimise the carbon footprint of the works and that it is intended as far as possible, that local craftsmen and materials would be used for the development. I have also had regard to the need to provide more housing and the references to the Housing White Paper 2017 regarding the need to reach certain density to avoid loss of Green Belt and greenfield sites. Additionally I have had regard to the comments made in support of the appeal scheme by interested persons, that it would provide much needed housing with nice sized gardens and parking and would bring an unattractive cleared site back into use. I have also had regard to the comments that the scheme would use the potential of the site to the full unlike the previous scheme approved and that the scheme would look like a recent development nearby. These other matters do not however lead me to a different conclusion.

#### **Conclusion**

Philin Corvis

21	. For	the abo	ove r	easons	and	having	considere	ed all	l matters	raised,	I	conclude	tha
	the	appeal	shou	ıld be d	ismi	ssed.							

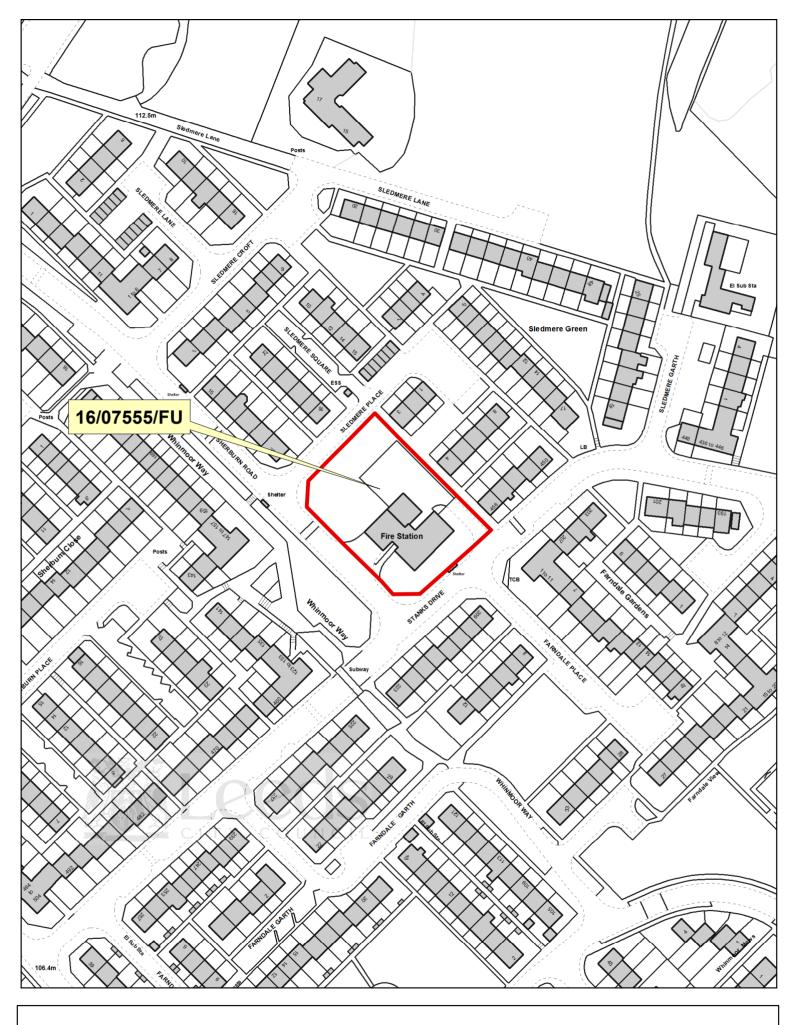
Thup Lewis	
INSPECTOR	
<sup>2</sup> 16/01766/OT	

# DO NOT SCALE NOTE: ALL DIMENSIONS/LEVELS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT +30.30 FFL 35.60 FFL + VISITOR VISITOR BINS COLLECTION POINT 13 PLACE CAR PARKING SLEDMERE 12 12 11 11042 6 DRIVE Rear Amenity space 100 sq.m STANKS 98 sq.m 82 sq.m 98 sq.m

SHERBURN ROAD

PROPOSED SITE LAYOUT SCALE - 1:100 @ A0 - 1:200 @ A2

Revision J



## **NORTH AND EAST PLANS PANEL**

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY OF CALLS

SCALE: 1/1500



### Agenda Item 8



Originator: **Daniel Child** 

Tel: 0113 3787988

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: 17/00029/OT – Appeal against the non-determination of outline application

for 26 dwellings and means of access on land at Ridge Meadows, Northgate

Lane/Tibgarth, Linton, Wetherby, LS22 4GS

Appellant: Kebbell Developments Ltd

Electoral Wards Affected:	Specific Implications For:					
Harewood	Equality and Diversity					
Yes Ward Members consulted	Community Cohesion  Narrowing the Gap					

RECOMMENDATION: TO CONTEST THE APPEAL that has been made against the non-determination of the planning application for the following putative reasons:

- 1. The proposal is contrary to policy SP1 of the Leeds Core Strategy which sets out the spatial development strategy for Leeds, being based on the Leeds settlement hierarchy and which aims to concentrate the majority of development within and adjacent to the main urban area and major settlements where it can benefit from existing services, adequate levels of accessibility and priorities for urban regeneration.
- 2. Development in this unsustainable, village location is contrary to paragraph 70 of the NPPF which in part provides that decisions "...ensure an integrated approach to considering the location of housing, economic uses and community facilities and services". The proposal is also contrary to paragraph 38 of the NPPF that seeks that, where practical "...key facilities such as primary schools and local shops should be located within walking distance of most properties". The appeal site lies outside of the Main Urban Area, in a village location, which is unacceptably remote from local services. The proposed location is not sustainable for residential development. The site fails unacceptably to meet the accessibility standards for housing to be located within relevant walking times to local services, employment, secondary education or town centres, nor is it within a 5 minute walk to a bus stop offering a 15 minute frequency service to such

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services and facilities or a major public transport interchange, as set out in the adopted Accessibility Standards of the Leeds Core Strategy. The proposal is contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review, and also the NPPF.

- 3. The site is a Protected Area of Search under (saved) Policy N34 of the UDP Review. The site also constitutes safeguarded land for the purposes of the NPPF, paragraph 85. The release of this PAS site for housing would be contrary to Policy N34 and paragraph 85 (bullet 4). Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review, which proposes the development.
- 4. The Development of the appeal site would be (unacceptably) premature, contrary to the advice given by the Planning Practice Guidance (Paragraph 014 Reference ID: 21b-014-20140306). The Development would predetermine decisions relating to the scale and phasing of new housing and/or employment development and the emerging designation of safeguarded under the (very advanced) Submission Draft/Site Allocations Plan (SAP). The proposal would have a prejudicial, pre-determinative effect on decision taking with regards to directing new development through the SAP and community involvement in the plan-making process. Alternatively, even were the Development not 'premature' for the purposes of the PPG, it is nonetheless contrary to emerging policy under the SAP, having regard to paragraph 216 of the NPPF.

#### 1.0 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 6<sup>th</sup> October 2017.
- 1.2 As part of the anticipated appeal process, the Local Planning Authority (LPA) will in due course submit evidence in explanation of its assessment of the application. In light of the views of officers on the application as submitted (that is it is not acceptable) it is necessary for the LPA to determine how it would have been minded to determine the application and evidence what its (putative) reasons for refusal would have been had it determined the application. Accordingly, this report recommends to Members several putative reasons for refusal and accordingly seeks a decision from Panel.
- 1.3 The planning application was submitted on 3<sup>rd</sup> January 2017. Since that time officers have considered consultation responses and local representations in order to negotiate with the applicant with the intention of narrowing the basis for objection/refusal.
- 1.4 Members are also made aware that the applicant submitted on 9<sup>th</sup> October 2017 a new application for the appeal site in attempt to resolve outstanding issues and circumvent pursuit of the appeal. The new application 17/06609/OT is a resubmission of application 17/00029/OT.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a linear plot of land located outside the existing village of Linton, Wetherby. The site is a broadly flat plateau with the land falling steeply away to the west, south and east. Long-range views across open land to the north are possible from Sicklinghall Road and views are also possible from the A58 to the east. The site is bounded by vegetation and is rough grassland within. The

vegetation to the site boundaries is mixture of hedgerows, self-seeded vegetation and more established individual trees.

- 2.2 Linton itself was originally a nuclear settlement with a core of historic development close to its centre, however later development has produced a more radial village, with housing dispersing outward along the roads which enter the village. Its historic core is characterised by a simple agrarian style and houses are largely built from magnesian limestone. There is then a collection of houses from the early to mid-twenty century which reflect an Arts and Crafts pastiche style, and these are usually detached dwellings constructed in a palette of stone and render. More modern dwellings lie to the outer edges of the village and these are also detached houses, usually within spacious plots and again with a mixed palate of stone and render.
- 2.3 The site is a wedge that lies between the houses set north of Northgate Lane and those on 'The Ridge'. Both of these areas are relatively modern (mid-late twentieth century) and are characterised by large individual dwellings set within verdant plots.
- 2.4 Tibgarth is one of the more recent housing developments within the village (see Relevant Planning History) and lacks the verdure of earlier development. The existing access road serving Tibgarth would be utilised, with the new access point crossing the front of No. 7 Tibgarth and the road then snaking to the east/south east in order to navigate the gradient change.
- 2.5 The appeal site from the application form comprises 4.16ha and is designated as a Protected Area of Search for long term development in the UDP (2006) Review (37. The Ridge, Linton) for the purposes of Policy N34.
- 2.6 The site is proposed as Safeguarded Land within the Submission version of the Site Allocation Plan reference HG3-7 with an indicative capacity for 100 dwellings. Safeguarded Land provides a reserve of potential sites for longer term development post 2028 and to protect the Green Belt.
- 2.7 The site is a greenfield site of which 16.23% has an agricultural classification of Grade 2 and 83.77% of Grade 3.

#### 3.0 PROPOSAL:

- 3.1 The application proposes the construction of 26 dwellings with means of access. The following are supplied in support of the application and have been considered:
  - Illustrative Masterplan
  - Site Layout
  - Topographical Survey
  - Access vertical and horizontal sections
  - Access swept path
  - Ecology Survey
  - Transport Statement
  - Planning Support Statement
  - Representations to the SAP
  - Phase I Desk Study
  - Flood Risk Assessment
  - Design and Access Statement

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 17/06609/OT: An identical planning application was submitted on 9<sup>th</sup> October 2017, after the appeal was submitted. This application remains pending.
- 4.2 14/04340/OT: Outline application for residential development including means of access. Refused on 23<sup>rd</sup> January 2017 for the following reasons:
  - (i) Prematurity: The LPA considers that the release of the site for housing development would be premature, being contrary to saved policy N34 of the UDP and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Linton needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Linton means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.
  - (ii) Spatial Vision: The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Linton which is consistent with the size, function and sustainability credentials of a village. Furthermore, the Core Strategy states that the "priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions" which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP1 of the Core Strategy. In advance of the Site Allocations Plan the proposal represents such an expansion of the village that it is likely to adversely impact on the sustainability of Linton, contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.
  - (iii) Sustainability: The development of this site for residential purposes has poor sustainability credentials, represents an inefficient use of land and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. As such it is contrary to policy H3 of the Core Strategy. Also, in the absence of any

- planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy, and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which require that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- (iv) Spatial and Landscape Character: The Local Planning Authority considers that the development of this site for up to 10 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Linton, that would result in an overly dispersed form of development that fails to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide an appropriate Design Code which would ensure that the development had a coherent character which responded well to its immediate context and the wider character of Linton Village and the adjacent conservation area. The Local Planning Authority also considers that, in the absence of an agreed design for the access road, the development would be contrary to the landscape character of the wider area. As such, the proposal would be contrary to Policies P10, P11 and P12 of the Core Strategy, the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the National Planning Policy Framework.
- (v) Trees and Ecology: In the absence of a detailed topographical survey, levels information, arboricultural impact assessment, and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development would cause harm to protected species and the arboricultural and ecological amenities of the site, as well as the wider landscape character, contrary to Policy G8 and P12 of the Core Strategy and the guidance within the National Planning Policy Framework.
- (vi) Obligations/S106: In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary on site affordable housing, Greenspace and the offered public transport (Metro Cards), contrary to the requirements of Policies H5, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.
- 4.3 33/331/96/FU 10 Detached Dwellings. Approved and built (Tibgarth cul-de-sac). Access to the appeal development is via the access serving this development.

#### 5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised as a major development through site notices which were posted around the appeal site on 27<sup>th</sup> January 2017 and through publication in the Yorkshire Evening Post in a notice dated 1<sup>st</sup> January 2017.
- 5.2 No written comment has been received to date from any Ward Councillor.
- 5.3 A total of 123 representations (120 objections) have been received in relation to the application. A number of the objections are however repeat comments. The objections raised can be summarised as follows:
  - Inadequate infrastructure and local amenities;
  - Steep and dangerous access;
  - Harm to highway safety;
  - Development of this site is premature in the plan-making process;
  - Proposal is 'side-stepping' the plan making process;
  - Proposal is 'side-stepping' the neighbourhood plan process;
  - Site is isolated and in an unsustainable location, will result in a heavy reliance on the private car;
  - Disruption caused by building works;
  - Lack of capacity in local schools;
  - · Greenfield site sites should not be developed;
  - Impact on / loss of wildlife;
  - The site is occupied by badgers and other protected species;
  - Impact on property prices.
  - Lack of community involvement.
- 5.4 Linton Village Society objects to the proposal on grounds that can be summarised as follows:
  - It does not accord with the development plan; it is contrary to policies controlling the sustainable location of new development; it conflicts with CS Spatial Policy 1 because Linton falls at the bottom of the settlement hierarchy.
  - The development does not comply with the Council's adopted accessibility standards as set out in the CS.
  - There has been no material change in circumstances on the ground or in planning policy that point towards a materially different conclusion to that which was reached by two Planning Inspectors who rejected allocation of the application site for housing in the 2001 UDP and 2006 UDP Review because fundamentally Linton is not a sustainable location for new housing development.
  - Impact on the character and appearance of the area.
  - Impact on the living conditions of existing residents on Tibgarth.
  - Impact on the local highway network and the achievement of safe vehicular and pedestrian access.
  - Lack of information in the submission
  - The LVS stands by the views expressed locally in the final draft Linton Neighbourhood Plan which wishes to see it returned to the Green Belt.
  - The majority of reasons for refusing the 2014 proposal have not been overcome and so remain as valid objections to the revised proposal.
  - The appeal decisions cited by the applicant are not directly comparable to Linton, which has been found to be a fundamentally unsustainable location for development on any scale.

- The location has been independently assessed as being an unsustainable location and its conflict with the adopted and emerging planning policies, and the inefficient development of the site, are considered to significantly and demonstrably outweigh the benefits of delivering 26 new homes in this rural location (including the affordable housing provision).
- Lack of community involvement.

#### 6.0 CONSULTATION RESPONSES:

### **Statutory**

- 6.1 <u>LCC Highways</u>: The application seeks outline planning permission with access the only matter for consideration at this time. Layout, parking and servicing arrangements have not been considered at this stage and will need to be addressed as reserved matters.
- The site fails (and unacceptably so) to meet Core Strategy Accessibility Standards in terms of access to local services, employment, education, health and town/city centres. From a transportation perspective this is not considered to be sustainable, any future residents having an over reliance on use of the private car. The principle of residential development at this location requires further consideration with regards to the on-going site allocations process and other planning merits.
- 6.3 Careful consideration should also be given to recent appeal decisions, in particular Leeds Road Collingham, as residential development of 150 units that also failed to meet accessibility standards. The appeal was allowed with the Inspector concluding that, notwithstanding the objectives of the Core Strategy Accessibility Standards, this did not represent sufficient reason in the circumstances of the appeal scheme to justify withholding planning permission.
- Whilst it is acknowledged that the proposed access is an extension of and maintains the longitudinal gradient of Tibgarth, in terms of its suitability as a pedestrian routs the proposed gradient of 1:11 is greater than the desirable maximum of 1:20 and exceed the recommended maximum of 1:12, which research suggests will cause problems for people with mobility impairment.
- It is proposed to access the site from Tibgarth, which is to be extended into the site. Tibgarth, which is unadopted, is a traditional estate road with a typical carriageway width of around 5.5m with 1.8m footways to either flank. The Transport Statement indicates that the proposed access will have a gradient of 1:11, whist this is greater than the desirable maximum it is acknowledged that Tibgarth is of a similar gradient.
- Given the limited access frontage and the significant level difference between Tibgarth and the site plateau to give the Highway Authority comfort that an appropriate access can be achieved a long section and cross sections of the proposed access road are required. The sections should show the vertical and horizontal alignment of the access road, indicating the existing and proposed ground levels, gradient, vertical curves and details of any retaining structure.
- In terms of design geometry the access road must have a carriageway width of 4.8m; in this instance it is considered that a 2m wider footway to one side with 0.6m margin to the other side would be acceptable. Localised widening may be required on bends and vehicle tracking should be provided demonstrating that a refuse vehicle can pass a private car.

A review of accident records indicates that there have been no recorded accidents in the vicinity of the site in the preceding five year period.

### Non-statutory

- 6.9 West Yorkshire Combined Authority: Good pedestrian access to/from bus stops should be provided taking into account the needs of the elderly and mobility impaired. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes. The fund could be used to purchase discounted Residential Metro Cards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase scheme, and car sharing promotion and or further infrastructure enhancements. The contribution appropriate for this development would be £12,769.00 [The applicant is agreeable to such a contribution under and S106 agreement].
- 6.10 <u>LCC Contaminated Land</u>: The Phase 1 Desk Study submitted in support of the application identifies the needs for a Phase 2 Site Investigation Report on part of the site. Ideally this should be provided prior to determining the application, however, should approval be recommended or there be insufficient time to obtain the recommended information then conditions are recommended. It should be noted that depending of the outcome of the Site Investigation a Remediation Statement may also be required [The applicant is agreeable to the use of conditions here].
- 6.11 <u>LCC Conservation:</u> The site in question is immediately adjacent to the Linton Conservation Area, and as such consideration should be given to the impact on the setting of the heritage asset. Whilst adjacent and at a high topographical level, the impact on the character and appearance of the conservation area is limited due to existing natural screening and existing properties. It is important however to reinforce this screening through a mature planting screen. This should ensure that the impact when viewed from within the conservation area should be mitigated.
- 6.12 <u>LCC Nature Conservation:</u> (Initial comment in relation to 17/00029/OT) Insufficient up to date Ecological Survey information as per previous requests in relation to 14/04340/OT there has been no botanical assessment of the site at an appropriate time of year (summer). This is recognised in the re-submitted report by Brooks Ecological in para 19 on page 9 which refers to the need for a grassland survey and Thistle Broomrape survey (which is a protected species). The resubmitted report dated December 2016 is only a desk-based revision to incorporate the revised layout rather than a report based on an up to date re-survey and summer time botanical assessment of the site. The only ecological visit was in November 2013 and this is not acceptable to identify the botanical importance of the grassland areas.
- As well as confirming the presence/absence of Thistle Broomrape and being able to assess magensian limestone grassland flora, par 51 page 16 of the report states that Summer bat monitoring of the site is required to evaluate the use of the site by bats (another protected species). I agree with this statement and a series of bat activity transect surveys in Spring/Summer should be carried out and assessed prior to determination.
- Once the botanical survey information has been carried out at an appropriate time of year there should be consideration of the West Yorkshire Local Wildlife Site Criteria to assess whether any of the Grassland Criteria are met. It would useful to Page 32

have clarification on any change in the status of other protected species that may have previously been confirmed as present – relying on a survey from 2013 is not acceptable.

- 6.15 (Comment in relation to 17/06609/OT of 29<sup>th</sup> November 2017) The updated Ecological Appraisal by Brookes Ecological dated February 2017 is adequate to more fully understand potential impacts on any calcareous grassland communities that may be present and Thistle Broomrape. If consent is granted, a suitably worded condition would need to be attached to ensure a pre-commencement botanical survey is carried out in May/June to confirm the likely absence of Thistle Broomrape and identify any scarce plans and seed bank to be protected and reused in subsequent landscaping works. Likewise condition wording would be required for up to date Badger Surveys, a Biodiversity CEMP and BEMP. The applicant is agreeable to such conditions.
- 6.16 However at this stage confirmation is still required to confirm which part of the site will be allocated for: Green Belt buffer planting within the site (not part of private garden space); Permanent Badger sett exclusion zone i.e. 30 metre cordon with permanent fencing (robust steel estate fencing with dense thorny shrub planting on both sides of it to prevent access by walkers/dogs) to be managed and monitored by a specialist ecological management company/body; Biodiversity Enhancement Areas for calcareous grassland creation and management as meadow (can form part of informal opens space but must be managed and monitored by a specialist ecological management company/body); formal open space to accommodate dog walking and more intensive amenity uses to ensure less pressure is placed on the above areas. All the above different land uses need to be shown clearly labelled on a drawing to demonstrate that identified wildlife/features can be provided alongside residential use of the land.
- 6.17 (Comment of 04th December 2017 in relation to 17/06609/OT) In addition to the comment of 29th November 2017 we need reassurance that the area to be used for a replacement Badger sett is suitable for this purpose. It is possible that the area of land in this area has thin soils and rocky substrate that will make it difficult for Badgers to extend their new artificial sett. A more suitable location for a new Badger sett may need to be on the northern parts of the site where the soils are deeper – and although these details could be resolved at Reserved Matters Stage there is likely to be an impact on the layout of some plots/garden space from the exclusion zone that will be required around this [and goes on to recommend locations]. There will need to be additional Badger foraging/commuting surveys to determine the interaction of this clan and adjacent clan of Badgers, to ensure connections are maintained between different populations and sufficient food resources remain available. These surveys can be carried out prior to Reserved Matters stage to confirm that the agreed sett location will allow the best connectivity.
- (Comment of 07<sup>th</sup> December 2017 in relation to 17/06609/OT following receipt of additional landscape plan) Having reviewed the additional plan of 07<sup>th</sup> December 2017 from Brooks Ecological, showing 3 different potential locations for the Badgers, I am satisfied that they can be accommodated at a later stage if this proposal is consented.
- 6.19 <u>LCC Flood Risk Management</u>: Flood Risk Management are satisfied that the proposed development will not be at significant risk of flooding. Regarding the proposed surface water drainage strategy:

- Further evidence is required to demonstrate that disposal of surface water to soakaway is not practicable or feasible.
- ii) The Flood Risk Assessment states that 5L/s is the minimum rate of discharge which can practicably be achieved. This is not strictly correct. We require the size of any of any flow control device to have an orifice size of at least 75mm in diameter. In some circumstances this allows flows to be reduced down to 3.5L/s. The proposed discharge rates will therefore need to be agreed with the local planning authority as part of the detailed drainage design.
- iii) Given that this is a major development there is an expectation that the site will incorporate SuDS, rather than buried tanks and oversized pipes, unless the developer is able to demonstrate that the cost of the former exceeds the cost of the latter. The developer will need to provide this information with any reserved matters application, because a SuDS solution is likely to impact on the proposed layout.
- Flood Risk Management are nevertheless satisfied that the site can be drained without increasing flood risk elsewhere and do not have any objections to this outline application [subject to conditions requiring a drainage scheme following a feasibility study into the use of infiltration drainage methods carried out in accordance with BRE Digest 365].
- 6.21 (Further comment following advice from Geotechnical colleagues) Following advice from the Council's Geotechnical Section concerning the suitability of the site for soakaways [that archive data is not representative of the ground conditions beneath the area, that the site is underlain by Permian Cadeby Formation (limestone) with outcrop patterns suggesting approximately 20m 30m of limestone beneath the site, and the near surface limestone underlain by Upper Plompton Grit (sandstone), both of which are suitable for soakaways, and the likelihood of water flooding downslope areas being remote) ground investigation should be carried out along with soakaway tests to investigate the potential for their use. The previous comments still stand.
- 6.22 LCC Landscape: (Initial comment summary) Concerns in the absence of a tree survey and trees have not been displayed on the main layout and masterplan and there is no impact assessment on existing trees and vegetation or information on what trees will be removed. As a result of these omission a full assessment is not possible. There are some significant changes to the masterplan from 14/04340/OT which include building on a large group of trees/vegetation in the middle of the site and some appear to be included in gardens and the loss of the amenity value of this group should be considered. The proposed path is disjointed and needs to be coherent and legible and the proposed public open space is not well located or integrated. The impact of the roadway access on existing trees needs to be understood and the interface with the Green Belt needs to meet the requirements of policy N24, and consideration should be given to existing vegetation and trees being outside of private gardens.
- 6.23 (Summary in response to further information) The illustrative masterplan proposes retained and new structure planting and green space which would help integrate development on this site in landscape terms. Were outline consent granted some fine tuning for example of the buffer planting on the north western boundary outside gardens and addressing nature conservation comments would be required, in relation to on-site green space provision. Any finalised layout would require a fuller arboricultural impact assessment to BS5837:2012 to inform plot

footprints and levels in relation to trees to protect tree root zones. Guidance should then also be had to Guideline Distances from Trees: Securing Space for Existing and New Trees [Section 6 on Distances to Trees retained under Neighbourhoods for Living SPD]. A landscaping scheme could then be provided at Reserved Matters stage.

- 6.24 Further advice has been received following refusal of application reference 14/04340/OT
- 6.25 <u>Yorkshire Water</u>: If planning permission is to be granted development a condition should be imposed to ensure that the development is carried out in accordance with the submitted flood risk assessment, in order to protect the local aquatic environment and YW infrastructure [The applicant is agreeable to the recommended condition].
- 6.26 West Yorkshire Police Architectural Liaison Officer: At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial [The applicant is agreeable to meeting].
- Mest Yorkshire Archaeology Advisory Service: (Comment made in relation to resubmission 17/06609/OT) The application site comprises an area of previously undeveloped land in an area of known archaeological potential to the north of 20th century developments. Crop marks observed on aerial photographs show settlement and agricultural activity to the north-east and south-west of the proposed development. This activity probably dates to the late Prehistoric or Roman periods (PRNs 4163, 4178 and 4144). A late Roman burial was also reported to have been found during the construction of "Keldale" in the 1920s to the immediate east of the site.
- 6.28 The site forms a plateau at 50m above ordnance datum overlooking the river Wharfe with views to the north-east and south-west. This location is likely to have been attractive to human habitation or exploitation during much of the Prehistoric and later periods.
- 6.29 Given the known activity in the vicinity, the site's archaeological potential should be fully evaluated prior to development of the site.
- 6.30 The site will be redeveloped with 26 dwellings, access routes, services and utilities etc. Any archaeological remains within the developed area will be destroyed.
- 6.31 We therefore recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as your advisors on archaeological matters. This is in accordance with the NPPF (paragraph 128).
- 6.32 The field evaluation would involve a geophysical survey and the excavation of a number of archaeological evaluation trenches to establish the site's archaeological potential. We recommend that the evaluation should be carried out predetermination in case remains worthy of preservation in situ are located on the

application site. The evaluation would also establish if further archaeological work is necessary to mitigate the impact of the development. A pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and timescales) of the project.

- Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission; to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').
- 6.34 To reiterate, we recommend that a decision should be deferred until the applicants have carried out an archaeological evaluation. However, if the Planning Authority is minded to grant permission, we would recommend that the above works are secured by the attachment of a suitable condition in accordance with the Department of the Environment's Circular 11/95:
- "No demolition or development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."
- Or, as an alternative to the above model condition which was first introduced in 1990, the following condition is suggested by Historic England in their Historic Environment Good Practice Advice, Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, 2015 paragraph 37:
- 6.37 No demolition/development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
  - i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

#### 7.0 RELEVANT PLANNING POLICIES:

#### The Development Plan

7.1 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), The Aire Valley Area Action

Plan (2017), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.

- The site lies within the Linton Neighbourhood Plan area. A claim for judicial review brought by Kebble Developments against the decision of the Council (dated 4<sup>th</sup> November 2015) to allow the Linton Neighbourhood Plan to proceed to referendum was heard by the Planning Court, but dismissed by Mr Justice Kerr on 28th October 2016. An appeal from the decision of Kerr J was heard on 30<sup>th</sup> November 2017. The judgment of the Court of Appeal is pending.
- 7.3 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan:
  - The Leeds Core Strategy (Adopted November 2014) (CS);
  - Saved UDP Policies (2006), included as Appendix 1 of the CS;
  - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).
- 7.4 The following CS policies are particularly relevant:
  - Spatial policy 1 Location of development;
  - Spatial policy 6 Housing requirement and allocation of housing land;
  - Spatial policy 7 Distribution of housing land and allocations;
  - Spatial policy 8 Economic Development Priorities;
  - Spatial policy 13 Strategic Green Infrastructure (The Wharfe Valley)
  - Policy H1 Managed release of sites;
  - Policy H2 New housing development on non-allocated sites;
  - Policy H3 Density of residential development;
  - Policy H4 Housing mix;
  - Policy H5 Affordable housing;
  - Policy H8 Housing for independent Living:
  - Policy P9 Community facilities and other services;
  - Policy P10 Design;
  - Policy P11 Conservation;
  - Policy P12 Landscape:
  - Policy T1 Transport Management;
  - Policy T2 Accessibility requirements and new development;
  - Policy G1 Enhancing and extending green infrastructure;
  - Policy G4 New Greenspace provision;
  - Policy G8 Protection of species and habitats:
  - Policy G9 Biodiversity improvements;
  - Policy EN2 Sustainable design and construction;
  - Policy EN5 Managing flood risk;
  - Policy ID2 Planning obligations and developer contributions.
- 7.5 Emerging development plan policy under the Linton Neighbourhood Plan, and additionally under the SAP, has also been considered.
- 7.6 The CS sets out a need for 70,000 new homes up to 2028 and identifies the Main Urban Area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.

- 7.7 It advises that the provision will include existing undelivered allocations (paragraph. 4.6.13).
- 7.8 CS Policy SP7 sets out that the housing target for the Outer North East Housing Market Characteristic Area is 5,000 units.

## Site Allocations Plan (SAP) - Submission Draft

- 7.9 The Submission Draft/SAP was submitted to the Secretary of State for Examination on 5 May 2017. The Examination is anticipated to hear the housing session (this being the final SAP stage) in mid-2018.
- 7.10 The SAP proposes to retain the application site sits as Safeguarded Land under policy HG3-7.
- 7.11 For the purposes of the approach to be taken to emerging planning policy, the advice on prematurity under the PPG, and under paragraph 216 NPPF, the SAP is considered to be at a very advanced stage. Furthermore, for the purposes of paragraph 216 NPPF, the policies of the SAP relevant to housing are considered to disclose a high degree of consistency with the NPPF. Also, the extent to which unresolved objections to these relevant policies fall to be considered at the Examination, it is not considered that these are of any particular significance.
- 7.12 Consequently, it is considered that very significant weight can properly be given to relevant emerging SAP policies, both within the context of prematurity and also paragraph 216 NPPF.

## Safeguarded Land

As directed by Policy SP10 of the Adopted Core Strategy, the SAP needs to create and/or maintain designations for safeguarded land to provide a pool of land for housing and employment far beyond the plan period. The justification to Policy SP10 notes: "Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF". Paragraph 2.60 of the Submission SAP notes that "Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)". Policy HG3 notes that:

#### POLICY HG3 - SAFEGUARDED LAND

THE SITE ALLOCATIONS PLAN DESIGNATES SITES TO BE SAFEGUARDED FROM DEVELOPMENT FOR THE PLAN PERIOD (TO 2028) TO PROVIDE A RESERVE OF POTENTIAL SITES FOR LONGER TERM DEVELOPMENT POST 2028 AND PROTECT THE GREEN BELT. THESE ARE SHOWN ON THE POLICIES MAP. IN OUTER NORTH EAST THE SITES DESIGNATED AS SAFEGUARDED LAND ARE:

Plan Ref	Address	Area ha	Capaci
HG3-7	The Ridge, Linton	4.1	100
HG3-8	Leeds Road Collingham	6.5	100
HG3-9	West Park, Boston Spa	4.1	110
HG3-10	Grove Road, Boston Spa	3.9	103
HG3-11	Chapel Lane (land to the east of), Clifford LS23	1.6	36
HG3-12	Wood Lane (land off), and east of the former rail way, Scholes, LS15	1.9	60
HG3-13	Scholes (east of)	32.1	850
	Safeguarded land total:		

- 7.14 Safeguarded land is that which has been removed from the Green Belt to meet longer-term development needs for both housing and employment.
- 7.15 The SAP has sought to meet the Core Strategy requirement of safeguarded land equivalent to 6,600 homes (albeit it is observed that safeguarded land could be released to meet needs for both housing and employment in the long term).

## Housing Allocations in Outer North East

- 7.16 The indicative target for the Outer North East, as set out in the CS, is 5,000 units. The target does not mean that land for 5,000 homes needs to be found as there are already 1,482 identified homes with planning permission or comprised within existing allocations.
- 7.17 The residual target is 3,518 homes.
- 7.18 In line with Policy H1 of the CS on the managed release of sites, the SAP allocates 3,301 in Phase 1 on 20 sites, and 217 in Phase 3.
- 7.19 This provides a total supply from allocations of 3,518, which together with identified homes brings the total SAP allocations to 5,000 homes (which meets the CS target).
- 7.20 It should also be noted that permission for up to 104 dwellings at Grove Road, Boston Spa was granted by the Secretary of State on appeal in June 2016, and permission for circa 150 dwellings was granted by the Secretary of State on appeal at Leeds Road, Collingham in December 2016.
- 7.21 Unitary Development Plan (UDP) policies of relevance are listed, as follows:

GP5: General planning considerations;

N23: Development of incidental open space

N25: Landscape design and boundary treatment;

- N24: Development proposals abutting the Green Belt;
- N25: Development and site boundaries;
- N29: Archaeology;
- N34: Protected Areas of Search;
- N35: Development and agricultural land;
- N37A: Development within the countryside.
- BD5: Design considerations for new build;
- T7A: Cycle parking;
- LD1: Landscape schemes;
- LD2: New and altered roads.

### Linton Neighbourhood Plan

- 7.22 Policies in the neighbourhood plan are divided into the following six categories:
  - A Preservation and Enhancement of the Built Environment
  - B New Housing Development
  - C Village Facilities, Services and Assets of Community Value
  - D Footways and Public Rights of Way
  - E Green Space; and
  - F Local Economy
- 7.23 The following policies are relevant to the proposal:
  - A1 Design of development
  - A2 Community Involvement
  - **B3** Housing Type
- 7.24 Policies B1 (Small Scale Development) and B2 (Access to Facilities) are not relevant because they relate to small developments of less than 10 dwellings within the built-up part of Linton and the application proposals are neither.
- 7.25 The neighbourhood plan sets out a list of priority projects for Linton one of which is the aspiration of returning all or part of The Ridge to Green Belt and agricultural use.

#### Natural Resources and Waste Local Plan (NRWLP)

7.26 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

Policy General 1 – Sustainable Development;

Policy Air 1 – Management of Air Quality Through Development;

Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;

Policy Water 1 – Water Efficiency;

Policy Water 2 – Protection of Water Quality;

Policy Water 6 - Flood Risk Assessments:

Policy Water 7 - Surface Water Run Off;

Policy Land 1 – Contaminated Land;

Policy Land 2 – Development and Trees.

## Supplementary Planning Guidance / Documents:

- 7.27 Street Design Guide (SPD)
- 7.28 This document was adopted in August 2009 and includes guidance relating to highway safety and design.

Sustainable Design and Construction (Building for Tomorrow Today) (SPD)

7.29 This document was adopted in August 2011 and provides guidance on sustainable construction.

Designing for Community Safety (SPD)

7.30 This document was adopted in May 2007 and provides advice on designing out crime.

Travel Plans (SPD)

7.31 This document was adopted in February 2015 and provides advice on when Travel Plans are required and how to undertake one.

Public Transport Improvements and Developer Contributions (SPD)

7.32 This document was adopted in January 2008 and advises how development should be planned in conjunction with public transportation infrastructure improvements. Although contributions for these have now been superseded by CIL the guidance retains relevance. The document is presently being revised.

Leeds Parking Policy (SPD)

7.33 This document was adopted in January 2016 and advises on parking standards for new development.

Neighbourhoods for Living: A Guide for Residential Design for Leeds (SPG)

7.34 This document was adopted in December 2003 and provides advice on creating well planned and designed developments.

Greenspace Relating to New Housing Development SPG4

7.35 This document was adopted in July 1998 and provides general guidance on the provision of greenspace in new residential development. Although Core Strategy policy G4 now covers the amount of greenspace provision within a development the SPG still contains useful guidance.

S106 Contributions for School Provision SPG11

7.36 This document was adopted in February 2001 and provides guidance on education contributions. Education contributions are now sought under CIL and not under Section 106. However the guidance remains of some relevance.

Sustainable Urban Drainage SPG22

7.37 This document was adopted in July 2004 and provides advice on minimising flood risk and dealing with drainage in new developments. This should be read in conjunction with Minimum Development Control Standards for Flood Risk, last updated May 2007.

Greening the Built Edge SPG25

7.38 This document provides advice on the landscape treatment of the edge of development adjacent to open land.

Parish of Collingham with Linton Village Design Statement

- 7.39 This document was adopted in February 2010 and outlines the character of the villages to be respected in new development and makes recommendations for the management and enhancement of those characters.
- 7.40 Linton Conservation Area Appraisal and Management Plan
- 7.41 This document was adopted in February 2010 and sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement.

## National Planning Policy Framework (NPPF)

- 7.42 The NPPF compliments the requirement under section 38(6) of the 2004 Act 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 NPPF policies, the greater the weight they may be given.
- 7.43 The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary.
- 7.44 The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both planmaking and decision-taking.
- 7.45 Paragraph 14 NPPF provides, specifically in the context of decision-taking, that development proposals that accord with the development plan should be approved without delay, and where the development plan policies are out of date etc., planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or unless specific policies in the NPPF indicate development should be restricted. These matters are discussed further below.
- The proposed development does not accord with the Development Plan. Indeed, multiple and significant conflicts arise, as confirmed by the putative reasons for refusal. These include the conflict with the spatial strategy, policy T2 and Core Strategy accessibility standards, and with saved UDP policy N34 (PAS) and paragraph 85 NPPF.
- 7.47 The site was considered as a potential housing allocation under the Site Allocations process. The site was not considered to be any preferred housing allocation, but was instead considered to be suitable as safeguarded land, for the following reasons: "The site is designated as a Protected Area of Search (PAS) in

the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the Core Strategy settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land".

- 7.48 The LPA notes that under paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Whilst the LPA is unable to demonstrate a five-year supply of deliverable housing sites (with the shortfall in housing land also having duly been taken into account by the LPA), nonetheless, none of the policies which support the putative reasons for refusal amount by definition to relevant policies for the supply of housing.
- 7.49 Nor is the development plan 'silent' for the purposes of paragraph 14 of the NPPF.
- 7.50 Further and in any event, paragraph 85 NPPF (with which policy N34 is consistent) is a specific policy under paragraph 14 NPPF that indicates that development should be restricted. Therefore, even were there relevant development plan policies that should be considered to be 'out of date', or were the development plan to be considered 'silent' (neither of which is the case), it remains that planning permission should not be granted by virtue of paragraph 85.
- 7.51 Further still, this is a case in which, ultimately, an approval of the Development would give rise to conspicuous adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, applying paragraph 14 of the NPPF. In assessing the adverse impacts of the Development the Council has considered sustainability in an appropriately broad and purposeful way, with due regard being given to the environmental, economic and social dimensions of sustainability as defined under paragraph 7 the NPPF, etc.
- 7.52 In terms of the economic dimension, the appeal site is not the appropriate location for residential development that will potentially displace general employment and/or housing uses, which will in turn meaningfully support economic growth and the local and wider economy. In terms of the social dimension, the residential development of the appeal site will not be adequately accessible or responsive to community (or wider) transport or accessibility demands, etc.
- 7.53 The LPA naturally acknowledges that the appeal proposal promotes a (small) quantum of housing and whilst this provision is to be welcomed in and of itself (as is the case in each housing scheme), when viewed in the context of the proposed development when taken as a whole and considered on its merits, it is clearly not sustainable.
- 7.54 In the result therefore, the proposed development is not sustainable in NPPF terms (just as it is not for the purposes of the development plan). In terms of the proposed development specifically, no presumption under paragraph 14 positively applies in favour of approval.
- 7.55 Further and in any event, even were the decision-taking presumption under paragraph 14 to positively favour the appeal proposal (which it does not), for the Page 43

purposes of section 38(6) of the Act, the LPA nonetheless concludes that this material consideration (taken together with other material considerations) would not prove sufficiently significant as to indicate that planning permission should be granted. This is in light of the multiple, conspicuous and very harmful breaches with the Development Plan and having regard to the objectionable prematurity of the proposal in PPG terms (see further below).

- As above, this is also a case in which emerging policy under the SAP (which strategically carries forward the safeguarding function provided for under policy N34, etc.) means that the proposed development is objectionably premature. Even if not premature, very significant weight should be attached to the SAP by virtue of paragraph 216 of the NPPF.
- 7.57 The NPPF also identifies 12 core planning principles (paragraph 17), including that planning should:
  - Proactively drive and support sustainable economic development to deliver homes;
  - Seek high quality design and a good standard of amenity for existing and future occupants;
  - Conserve and enhance the natural environment;
  - Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
  - Promote mixed use developments and encourage multiple benefits from the use of land in urban areas; and
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.
- 7.58 By paragraph 32 of the NPPF, it is advised that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decision-taking should properly take account of matters including whether the opportunities for sustainable transport modes have been taken up. By paragraph 35 of the NPPF, opportunities for sustainable transport modes should be exploited. Where practical, priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Where practical, safe and secure layouts should be provided which minimise conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of Chapter 4 of the NPPF. Safety is expressly referenced in the NPPF in the context of the support that should be given by roadside facilities: paragraph 31.
- 7.59 Paragraph 111 of the NPPF advises that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
- 7.60 Policy at Annex 1 to the NPPF (Implementation) includes paragraph 215 which is to the effect 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 NPPF, the greater the weight that may be given. The

degree of consistency between relevant, existing policies and the proposed development has been appropriately considered.

- 7.61 At paragraph 216 the NPPF also advises on the weight to be given to emerging plans, which is of relevance to the SAP (of which there is a Submission Draft, and which is at a very advanced stage following four years of detailed assessment and consultation, including with local people):
- 7.62 As above, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Planning Practice Guidance:

7.63 Further to the NPPF, appropriate regard has been had to the PPG (paragraph 014 Reference ID: 21b-014-20140306) which advises on the circumstances in which it can be justifiable to refuse planning permission on the grounds of prematurity.

#### 8.0 MAIN ISSUES:

Principle of development
National Guidance – five year supply
Site Allocations Plan
Highways and transportation
Education
Affordable Housing
Ecology
Drainage and flood risk
Heritage
Other matters
Section 106 obligations and CIL

#### 9.0 APPRAISAL:

#### Principle of development

Site context:

- 9.1 The site is currently allocated as a Protected Area of Search (known as safeguarded land in the NPPF) through (saved) Policy N34 of the UDP Review. The release of this PAS site for housing is contrary to Policy N34 of the UDP Review.
- 9.2 Development of the PAS site would unacceptably undermine the plan-led system and be contrary to bullet point 4 of paragraph 85 of the NPPF which states that

"planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review, which proposes the development".

9.3 Policy N34 of the UDP states:

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

37 The Ridge, Linton

- 9.4 The general extent of Green Belt and the boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001. These were not changed in the UDP Review 2006.
- 9.5 The aim of Policy N34 is to ensure the necessary long-term endurance of the Green Belt. The definition of its boundaries was accompanied by designation of Protected Areas of Search (safeguarded land) to provide land for longer-term development needs.
- 9.6 The saved UDP safeguarding function is retained not least to maintain the permanence of Green Belt boundaries and to provide flexibility for the City's long-term development for both housing and employment land. The UDP further sets out in supporting text that the suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (Local Plan). Meanwhile, it is intended that no development should be permitted on the appeal site that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as a departure from the Plan.
- 9.7 The (very advanced) SAP proposes to retain The Ridge, Linton as Safeguarded Land, under policy HG3-7, albeit there is a change from PAS to Safeguarded Land.
- 9.8 This follows on from comparative site assessments, the consideration of (technical evidence base) cumulative and synergistic implications of development, and also consideration of consultations undertaken as part of the SAP process. This is in accordance with Core Strategy Policy SP10, and the creation and/or maintenance of designations for safeguarded land to provide a pool of land for housing and employment for beyond the plan period. The justification to Policy SP10 notes that "Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF". Paragraph 2.60 of the Submission SAP notes that "Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)".
- 9.9 The Core Strategy outlines the Spatial Development Strategy through a series of strategic policies to promote and deliver development. The strategy identifies which areas of the District play key roles in delivering development and ensuring that the distinct character of Leeds is enhanced.
- 9.10 In considering future development, the unique and distinctive aspects of Leeds fall to be considered and these features should be preserved and enhanced. It is considered that the historic pattern of development is key to the delivery of future growth and will be used to guide future development. This will ensure that the

majority of growth is focused within the Main Urban Area. Other established settlements will also benefit from new development.

- 9.11 The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances only (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option.
- 9.12 The Settlement Hierarchy is the framework to guide future development opportunities and is set out in Core Strategy Policy SP1 that prefaces the Council's spatial strategy. The hierarchy prioritises the location of future development within, and adjacent to, urban areas. The hierarchy acknowledges that there are still development opportunities within settlements that should be prioritised and enables regeneration opportunities to be realised, through phasing of land opportunities over the period of the Strategy.

## National Guidance - Five Year Housing Land Supply

- 9.13 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. 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. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 9.14 The proposed housing development on the appeal site would not contribute significantly or indeed swiftly to housing land supply.

### Core Strategy

9.15 When assessing the site against policies contained within the adopted CS and the NPPF, it is clear that location of the site sits at the bottom of the settlement hierarchy as set out within Strategic Policy 1 of the CS, as the site is poorly served by facilities and public transport infrastructure. SP1 reads:

"To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with the following principles:

- i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlement will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability,
- ii) In applying (i) above, the priority for identifying land for development will be as follows:
  - a. Previously developed land and buildings within the Main Urban Area/relevant settlement,
  - b. Other suitable infill sites within the Main Urban Area/relevant settlement,

- c. Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement, (inter alia)"
- 9.16 The proposal is not located within, or as an extension to, the Main Urban Area. It fails to comply with policy SP1(i) and fails to ensure that housing development is being delivered to take advantage of existing services and high levels of accessibility. The development of is such a small scale that it could not overcome the sustainability shortcomings identified, and it is not of a density which could meet policy H3. Albeit it is increased from refused proposals for 10 it could not possibly achieve the indicative level of 100 dwellings without overwhelming local infrastructure requirements and damaging local character.
- 9.17 Not only does the site fail Policy SP1 on a settlement hierarchy basis (criterion (i)), it fails the more detailed criteria on the priorities for identifying land within or adjacent to such settlements in that the site is neither previously developed land nor considered to form an infill within the main urban area, albeit it does represent the rounding off of the village it does not fall within the settlement hierarchy. This is contrary to Core Strategy SP1 and the strategic growth strategy.
- 9.18 The draft SAP proposes continuing the site's safeguarded land designation to contribute to a reserve of land with potential for longer term development.

## Schools Infrastructure Provision

- 9.19 The provision of schools infrastructure is a key element of the Site Allocations Plan. This meets the Government's ambitions as set out in the NPPF. Para 72 states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools".
- 9.20 CS Policy SP6 sets the strategic framework for the allocation of housing land for the plan period. It states that local facilities are key to the determination of what constitutes a sustainable location:
- 9.21 Guided by the Settlement Hierarchy, the Council will identify, subject to review, 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:
- 9.22 Sustainable locations (which meet standards of public transport accessibility see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure):
  - Core Strategy Policy P9 and its justification in paragraph 5.3.36 and 5.3.37 relate to the provision of new facilities for education. It states that the Allocations Documents will identify a need for new schools where developers will be required to reserve land for education facilities.

#### Education and Training

9.23 An increasing school age population means that Leeds is facing significant pressure to ensure that basic need is met for statutory education.

- 9.24 Educational provision is experiencing significant change with the introduction of Academies and Free Schools. However the duty to ensure all children and young people have a school place remains the responsibility of the Council.
- 9.25 New educational facilities will be required to meet increased demand either through extensions to existing establishments or through the building of new schools in areas of housing growth or adjacent to them.
- 9.26 Applicants are required to reserve land for education facilities where this need is identified in LDF Allocations Documents and contributions will be sought to deliver these facilities.
- 9.27 Similar consideration will also be given to community needs for sufficient early years, childcare, and appropriate youth provision.

## Policy P9 Community Facilities and Services

- 9.28 Access to local community facilities and services, such as education, training, places of worship, health, sport and recreation and community centres, is important to the health and wellbeing of a neighbourhood. New community facilities and services should be accessible by foot, cycling, or by public transport in the interests of sustainability and health and wellbeing.
- 9.29 Facilities and services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses.
- 9.30 The scale of the facility or service should be considered in conjunction with the level of need within the community and its proposed location within the Settlement Hierarchy.
- 9.31 Where proposals for development would result in the loss of an existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified.
- 9.32 The SAP has considered the link between new housing growth and schools provision. This SAP in most cases either secures schools provision via detailed site requirements within large scale housing developments or ensures that such allocations are near to existing provision (which has capacity) or near to new proposed schools.
- 9.33 This finds support in the NPPF which states at paragraph 38: "For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties".
- 9.34 From the draft SAP the following points are relevant:
  - Whilst safeguarded for the plan period the consideration of school place provision for the plan period and beyond has considered the potential future role of the safeguarded sites.

- Schools provision within the wider HMCA involves the allocation of a site for a new school at HG2-226 Land to the East of Wetherby so as to serve allocations within and around Wetherby;
- Alternative more sustainable sites are reflective of a strategic approach to the allocation of schools places within the local area.

## NPPF: Further

- 9.35 It is considered that development in the proposed location would be inconsistent with paragraph 70 of the NPPF. This provides that planning policies and decisions "ensure an integrated approach to considering the location of housing, economic uses and community facilities and services".
- 9.36 The proposed development also conflicts with paragraph 38 that seeks, where practical, "key facilities such as primary schools and local shops should be located within walking distance of most properties". Residents would have to travel significantly beyond the site to access most services and the proposal would not be within the required walking distance of any such key facilities, as set out in the adopted Accessibility Standards of the Leeds Core Strategy.
- 9.37 Using a central point postcode of the site and actual travel distance, the site sits approximately 1.5 miles away from Wetherby Town Centre and 1.2 miles to Collingham Lower Order Local Centre.
- In assessing the wider HG3-7 safeguarded site as part of the Site Allocation Plan, consideration was given to accessibility of the site, which was ranked as 1 out of 5 (1 being the lowest) in terms of access to public transport infrastructure. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the CS Settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retrained as Safeguarded Land.

#### Site Allocations Plan

- 9.39 The appeal site lies on the edge of the relatively small village of Linton.
- 9.40 The appeal site was originally included in the Green Belt in the Wetherby Rural and District Local Plan (1984).
- 9.41 The site was removed from the Green Belt under the 1999 UDP when it formed a PAS site. In recommending that the site be removed from the Green Belt and be safeguarded under policy N34 the inspector commented at para 917.8 that:
- "Linton is however a relatively small settlement with few facilities and not well served by public transport. The allocation of a site such as this, even bearing in mind SP5(ii), would not accord well with the advice in PPG13 or the main strategic aims of the UDP. The site is however otherwise reasonably satisfactory in terms of its development potential, and would be a useful addition to the list of sites which should be removed from the GB and safeguarded under Policy N34 for potential development in the longer term."

- 9.43 The principle of allocating Linton PAS for residential development was considered but dismissed during the UDP Review. The inspector then also concluded that the site was not a suitable housing site, commenting at paras 24.109 240 that:
- "Turning to the question of whether the site should be allocated for housing, the AUDPI Inspector considered that if building was restricted in height and extent it would not be readily seen. I agree and, although the Council argued that this would not necessarily be what a developer had in mind, normal development control powers should be adequate to control visual impact. However, what would be acceptable visually would be unlikely to achieve the higher densities sought in PPG3. And, given the character of the surrounding area and also the restricted access, I believe the Council would be hard-pressed to secure a development that was both acceptable in the locality and made efficient use of land."
- 9.45 More fundamentally, Linton is not in my view a sustainable location for further development on any scale. The AUDPI Inspector commented that allocation of the site would not accord well with the aims of PPG13, or the main strategic aims of the UDP, and that remains the case, with the further guidance on sustainability in PPG3 now also weighing against it. Linton essentially has only a bus service to Leeds and Wetherby, a public house and a village hall (albeit a large and well-appointed one), and it was accepted for the objector at the Inquiry that it was neither well located for access to jobs, shops and services by modes other than the car, nor complied with the PPG3 search sequence. (24.109).
- 9.46 As part of the SAP process, a detailed assessment was conducted in respect of sites with housing potentials in the Wetherby area. This exercise included The Ridge. Sites were assessed and compared against their sustainability (see later section on Site Assessment).
- 9.47 The outcome demonstrates that The Ridge is a less sustainable location for housing development. It is not suitable for housing allocation on its own terms and was considered through the SAP process to be less preferable and sustainable than alternatives in the HMCA.
- 9.48 In conclusion therefore, the application site was assessed to be unsuitable for housing in the SAP, was not needed for employment land in this plan period and performs a role as safeguarded land in line with Policy SP10, the appeal site is proposed to remain safeguarded, under policy HG3-7 (see SAP Para 3.6.10).
- 9.49 For the purpose of paragraph 216 of the NPPF the SAP is at a very advanced stage of preparation. It was submitted to the Secretary of State for Examination on 5 May 2017. The expectation is for the Examination in public will resume in Summer 2018. For the purpose of paragraph 216 of the NPPF also, the relevant policies of the SAP are considered to disclose a high degree of consistency with the NPPF.
- 9.50 Section 2 of the SAP explains the need to designate sites as safeguarded land to provide a strategic reserve of land for long-term use post 2028 and protect the Green Belt, some of which may have employment potential.
- 9.51 Section 3 Policy HG3 designates sites to be protected as safeguarded land for both housing and employment.

#### Site Assessment

9.52 The SAP site assessment for HG3-7 states that:

"The site is designated as a Protected Area of Search (PAS) in the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the Core Strategy settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land."

- 9.53 The site sits inside a wedge of land, above a small village. It is not within or adjacent to the Main Urban Area or the smaller settlements.
- 9.54 The site assessment highlights the lack of connection to the urban area is a fundamental constraint in considering this site for development.
- 9.55 Other sites have been allocated in the SAP in terms of bringing forward housing in this part of the housing market characteristic area, these include, amongst other sites:
  - HG2-19, Land at Sandbeck Lane, Wetherby, a 6.3ha site identified for 165 units under Phase 1.
  - HG2-20, Mercure Hotel, Wetherby Road, Wetherby, a 2.4ha site identified for 86 units under Phase 1.
  - HG2-226, Land to the east of Wetherby, a 55.4ha site identified for 1,080 units under Phase 1.
- 9.56 These are the closest allocated sites that fall within the Outer North East Housing Market Characteristic Area, and they all contribute to meeting the planned housing numbers for the area over the Core Strategy period. Policy H1 of the Core Strategy advises that in the event of a lack of a 5 year housing land supply sites from latter phases will be brought forward. In fact some land has been brought forward from Phase 3 of the SAP on land at Rudgate Park, Wetherby (Site HG2-227), consistently with paragraph 47 of the NPPF.
- 9.57 The Outer North East area is expected to contribute 5,000 additional units to the housing target over the Plan period, with the sites above contributing 1,351 units approximately. Further to this, outline and reserved matters planning permission for a residential development of 325 units have been granted on identified housing site HG1-28 Spofforth Hill, to the western edge of Wetherby, which has started and is expected to deliver 50-60 units per annum and which will see a total of 49 affordable housing units being built on the site. Development has also taken place on the brownfield former Forensic Science Service site in Wetherby which has delivered 57 homes including 20 affordable units.
- 9.58 Each of the proposed, omission and safeguarded sites in the Site Allocations Plan has been subject of sustainability appraisal, in line with an up to date Sustainability Framework (which includes up to date national, sub-regional and local plans, policies and programmes). Looking at the Sustainability Appraisal (SA) scores for each of the above sites, HG3-7 discloses one of the worst comparative scores. It comparatively scores "significant negative effects" in the following 6 objectives: SA11 (Greenfield and brownfield land), SA12 (Biodiversity and geological conservation), SA13 (Greenhouse emissions), SA16 (Local needs), SA19 (Landscape), SA22a (Energy and natural resources), and "negative effects" in the following 5 objectives: SA03, SA04, SA06, SA08 and SA15. Giving a negative appraisal in half of 22 objectives this is indicative of the sites unsustainability. In contrast the Collingham former PAS site scored "significant negative effects" in 4

objectives, and "negative effects" in 4 objectives giving a negative appraisal in 8 out of 22 objectives. And that development was of a scale that some meaningful improvements might be capable of being deliverable.

- 9.59 The SA, the wider evidence base and site assessment, including comments from statutory and other consultees assists to some extent in determining a range of site requirements to address and mitigate the impacts of housing development upon sustainability objectives for all the allocated sites: for example; the need for highway infrastructure improvements and to ensure accessibility to services and facilities, to regenerate brownfield sites and protect the landscape and ecological considerations.
- 9.60 This headline analysis, above, of the SAP site assessment is provided for context only and sits squarely with the Council's view that detailed examination of choices made through the SAP is a matter for determination through the examination process.
- 9.61 As Core Strategy SP1 states:

"The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability,"

- 9.62 The appeal site does not constitute a natural or appropriate extension to any of the existing settlements that lie nearby, unlike those that are allocated either through the UDP or the Site Allocations Plan.
- 9.63 Policy SP6 of the Core Strategy sets out the Authority's policy for allocating housing and considers sustainable locations as a key consideration:

"Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)"

- The site is located at the bottom of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and it unacceptably fails to meet Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Collingham and Wetherby and it is highly likely that future occupiers will need to travel by car to access them. On this basis, the proposed development conflicts unacceptably with the Accessibility Standards, and with policy SP1. It does not represent sustainable development and would therefore conflict with the overarching aim of the NPPF. There has been no material change in circumstances in relation to access to local services and facilities to undertake day-to-day activities since two previous UDP examinations found that the site should be rejected for housing development because Linton is fundamentally an unsustainable location for major housing development.
- 9.65 In terms of services and facilities, the nearest train station to the appeal site is at Pannal some 7.8 miles away, with the closest bus stop in the village being beyond CS accessibility standards. Other bus stops in Collingham require access across the historic Linton Bridge, which has recently been reopened following major repair to significant damage done during the Boxing Day floods, but it has a footway on only one side that is unlit. Linton Lane has no continuous footpath or lighting and

the village is only served by one bus service, the X99, which does not meet the required Core Strategy accessibility standard of 4 buses per hour.

- 9.66 The appeal site therefore is not sustainably located in relation to access to local facilities and services including education and health and therefore cannot be seen to be compliant with policy SP6 of the Core Strategy.
- 9.67 As previously mentioned, the negative scoring of the site against the SA criteria provides evidence that the site does not have sustainable access to local facilities and services, (including Educational and Health Infrastructure) and therefore does not comply with policy SP6.
- 9.68 Adopted CS Policy SP10 notes: "A review of the Green Belt will need to be carried out to accommodate the scale of housing and employment growth identified in Spatial Policy 6 and Spatial Policy 9, as well as an additional contingency to create new Protected Areas of Search (to replace those in the UDP which will be allocated for future development)".
- 9.69 The justification to this policy states in paragraph 4.8.6 that: "The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF." Safeguarded land in Leeds is not simply to provide for future housing needs.

#### **Prematurity**

- 9.70 The Development is wholly inconsistent with the SAP.
- 9.71 The SAP process is the correct method for determining the relative merits of all sites considered for development. The appeal site (HG3-7) has been considered through that process and it has been determined that there are more sustainable alternatives to meeting the housing requirement in the ONE Housing Market Characteristic Area for the plan period.
- 9.72 In line with the advice of the PPG and NPPF it is considered that the Plan led system is the most appropriate mechanism for determining whether residential development of this scale should be supported on the appeal site. The SAP considers a range of sites to distribute sustainable allocations in line with CS levels of development.
- 9.73 The SAP provides for a range of suitable, available and achievable sites for the plan period and does not need to rely on the application site.
- 9.74 Even if the site were sustainable for the proposed housing (which is not the case), it is the LPA's view that given the scale of development on this site (at 26 units), granting permission to the proposal would have an unacceptable prejudicial impact in terms of the SAP which seeks to bring forward more sustainable forms of development first.
- 9.75 Properly applied, the Planning Practice Guidance advises against this development proposal:

- "...where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

## **Highways and Transportation**

- 9.76 Further to the consultation response set out above the Council's Transportation Development services have reviewed the additional plans supplied (Drawing Nos. 1266-DDN-03 Rev. C, 1266-DDN-04 Rev. A, and 266-ATR-001 Rev. A).
- 9.77 It has been demonstrated using vehicle tracking that the access is of sufficient width to enable a refuse vehicle to pass a car. This has necessitated localised widening of the carriageway, which varies in width from around 5.5m where it ties in to the exiting carriageway at the end of Tibgarth, increasing to around 6.3m wide on the bend, reducing to 4.8m as the access levels off to the site plateau. The access incorporates a 2m wide footway along the right hand channel with a 0.6m wide margin to the left hand channel. The access extends from Tibgarth at a longitudinal gradient of 1:11, whilst this is greater than the recommended maximum gradient of 1:20, the existing gradient of Tibgarth is around 1:11. Given that the proposed access maintains the existing gradient of Tibgarth, it is considered that it would be difficult to substantiate its unsuitability as a vehicular access and in principle the access is considered acceptable to serve development of the scale proposed.
- 9.78 Whilst it is acknowledged that the proposed access is an extension of and maintains the longitudinal gradient of Tibgarth, in terms of a pedestrian route, the proposed gradient of 1:11 is likely to cause problems for pedestrians especially people with mobility impairment. The gradient of 1:11 is based on the centreline of the carriageway; the actual gradient of the footway on the inside of the bend will be nearer 1:9. As previously stated in terms of accessibility the site fails to meet Core Strategy Accessibility Standards with regards to accessibility to; local services, employment, education, health care and town and city centres. From a transportation perspective the site is not considered to be sustainable, any future residents having an over reliance on use of the private car.
- 9.79 It is considered that the collective effect of the gradient of pedestrian access routes and the distance from local facilities, employment, health and education will act as a deterrent to walking and cycling and that future residents of the development would have an over reliance on use of the private car. From a transportation perspective the site is not considered to be sustainable.
- 9.80 The plans submitted acknowledge that there is currently no survey data available for the area where the proposed access road ties in to Tibgarth, given the limited access frontage, between two existing properties, and the significant level difference between Tibgarth and the site plateau the Highway Authority require

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further information, as previously advised, to demonstrate that the access being proposed can actually be constructed within the constraints off the site, the potential impact this may have on surrounding properties and how this could be mitigated.

- 9.81 Construction of the access will require the excavation of a significant volume of material. It has been suggested that much of this excavation will be rock. To enable the Highway Authority to properly understand and assess the scale of these works and how these can be achieved within the constraints of the site frontage the following information would be required;
  - Volume of material to be excavated
  - Number of vehicle movements generated transporting excavated materials
  - Construction method statement, indicating proposed working methods
  - How construction plant, vehicles, materials and staff will access the site during construction
  - Estimated duration of construction works

# <u>Putative Reason for Refusal 3: Accessibility Outstanding Issues and areas of concern</u>

9.83 It is noted that the location of the site and the nature of the existing public transport infrastructure is such that the site falls significantly short of the Core Strategy accessibility standards. The accessibility standards for residential development serving 5 or more dwellings are set out in the Core Strategy. These standards apply across the whole of the Leeds District.

## Public Transport

- 9.84 The Core Strategy Accessibility Standards and Public Transport SPD requires the maximum walking distance to a bus stop not to exceed 400m; and to a rail stop not to exceed 800m. As it stands the majority of the site lies outside the recommended walking distance to a bus stop with acceptable service frequency and the nearest rail stop to the site is at Pannal some 7.8 miles away.
- 9.85 West Yorkshire Combined Authority (WYCA) recommends a contribution towards sustainable travel measures, such as Metro Cards, cycles and car club measure. The site doesn't however have easy access to bus services.

#### Walking/Cycling

- In terms of wider accessibility issues, the site not is within an acceptable walk of existing local services, employment, secondary schools or local centres. The nearest shops are located within the centre of Collingham and these are approximately a 1.2 miles away, with an estimated walk time of approximately 30 mins. The nearest primary school (Collingham Lady Hastings C of E primary school) and doctor's surgery (Church View Surgery) are also located in Collingham at a similar distance and similar walk time. The nearest secondary schools (Wetherby High School/Boston Spa High School) are also located well outside the recommended walking distance of 2400m (30 min walk) and the walking time to and service frequency for bus services does not meet the requirement.
- 9.87 Linton Lane has no continuous footway and the listed Linton Bridge a footpath on only one side, and neither are lit. It is considered that existing pedestrian

infrastructure serving the appeal site is limited and/or unattractive and that the appeal proposal would be likely to unacceptably increase reliance on the car.

#### Education

9.88 The Councils Sufficiency and Participation Team advise that they would expect a development of 26 family dwellings of 2+ bedrooms to yield approximately 7 primary aged pupils which equates to 1 child per year group. The nears schools to the development appear to be Collingham Lady Elizabeth Hastings C of E Primary School, with a walking distance of 0.9 miles, and Crossley Street Primary School, Wetherby, with a walking distance of 1.6 miles. Both schools are popular and our current projections indicate that these schools may be oversubscribed in future years. However, there are currently more places available than the number of children living nearest these two schools for every year until 2021 and, therefore, it should be possible for the schools to absorb the estimated small amount of additional demand generated by this proposed development.

## Affordable Housing

- 9.89 Core Strategy policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 9 units. The applicant proposes 10 in excess of the requirement and is agreeable to a S106 obligation in this regard.
- 9.90 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative affordable housing locations are included in the submission. The quality and mix of the affordable units will be the same as the open market dwellings. If the application were considered to be acceptable in all other respects, this would be secured through a S106 agreement.

#### **Ecology**

9.91 Additional information submitted from Brooks Ecological shows three different potential locations for Badgers. These considerations can be conditioned for details to be submitted at the Reserve Matters stage if the application was considered acceptable in all other respects. The Nature Conservation Officer has raised no objection to the proposal, subject to such conditions, which include biodiversity enhancements and management's plans. It is noted a number of the objections received relate to the loss of wildlife and eco-systems. The matter of ensuring habitat re-creation for the Badger and translocation of the Thistle Broomrape are capable of being addressed. It is not therefore considered that this could constitute a reason for refusal, as it did under the earlier refused proposals which lacked adequate information in this regard.

#### Drainage and Flood risk

9.92 The application has been supported by a full Flood Risk Assessment and drainage strategy. The Council's Flood Risk Management Team are satisfied that the development will not be at risk of flooding, or increase the risk of flooding elsewhere. They recommended conditions to deal with feasibility studies with regard to the use of infiltration drainage methods. Yorkshire Water are satisfied with the submitted Flood Risk Assessment and have raised no objections to the proposal subject to conditions to require adherence to it.

## **Heritage**

- 9.93 The Council must pay special attention to the desirability of preserving or enhancing Linton Conservation Area. It was extended from its 1981 boundary in 2010 taking it further northwards towards the application site. It takes in the more historic core of the village which sits at a lower level than the application site. Broadly speaking the northern extent of the conservation area takes in dwellings along either side of Northgate Lane, Main Street, and Linton Lane (to the southwest, south and south east, respectively), all of which occupy land at a lower level than the application site. The 2010 Linton Conservation Area Appraisal and Management Plan was approved on 22nd February 2010.
- 9.94 The Council's Senior Conservation Officer comments that although adjacent to Linton Conservation Area and at a higher topographical level, the impact on the conservation area is limited due to existing natural screening and existing properties. It is however important to reinforce this screening though screen planting to ensure that the impact when viewed from the conservation area is mitigated.

## **Other Matters**

- 9.95 Contamination: The Council' Contaminated Land Team notes the Phase 1 Desk Study identifies a need for a Phase 2 Site Investigation Report on part of the site and state that ideally this should be required prior to determining the application, but recommend conditions as well in the event approval is recommended. Should any Site Investigation Report require it a Remediation Statement may also be required. As the investigations can be controlled through condition, and as no such reason for refusal was previously given under 14/04340/OT for a failure to carry out a Phase 2 Investigation Report, it is not considered sufficient to warrant a full reason for refusal on a lack of information in this regard.
- 9.96 Archaeology: The site is in an area of known archaeological potential. Crop marks observed on aerial photographs show settlement and agricultural activity to the north-east and south-west of the proposed development, probably dating to the late Prehistoric or Roman Periods. A late Roman burial is reported to have been found to the east of the site. As a plateau it is likely to have been attractive to human habitation during much of the Prehistoric and later periods. The proposal would result in the destruction of any remains. West Yorkshire Archaeology Advisory Service, as the Authority's experts in this matter have requested further detailed evaluation work and investigation prior to determination of this application, as this may reveal matters of such importance that it may be recommended planning permission be refused, or be required to be amended, or to carry out archaeological recording in advance of development. WYAAS recommend that a decision is deferred, but recommend conditions as well in the event the planning authority is minded to grant permission. As the investigations can be controlled through condition, and as no reason for refusal was previously given under 14/04340/OT for a failure to carry out prior evaluation, it is not considered sufficient to warrant a full refusal reason on a lack of information in this regard.
- 9.97 Residential Amenity and Privacy: Given the low density proposed it is clearly the case that the proposed development would be capable of meeting the policy requirements set out above in relation to outdoor amenity space and separation between dwellings. Were the proposal acceptable in principle, it is not considered that the development would have any unacceptable adverse impact on the amenity or privacy of existing residents.

9.98 Loss of Agricultural Land: The application site is just over 4ha and its loss, even if of a higher grade, would not seriously conflict with UDP review policy N35 or relevant guidance the NPPF.

## Section 106 obligations and CIL

In the circumstances that the Council were able to determine the application, any approval would need to be subject to several planning obligations to be secured via a S106 agreement. The S106 Agreement would include the provision and delivery of affordable housing, greenspace and sustainable transport fund contributions. 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 floor space 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.

## 10 CONCLUSION:

- 10.1 The application is considered to be unacceptable for the reasons set out in this report. Four refusal reasons are set out at the header of the report and are outlined again below, for ease of reference:
- 10.2 RR1: The development is contrary to the spatial development strategy for Leeds, led by policy SP1 that seeks to locate development primarily within the Main Urban Area and the major settlements. This policy arises from the need to ensure that new developments are adequately served by sufficient local services and facilities, with good levels of accessibility. As noted above the appeal site is remote and isolated from both the Main Urban Area of Wetherby, and from the smaller settlement area of Collingham, and cannot be viewed as forming any natural extension to or rounding off of one of those settlements. Policy SP1 does allow for key locations that are identified as sustainable extensions, however the appeal site is not considered to be one of these, especially given issues regarding accessibility and the capacity of local infrastructure.
- 10.3 RR2: The development is in an unsustainable remote location. The site unacceptably fails to meet accessibility criteria set out in the adopted Accessibility Standards of the CS. The proposal is contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review. The proposal also conflicts with paragraphs 38 and 70 of the NPPF which advise further in respect of accessibility to local services such as schools, community facilities, shops, health care, etc.
- 10.4 RR3: As safeguarded land and a Protected Area of Search, the release of the land would be contrary to policy N34 of the UDP and also paragraph 85 of the NPPF (itself a policy which is restrictive of development for the purposes of paragraph 14 NPPF).
- 10.5 RR4 the proposal is considered to be 'premature' (for the purposes of the PPG) and pre-determinative of decisions relating to the scale and phasing of new housing and/or employment development and the designation of safeguarded land under the SAP. The development of the site would override the plan led system

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that is based on joint working and cooperation. Even if the development is not 'premature', very significant weight should nonetheless be given to the SAP in accordance with paragraph 216 of the NPPF.

- 10.6 More generally, matters of location, evidently poor accessibility, and inadequate local infrastructure all emphasise that this particular proposal fails to amount to sustainable development. The site has not been brought forward in the SAP for the reasons set out in the appraisal, and consequently the proposal, if allowed, would prove highly prejudicial to local development plan principles and objectives. The arising very significant harm is considered to substantially outweigh the benefits of the proposal, which include the (modest) provision of housing.
- 10.7 Members are therefore asked to consider the recommended refusal reasons set out above, and to agree them for the purposes of resisting the appeal made against non-determination.

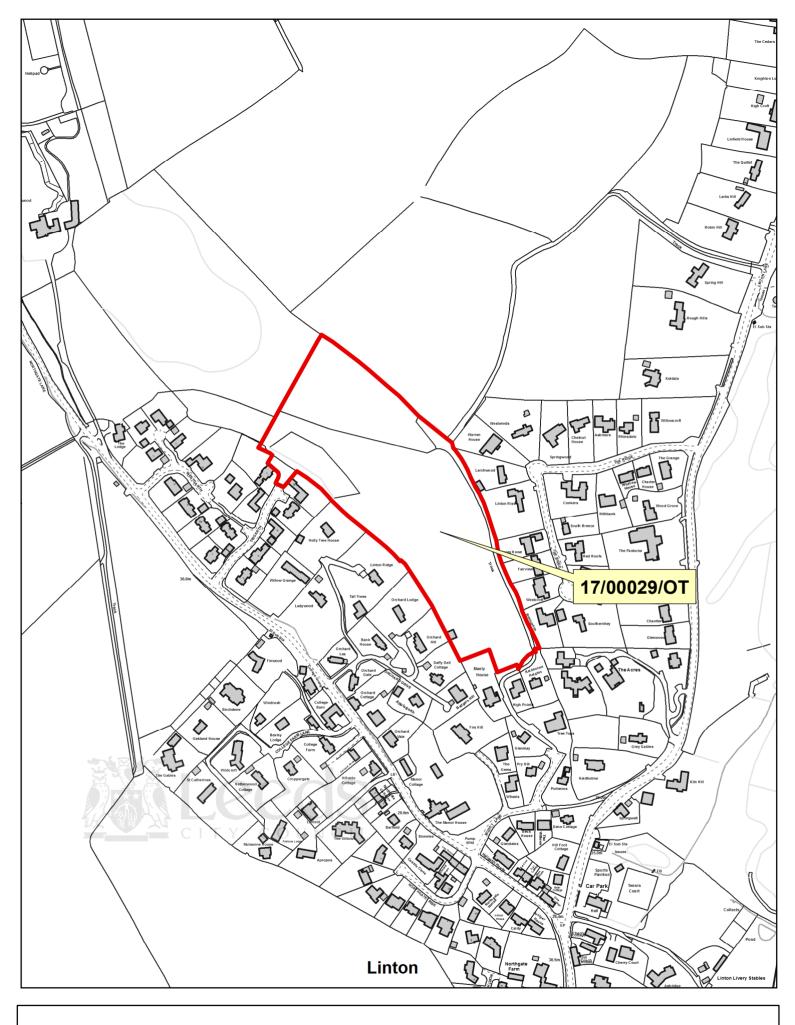
## **Background Papers:**

Application files 17/00029/OT & 14/04340/OT

Certificate of Ownership: Certificate B signed: Mr M Murray & JDL Design Ltd given notice.







# **NORTH AND EAST PLANS PANEL**

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE: 1/4000



## Agenda Item 9



Originator: James Bacon

Tel: 0113 222 4409

## Report of the Chief Planning Officer

#### NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: APPLICATION 17/04217/FU Change of use of woodland to a Go Ape high ropes course with an associated reception cabin at Temple Newsam Park, Templenewsam Road, Leeds.

APPLICANT DATE VALID TARGET DATE

Adventure Forest Ltd (T/A 28<sup>th</sup> June 2017 26<sup>th</sup> October 2017

Go Ape)

Electoral Wards Affected:				
Temple Newsam				
Yes (referred to in report)				

Specific Implications For:				
Equality and Diversity				
Community Cohesion				
Narrowing the Gap				

## RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1. Standard time limit on permission
- 2. In accordance with approved plans
- 3. In accordance with materials of cabins (treated timber walling, cedar shingle roofing)
- In accordance with agreed Construction Environmental Management Plan (incl. tree works outside bird nesting season; protective fencing and bird nest boxes etc)
- 5. In accordance with agreed Biodiversity Enhancement and Management Plan
- 6. Scheme detailing heritage enhancements and restoration to be submitted
- 7. Specified opening times
- 8. Details of tree protection measures
- 9. Restriction on external lighting
- 10. Site to be made good following cessation of the development

#### 1.0 INTRODUCTION:

1.1 This planning application is brought to the Plans Panel as the proposed development is a major application and relates to land in the City Council's ownership (Temple Newsam Estate) which is of wider community interest.

#### 2.0 PROPOSAL

- 2.1 This planning application seeks permission for the use of a portion of woodland (approx. 1.25ha), known as Menagerie Wood, to accommodate the installation of high rope adventure courses. The applicant will enter into a lease licence concession arrangement with the Council for a period of 20 years.
- 2.2 The proposed high rope adventure courses comprise a number of elements which include a central platform with access stairs, stockades and access rope ladders, platforms on trees, timber and wire crossings, zip wires and zip wire landing zones. The activity essentially involves participants climbing a rope ladder to reach a platform braced around a tree trunk (several metres above the ground at a range of 4.5m to 12.5m) from where they set off to negotiate a series of activities consisting of rope bridges as they pass from one tree to the next. The course ends in a zip wire bringing the participants back down to ground level. The facility provides for both adult and junior courses and during the consideration of the application the course design was amended. It is to be noted that the course equipment can be dismantled and the area returned to its current state.
- 2.3 The facility also includes a cabin that acts as a reception, equipment store and office for staff. The cabin is to be sited towards the southern end of the site and is approximately 7mx8m in footprint and constructed of timber with a cedar shingle roof over. To accommodate the cabin four trees will require removal. In addition a timber shelter is also to be erected within a clearing in the wood to the north-western portion of the site.
- 2.4 The high rope adventure course will be managed by a site based team that would comprise 1 permanent full-time post and the equivalent of up to 30 seasonal full-time jobs. The facility is proposed to be operational from between February to December with longest opening hours between 08.00hrs to 21.00hrs (or dusk whichever is earlier). Ladders used to ascent the course/ platforms are pulled up and locked when closed. Visitors to the facility will utilise the existing car park and amenity facilities available at Temple Newsam park.
- 2.5 The applicant, Adventure Forest Ltd- Go Ape, have been operating such facilities for 15 years and have 31 other sites across the country, including Scotland, the North of England, the Midlands, Wales, London and the South East and South West. This proposal would represent the first such site in West Yorkshire.

#### 3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within Temple Newsam estate which is a Grade II Registered Park and Garden and includes the Grade I Listed Temple Newsam House. The estate also contains a range of other Grade II\* and II Listed Buildings. The part of the estate to which this application relates is to the north-east of Temple Newsam House (which stands over 400m away) within an area of woodland known as Menagerie Wood.
- 3.2 The site gradually rises towards its northern end and lies adjacent to the main car with a children's playground to the west, the home farm to the south and ponds and the Page 66

Walled Garden to the east (situated beyond a wooded area). There is a network of footpaths within the estate and Public Footpath (No.131) runs to the east of the north-eastern corner of the site.

3.3 Colton village lies to the east of Temple Newsam Park and its Conservation Area adjoins the park (encompassing the Walled Garden). Further to the east are agricultural fields and clusters of woodland until the M1 carriageway. The motorway extends around the southern and eastern edge of the estate. To the north of the estate are Halton and Whitkirk. A golf course is situated to the south-western portion of the estate the commercial/ industrial part of Cross Green beyond.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 None.

#### 5.0 HISTORY OF NEGOTIATIONS

5.1 None.

#### 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a Major application (as a departure, affects a right of way and also the setting of a Listed Building) by site notices posted adjacent to the site dated 11<sup>th</sup> August 2017. The application was also advertised in the Yorkshire Evening Post, published on 1<sup>st</sup> September 2017.
- 6.2 In total, 31 letters of representation have been received in response to the public notification process. 20 letters received raising objection, 10 expressing support with 1 providing comments on the submitted proposals.
- 6.3 The letters raising objection to the submitted proposals cite the following grounds:
  - Form of privatization, disposing of family silver; park originally dedicated for free and unrestricted access for all to enjoy; site restricts use of the woodland walks around the lakes; history and legacy versus corporate greed; commercialization of the park.
  - Prices would exclude some from using facility.
  - Noise from people using facility (e.g. screams along zip wire); situated near peaceful and tranquil places (e.g. benches; gardens, lakes, footpaths, nearby housing); noise impact on other park users.
  - Undergrowth has unusual/ rare fungi.
  - Site of original vegetable/herb garden?
  - Access via narrow/busy Colton Road and Lodge gates (of restricted width); add to congestion of local traffic.
  - Parking would impact availability of spaces for those visiting playground, home farm, lakes, walled garden (car park does get full with parking on adjacent fields); car park will not be able to cope with additional visitors; road disruptions from existing events at Temple Newsam.
  - Concern about future introduction of Segway track.
  - Concern about site security out of hours; attracting anti-social behaviour.
  - Impact of corporate events/ stag and hen parties; compromise peace and tranquility of the park and benches around Walled Garden area; important heritage for Leeds and should be respected and maintained.
  - Inadequate consideration to site facility at Pump Wood instead, Menagerie Wood is inappropriate; other areas of Leeds more suited to this commercial enterprise;

- reference to previous petition against original proposals (prior to application submission); siting facility in Roundhay Park was objected to locally.
- · Zip wires run over public rights of way.
- Impact on flora and fauna.
- 6.4 The letters of support cite the following grounds:
  - Great idea which City Council could operate (rather than private business).
  - Asset to Leeds which will attract new visitors/ benefit tourism.
  - From previous experience Go Ape do not close off areas and not affect park users.
  - Accessible location, without having to go through City.
  - New dimension to access the outdoors; Income and footfall help keep historic estates such as Temple Newsam going.
- 6.5 1 letter providing comments on the proposals. A summary of the comments received are set out below:
  - Inaccurate/ outdated information contained within desktop study on breeding birds.
  - Support the provision of nest boxes in mitigation for some tree loss.

## 7.0 CONSULTATION RESPONSES:

Statutory:

7.1 <u>Historic England</u>: The revised course design is noted but the proposals would cause some harm to the significance of the Grade II Registered Park and Garden. Recommend heritage benefits are secured within registered parkland (e.g. enhancement of Menagerie ponds/bridges, restoration of Little Temple). Any heritage impact should be weighed against the public benefits of the scheme.

Non-statutory:

- 7.2 <u>Highways</u> (LCC): No objection, suggest marking out spaces to make car park more efficient.
- 7.3 Flood Risk Management: No objection.
- 7.4 <u>Public Rights of Way</u>: Request that course be re-aligned to avoid passing directly over public footpath (route No.131).
- 7.5 <u>SDU (Nature Conservation)</u>: The supporting Bio-diversity Enhancement and Construction Management plans are acceptable and to be implemented.
- 7.6 <u>SDU (Landscape)</u>: Seek compensatory woodland planting to northern edge; clarification required on impact from cabin footings (raise up on posts) and extent of tree removal; mitigation of tree impacts required during construction activity.
- 7.7 <u>SDU (Conservation)</u>: No objections to the submitted revised course design which shows the eastern leg removed.
- 7.8 <u>West Yorkshire Police (Architectural Liaison):</u> Aware that Go Ape operate similar site in urban areas and are aware of security requirements.
- 7.9 <u>Yorkshire Gardens Trust</u>: Users of proposed development enjoying outdoor activities likely to be at odds with non-users; making good habitats will inevitably take many years; cabins to be built on pads/no ground level changes; reference to vulnerable

landscape features (Little Temple); no consideration of Carriage Drive, a principal feature of landscape design; absence of adequate conservation management plan eroding the historic designed landscape.

#### 8.0 RELEVANT 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 Development Plan Document (2013), the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan.

## Adopted Core Strategy:

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was adopted in November 2014. The following CS policies are relevant:

Spatial Policy 1 Location of development

Spatial Policy 11 Transport infrastructure investment priorities

Spatial Policy 10 Green Belt

Spatial Policy 13 Strategic green infrastructure

Policy P9 Community facilities and other spaces

Policy P10 Design

Policy P11 Conservation

Policy P12 Landscape

Policy T1 Transport management

Policy T2 Accessibility requirements and new development

Policy G1 Enhancing and extending green infrastructure

Policy G8 Protection of important species and habitats

Policy G9 Biodiversity Improvements

Policy EN5 Managing flood risk

## Leeds Unitary Development Plan (UDP) Review:

8.3 The site is lies within designated Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the City Council's Unitary Development Plan (Review 2006). The relevant saved UDP Review (2006) policies are listed below for reference:

Policy GP5 Requirement of development proposals

Policy N1 Greenspace

Policy N8 Urban Green Corridor

Policy N23 Development and incidental open space

Policy N24 Development proposals next to green belt/ corridors

Policy N25 Development and site boundaries

Policy N28 Historic parks and gardens

Policy N32 Designated Green Belt

Policy N33 Development in the Green Belt

Policy N37 Special landscape area

Policy BD5 Design considerations for new build

Policy T24 Car parking guidelines

Policy LD1 Landscape schemes

## Natural Resources and Waste Local Plan:

8.4 The relevant Natural Resources and Waste Local Plan (adopted) policies are listed below for reference:

WATER 7 Seeks to ensure no increase in the rate of surface water run-off and the incorporation of sustainable drainage techniques.

LAND 1 Requires submission of information regarding the ground conditions
LAND 2: Relates to development and trees and requires replacement planting where a loss is proposed.

## Supplementary Planning Guidance / Documents:

8.5 Leeds Parking Policy (adopted) SPG25: Greening the Built Edge.

## National Planning Guidance:

- 8.6 In terms of national policy, the National Planning Policy Framework (NPPF) identifies a number of core planning principles of which include for planning to be genuinely plan-led with plans kept up-to-date and to provide a practical framework within which planning decisions can be made; proactively drive and support sustainable economic development and seek to secure high quality design.
- 8.7 Chapter 1 sets out the need to build a strong competitive economy in order to create jobs and prosperity and that the planning system does everything it can to support sustainable economic growth.
- 8.8 Chapter 4 confirms that transport policies have an important role to play in facilitating sustainable development and to avoid severe highway impacts.
- 8.9 Chapter 7 advises that the Government attached great importance to the design of the built environment stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.10 Chapter 9 outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and states that the essential characteristics of Green Belts are their openness and permanence. Para. 87 indicates inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para.89 is clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others): ...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 8.11 Chapter 11 advises the planning system should contribute to and enhance the natural and local environment and prevent unacceptable risks from pollution and land stability as well as avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

8.12 Chapter 12 considers where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### 9.0 MAIN ISSUES

- 1. Principle of development (incl. the impact on the openness of the green belt, greenspace)
- 2. Impact on visual amenity (incl. design, appearance, planting, lighting)
- 3. Heritage implications (incl. impact on heritage assets)
- 4. Impact on amenity (incl. noise, public right of way)
- 5. Ecological implications
- 6. Highway implications
- 7. Other matters

#### 10.0 APPRAISAL

<u>Principle of development (incl. the impact on the openness of the green belt, greenspace)</u>

- 10.1 The application site is lies within the Temple Newsam estate, designated within Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the Unitary Development Plan. Such spaces offer the public access to open areas with an existing or potential value for recreation, nature conservation but also provide a means of maintaining and improving the wider perception and positive image of the City as a place to live, work and visit. Accordingly, as a vital resource care is needed to ensure such greenspaces are safeguarded. Moreover, the proposal is not considered to seriously harm the character and appearance of the Special Landscape Area and will retain the existing function of the Urban Green Corridor, which links the main urban area with the countryside.
- 10.2 Taking account of the green belt designation, the advice contained within national policy guidance states that the construction of new buildings is inappropriate although exceptions are made (para. 89, NPPF) and this includes the provision of appropriate facilities for outdoor recreation. The high rope adventure course is an outdoor recreation activity and in view of the light weight nature of structures and relative modest scale of the associated buildings, their use of nature construction materials and containment within this wood setting the proposal is considered to be acceptable under Green Belt policy and guidance.
- 10.3 The grounds of the Temple Newsam estate attract in the region of 2 million annual visits and this proposal offers a valuable source of income for the management of the estate and also broaden the appeal of leisure activities and promote visitors to such historic locations. The revenue generated by rental of the site is to be reinvested into the estate for the wider public benefit and in a review of the City's visitor attractions the Parks and Countryside section have recently identified the need for refurbishment and modernisation of the Home Farm (working farm in urban environment). Overall, the principle for introducing the proposed outdoor recreation activity is supported although the acceptability of the proposal will depend on the detailed planning considerations which include the impact on visual amenity, heritage, general amenity and highways and these are discussed below.

Impact on visual amenity (incl. design, appearance, landscaping, planting, lighting)

- 10.4 The high rope course will comprise a range of timber constructed platforms, wires and ropes. The course will be elevated above ground level which means it has the potential to more visible in its surroundings however the equipment is lightweight in nature and will be integrated into the existing woodland. The associated buildings are small in scale and are also of timber construction to reflect the woodland setting. Surfaces and paths are laid as woodchip to reduce their visual impact and to help the facility blend in with its natural surroundings. The revisions to the course design ensure that the siting of the structures and equipment associated with the facility will be well contained within the woodland grouping. The impacts are further mitigated through the provision of compensatory planting to the northern part of the wood where elevated equipment is in closer proximity to the wood edge.
- 10.5 The proposed high rope equipment and supporting facilities will be set within the Menagerie Wood and in its immediate vicinity is the park's main car park, a children playground, Home Farm (working farm) and other municipal amenities concentrating the related activities to this portion of the estate. The associated equipment and structures will be well contained within the wood and given the expanse of the undulating open land surrounding, the intervening tree groupings/ belts and other buildings/ activities which all contribute to filter views of this part of the park it is considered that the proposed facility will not be unduly intrusive to the wider park surroundings.
- 10.6 The course platforms are attached to existing trees by a wooden brace that involves pegs positioned either side of the trunk to clamp the wooden brace to the tree. The clamps are to be subject to an annual tree inspection and there is scope for the clamps to be altered to allow more room for the tree to grow and will help ensure no harm arises to the wellbeing of the tree. The proposal will involve the removal of 4 trees to accommodate the reception cabin. This loss, whilst regrettable, is not considered to have a significant visual impact given the backdrop of the remaining woodland. Subject to the provision of replacement tree planting in and that suitable tree protection measures are made on site during works to protect other nearby trees the loss of these trees can be accepted.
- 10.7 It is noted that objectors have suggested that if a high rope course is to be introduced at Temple Newsam Pump Wood would be a better alternative. This area of wood lies to the western side of Temple Newsam House however the applicant advises that there are issues with Pump Wood not being as dense and practical difficulties as that location would be too close to the main access/ exit road (present issues when events are taking place) and is not located within the estate support facilities and other visitors ventures within the estate. Consideration was also given to the wood behind Temple Newsam House although the trees were not mature enough. The LPA is required to assess the application as submitted.
- 10.8 The proposed high rope adventure course will operate in daylight hours and it is recognised that external lighting would have an impact on sensitive receptors (including heritage, landscape and ecology). Accordingly, restrictions are recommended to be imposed on the operation of external lighting by planning condition.

Heritage implications (incl. impact on heritage assets)

10.9 Linking into the above visual amenity considerations, the proposed high rope adventure course lies within Temple Newsam Park (Grade II Registered Park) and the Page 72

- setting of Temple Newsam House (Grade I) other listed structures within the park itself.
- 10.10 In order to reach a conclusion on the acceptability of the planning application an assessment of the identified harm to the designated heritage assets is required (paragraph 134 of NPPF) and weighed against the public benefits of the scheme. Significant weight has been ascribed to the assessment of the proposals impact on the heritage assets.
- 10.11 The proposed high rope course lies within Menagerie Wood which forms part of the historic pleasure grounds and Historic England advise that historic mapping indicates that the form and layout of this area has changed over time. In this context, Historic England consider further changes are not unacceptable in principle and the proposed high rope activity could be considered a contemporary version of taking pleasure in outdoor activities and a way of engaging directly with the trees in the woodland. The high rope equipment and supporting facilities will be set within the wood and in its immediate vicinity is the main car park, a children's playground, Home Farm and municipal amenities concentrating the related activities to this portion of the estate. It is recognised that the use of the high rope adventure course may be at odds with how other park users may wish to enjoy their recreation time in this part of the estate. The proposal will widen the outdoor recreation activity but given the amendments to the course layout and the context of other activities it is not considered to significantly compromise the use or attraction of the park as a whole.
- 10.12 Woodland to the immediate east of the proposed course effectively forms a barrier to the Walled Garden and Colton Conservation Area beyond. The application proposal is set within the wood and given the relative separation distances, ground level changes and intervening tree belts and structures will restrict views from Temple Newsam House itself and from the wider Registered Park and Gardens to an extent that the impacts arising from the proposal can be accepted.
- 10.13 Overall, the proposal is considered to impact on the heritage assets and Historic England consider that the proposals would have some harm to the significance of this heritage asset, however, these are considered to be mitigated by securing a scheme of heritage benefits within the identified heritage asset that would deliver the restoration and conservation management and such measures could be secured by planning condition. In addition, and given the nature of the proposal, the site will be required to return to its former condition after the lifetime of the development. The Council's Conservation officer considers that the revised application proposal to have an acceptable impact and raises no objection. However, it is recognised that the local planning authority should give considerable importance and weight to conserving designated heritage assets when balancing the public benefits and advantages of the proposal against any such harm. In undertaking this balancing exercise the local planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires 'special regard' be had to the 'desirability of preserving the building or its setting'.
- 10.14 The application proposal will deliver a range of social, recreational and economic benefits that weigh in favour of the application proposal, of which the following are considered to be the most significant, attracting tourism in outdoor recreation and promoting healthy activities; support and generating income for the upkeep and refurbishment of heritage assets within Temple Newsam estate and its other visitor attractions (e.g. Home Farm); providing new employment opportunities whilst mitigating impacts on wildlife habitats.

- 10.15 Considerable importance and weight has been attached to the identified harm on existing heritage assets but the positive public benefits factors realised through the delivery of the proposal are considered to outweigh the harm on these heritage assets. Accordingly, officers consider the heritage impact can be accepted.
- 10.16 The application proposed involves minimal excavation at the site and there is very little potential to encounter the presence of remaining archaeological or cultural heritage remains within the boundary of the site.

## Impact on amenity (incl. noise, public right of way)

- 10.17 This application is supported by a noise report which considers the impact of the proposed noise sources within the development and nearby residences and Temple Newsam House. The proposed activity would not typically generate high levels of noise with main sources comprising user's voices and mechanical noise of the zip wire trolleys. It concludes that given the separation distances involved there would be no perceptible increase in the existing ambient noise level and accordingly the proposal is not considered to have an undue impact on local residences. It is however appreciated that the impacts of noise arising from the use of the high rope course is likely to be confined to that on other park users. The amended course design has removed the eastern leg of the original course which now ensures that it does not extend across a defined public footpath and is considered to be well contained within the existing wood. The course is sited within a part of the estate which already is subject to public activity and their associated comings and goings and therefore the proposed high rope course is not considered to be significantly detrimental to the amenity of other park users as a whole.
- 10.18 The proposed high rope course does not restrict public access to the wood (being elevated in the trees) and concerns have been raised about site security when not in use. The high rope course is raised so that the platforms cannot be reached from the ground and access used to ascend the course are pulled up and locked when the course is closed. The applicant operates other sites across the country and are aware of the security consideration requirements based on these experiences.

#### Ecological implications

- 10.19 The application is supported by ecological appraisal which identified habitats on and surrounding the site. The ecological surveys are considered adequate to allow a clear understanding of the level of impacts resulting from the proposal.
- 10.20 In the short-term it is recognised that assembly/ construction activity will have the potential to increase disturbance to existing biodiversity features (incl. nesting birds) but through careful management during the assembly/ construction phase these impacts could be appropriately mitigated and the measures to be adopted are to be secured within specific construction management and biodiversity enhancement plans (incl. protection zones/ fencing, bird boxes, ecologist presence etc). Overall, it is considered that the proposal will not have significant detrimental ecological impacts provided that suitable management and mitigation measures are adopted.

## Highway implications

10.21 The proposal will utilise the existing road, walking, cycling and public transport network that serves the existing Temple Newsam estate. As mentioned earlier within this appraisal the existing Temple Newsam estate attracts in the region of 2 million annual visits and the concerns of nearby residents about congestion suffered by Page 74

connecting roads are noted. The predicted increase in visitors by car resulting from the proposed high rope course (based on figures of the applicant's other sites) is not considered to be significant in highway terms or as a proportion of the existing traffic levels at Temple Newsam. As such, the surrounding highway network is considered to be able to accommodate the traffic impact of the development and on this basis, the Council's Highway officers have raised no objection. Nevertheless, it is recognised that there are occasions within the year that parking demand is high and the Council's Parks and Countryside team report a commitment to re-invest income received from this proposal to upgrade and mark out the parking area to improve its efficiency.

## Other matters

- 10.22 In terms of flood risk the majority of the application site is located in Flood Zone 1 and is not shown to be at particular risk from surface water flooding. Most of the proposed structures are elevated above ground height with the associated buildings small in scale and simply draining rainwater naturally to the ground. The reception cabin is to be connected to the main site sewerage system with a connection achieved no the adjacent car park (along the route of existing footpath to avoid woodland). The Council's Flood Risk Management officer raises no objection.
- 10.23 The proposed development is not Community Infrastructure Levy (CIL) liable.

#### 11.0 CONCLUSION:

- 11.1 The application site lies within designated within Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the Unitary Development Plan. The proposal is considered to represent the provision of appropriate facilities for outdoor recreation and is considered appropriate in this green belt location. Moreover, the proposal is considered to be appropriate within this area of designated greenspace and is not considered to seriously harm the character and appearance of the Special Landscape Area and will retain the existing function of the Urban Green Corridor.
- 11.2 The proposal provides an opportunity to generate additional revenue from attracting additional visitors which in turn will assist in the delivery of management and improvement projects at the Temple Newsam Estate to which the Council have management responsibilities.
- 11.3 The proposal is considered to cause some harm to the significance of the heritage assets which when weighed against the mitigation measures to be adopted and the wider public benefits arising from the scheme as reported above the heritage impact is accepted.
- 11.4 The light weight nature of the associated structures and predominantly timber materials will help assimilate the proposal into the surrounding woodland setting. The proposal will involve a range of soft landscaping works and mitigation to help integrate the proposal into the landscape.
- 11.5 The proposed high rope adventure course will utilise the existing points of access and parking facilities available to the wider Temple Newsam Park and can be safely accessed by pedestrians, cyclists and vehicles and will not result in any demonstrable harm to the operation of the highway network.

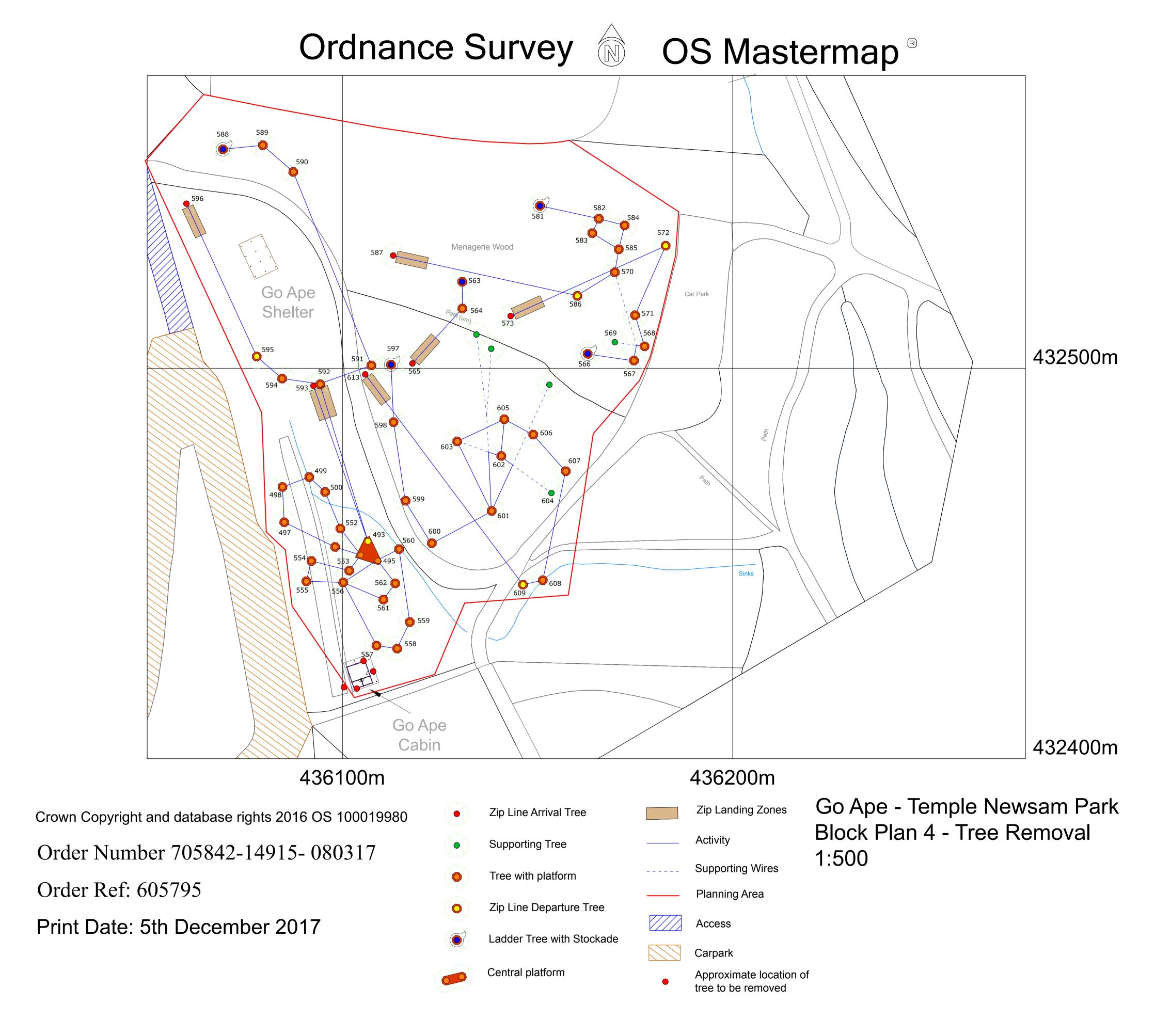
11.6 Overall, the proposal will help enhance the range of recreational activities at the Temple Newsam park and offers an opportunity to generate income to be directed to improvement projects at the Temple Newsam estate. The proposal is not considered to raise significant adverse impacts that cannot be mitigated by appropriate planning conditions and which would outweigh the scheme's benefits. On this basis, officers consider this planning application warrants support.

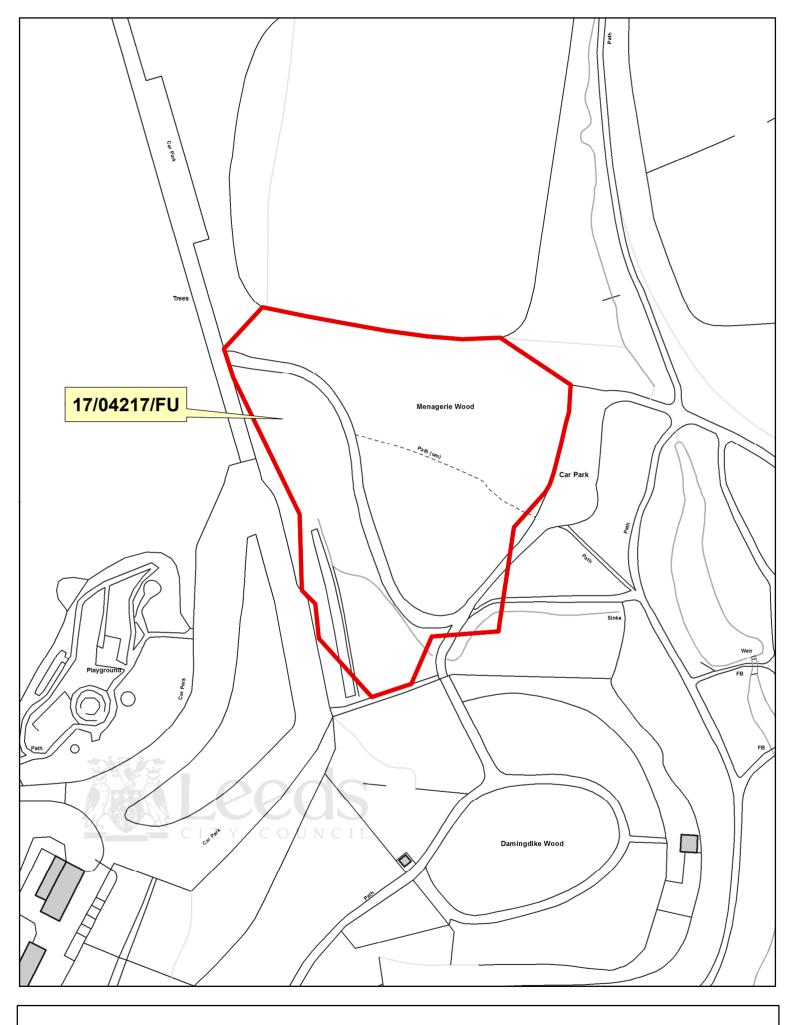
## **Background Papers:**

Application file Ref: 17/04217/FU

Certificate of Ownership (Certificate B) served on the landowner Leeds City Council (Parks

and Countryside) dated 27th June 2017.





# **NORTH AND EAST PLANS PANEL**

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**SCALE: 1/1500** 



## Agenda Item 10



Originator: Adam Ward

Tel: 0113 378 8032

## Report of the Chief Planning Officer

#### PLANS PANEL NORTH AND EAST

Date: 21st December 2017

Subject: Application 17/03940/FU – Siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds.

APPLICANT
Mr Hooton

DATE VALID
16<sup>th</sup> June 2017

TARGET DATE
11<sup>th</sup> August 2017

Electoral Wards Affected: Harewood

Specific Implications For:
Equality and Diversity
Community Cohesion
Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1. Temporary and personal permission for 3 years.
- 2. Development to be carried out in accordance with approved plans.
- 3. Submission of details of external materials to amenity building.
- 4. Site remediation and landscaping following expiry of permission.
- 5. Drainage details.
- 6. Limit on the number of caravans to be on site at any one time to a mobile home and one caravan and details to be agreed.
- 7. Landscaping and implementation.
- 8. No business activities to be operated from the site.
- 9. Submission of details of refuse collection (in the event Council service not used).
- 10. Contamination conditions.

#### 1.0 INTRODUCTION:

1.1 This application relates to a proposal for the siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with Page 79

associated ground works and landscaping. In essence, this is an application for a travellers site involving one pitch only. This application is brought to Plans Panel due to the sensitively of the proposal i.e. the issues of a travelers pitch including the Equality and Diversity issues referred to in the body of the report and the Green Belt designation of the site.

- 1.2 Members also need to be aware that the proposal must be assessed having regard to the Council's Public Sector Equality Duty as the applicant is a member of an identified ethnic minority which requires that the Council eliminate discrimination and advance equality of opportunity between different ethnic groups. Therefore aspects of the proposal, such as the need for community cohesion need to be given the appropriate weight by Members in the decision making process.
- 1.3 Planning permission is recommend to be granted for a temporary period subject to conditions as the proposal is acceptable and there are no material planning considerations that would lead to a conclusion that permission should be withheld. Consideration is given in the body of the report to the main issues and each is found to comply with Council policy relating to the proposed use of the land. Given this, there is no need for further special consideration of the case under the Equalities and Social Cohesion considerations or under the extended policies published by Central Government in Planning Policy for Travellers Sites.

#### 2.0 PROPOSAL:

- 2.1 Permission is sought for the siting of one static residential caravan, one mobile caravan and the renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping.
- 2.2 The caravans and amenity building would be set out within a courtyard area with the static caravan located to the south side of the site. This would measure 3.9m x 12.2m and rise to an approximate height of 3.3m with a shallow pitched roof. There would be a deck on 2 sides of the caravan for occupants to sit out upon with access gained via a set of stairs. On the northern side of the site a mobile caravan measure 2.3m x 7.0m would be positioned, although this aspect would not require planning permission. Adjacent to this would be the rebuilt former red brick telephone exchange building which would be an amenity building comprising a bathroom and a kitchen. A wood burning stove would be installed within the building, resulting in the need for a flue to be inserted into the roof, terminating 1m above the rooflights, which are to be installed in each roofslope.
- 2.3 Access to the site would be taken using the existing access point from Coal Road which punctuates curved dry stone walls on either side. Two car parking spaces would be located to one side of the entrance, while to the other it is proposed to install a refuse store. The land between the amenity building and caravans would be hardsurfaced using tarmac, with the land beyond to the west and up to the Wetherby Road boundary being reinstated to grass for use as a garden area. Additional hedge planting is proposed along the northern and southern boundaries. A septic tank is also shown on the site layout plan connected from the amenity building, while a soakaway is also shown, subject to suitable ground conditions.
- 2.4 The proposal is for a travelling family, which comprises a father and four children, aged from 11 to 21 who would reside there on an irregular basis. The applicant has owned the site for a number of years, but has no permanent residence and currently lives in a trailer at various locations by the roadside.

## 3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a brownfield site on a small strip of land at the junction of Coal Road and Wetherby Road. It is located adjacent to the A58 and lies in a relatively remote location away from any towns and villages, with the nearest settlement being Shadwell approximately 350m to the north west. The site comprises a red brick single storey former telephone exchange building and other hardsurfaced areas. The building is in a poor state of disrepair with the roof having collapsed together with substantial parts of the outer walls. The site is extremely unkempt and comprises a hardstanding area and other forms of debris.
- 3.2 Access is gained from Coal Road with a sloping access leading into the side with dry stone walling on either side. Mature hedging forms the boundary with Wetherby Road (A58). Apart from the two roads which form two of the boundaries to the site, it is set within the open countryside and within the Green Belt. Bus services operate along the A58 towards Wetherby and Leeds city centre. The nearest retail facilities are the ones located within the newly refurbished petrol filling station further to the south on Wetherby Road. The nearest village centre is Shadwell, located some 1.5km to the north west which has a limited range of shops and services. The nearest primary schools are Shadwell Primary School to the north west, and Fieldhead Carr Primary School on Naburn Approach, approximately 1.4km to the south.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 From 2009 to 2012, there were a number of Enforcement cases opened against alleged breaches of planning control. They ranged from the unauthorised use of the building as a dwelling, stationing of a caravan on the site, to use of the site as a builders yard. All cases were closed.
- 4.2 In 1994, planning permission was refused for the erection of an industrial unit Ref. 32/4/94/FU.
- 4.3 In 1994, planning permission was refused for the change of use, including the formation of an access of telephone exchange building to a builders and joiners store (Ref. 33/117/94). This was the subject of an appeal which was dismissed.
- 4.4 In 2004, planning permission was refused for a retrospective application for existing and new stables and fodder store and extension to form a tack room and office Ref. 33/486/FU.
- 4.5 In 2005, planning permission was refused for a retrospective application for stables and extension and change of use of existing building to tack room Ref.33/90/05/FU.
- 4.6 In 2011 and 2015, pre-application enquiries have been submitted to seek to convert the building to a dwelling, and to demolish it and replace it with a new dwelling. Both of these enquiries were not received favourably.

## 5.0 HISTORY OF NEGOTIATIONS:

5.1 No significant negotiations have been sought, other than to seek further information from the applicant.

#### 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by the posting of site notices within Coal Road and Wetherby Road (A58) on 14 July 2017 and advertised in the Yorkshire Evening Post on 19 July 2017. To date, 1 letter of objection has been received from a resident in Scarcroft. The objection relate to the following issues:
  - Breach of development in the Green Belt;
  - The building of a permanent house on the land never designed or permissible in the first place.
- 6.2 Shadwell Parish Council: Object to the proposed development on the following grounds:
  - This is Green Belt which should be protected;
  - Inappropriate to site a static caravan and mobile caravan, kitchen and toilet block on the land:
  - It is likely that additional caravans will come and go, and will result in a small caravan site;
  - One pitch, in practice, means up to three caravans; and
  - Clarification is sought as to whether this is to be a temporary site.
- 6.3 Thorner Parish Council: No objection.

#### 7.0 CONSULTATIONS RESPONSES:

## <u>Highways</u>

- 7.1 The proposed access would have limited visibility onto Coal Road due to the overgrown nature of the existing verge and hedgerow. Given that the speed limit is 60mph in this location visibility splays of 2.4m x 215m could be required. The submitted site plan also indicates that potentially more than one unit could be on the site as both a static and mobile caravan are shown, this causes concern that the two parking spaces proposed would not be adequate.
- 7.2 The City Council is also of the view that the somewhat remote location of the site in conjunction with the deficiencies of Coal Road, which include an absence of footways and no street lighting, make the development site an unsustainable form of residential development.

#### Flood Risk Management

7.3 Soakaway tests would be required to determine the viability of infiltration drainage as there are no watercourses or surface water and combined sewers close to the site. Conditions are therefore recommended.

## **Contaminated Land**

7.4 The historical appraisal document has recommended that a Phase 1 Desk Study is undertaken. It would be preferable to receive the Phase 1 Desk Study report prior to recommending conditions, however should the planning officer be minded to grant permission or have insufficient time to obtain the requested information it is recommended that planning conditions be imposed to address contamination.

#### Nature Conservation

7.5 There should be no significant nature conservation concerns.

#### 8.0 PLANNING POLICIES:

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

## **Development Plan**

- The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Development Plan Document (DPD), the Aire Valley Leeds Area Action Plan and any made Neighbourhood Plans.
- 8.3 The site is designated as Green Belt in the Development Plan.
- 8.4 The following Core Strategy policies are relevant to the proposals:

GENERAL POLICY – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

SP7 – Distribution of housing land and allocations

P10 – High quality design

P12 - Good landscaping

T2 – Accessibility requirements and new development

H7 – Accommodation for gypsies, travelers and Travelling Show People

- 8.5 It is considered that the specifics of Policy H7 should be highlighted as this is the most directly relevant policy of the Core Strategy to this case. That said the other policies are of equal importance to their subject field, however it is expected that Members are much more familiar with those polices as they are more generic polices that arise on most development proposals for residential accommodation.
- 8.6 The relevant part of H7 says:

"In identifying land or determining planning applications for pitches/plots, consideration will be based on the following criteria:

- (i) pitches and plots should have reasonable access to public transport, health care, schools, shops and local services,
- (ii) pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons,
- (iii) pitches and plots should avoid ones of high flood risk (zone 3 flood risk areas),

- (iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt......
- (v) the availability of alternative deliverable sites for gypsies and travellers and travelling showpeople."
- 8.7 The criteria relevant in this policy will be addressed in the main body of the report.
- 8.8 The following saved UDP policies are relevant:
  - GP5 General planning considerations
  - N25 Boundary treatments
  - N33 Development within the Green Belt
  - BD5 General amenity issues.
  - LD1 Landscaping

## Supplementary Planning Guidance/Documents

8.9 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)
SPG22 Sustainable Urban Drainage (adopted)
SPG25 Greening the Built Edge (adopted)
Street Design Guide SPD (adopted)

#### Site Allocations Plan

- 8.10 The site was submitted to the Site Allocations process prior to the Revised Publication Draft consultation (Sept 2016). Prior to this public consultation the site was considered by Members at Development Plan Panel (19th July 2016) where the Panel resolved that the site was better dealt with via a temporary planning application rather than an allocation.
- 8.11 The site forms a discounted site for Gypsy and Traveller use within the submitted Site Allocations Plan. The site was discounted for the following reason 'The site was submitted by the landowner to accommodate one private pitch for personal use. Brownfield site. Concerns regarding the sites impact on the Green Belt and impact on the character and appearance of the area, given its prominent location. The site also has limited accessibility to local services given its isolated location.' The Site Allocations Plan can now be given significant weight given that it is at Examination with the first Stage Hearing sessions (which dealt with Gypsy and Traveller allocations) have been completed. The site was discussed during the Stage One Hearing sessions and the Inspectors will be considering whether the site should form an allocation as part of their deliberations once the Hearing sessions have concluded.

## National Planning Policy Framework

8.12 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. The NPPF also comments on promoting heathy communities that seeks to go beyond simply physical health in the scope of its advice in relation to planning decisions. This section of the NPPF makes reference Page 84

to issues such as the creation of "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life of community cohesion;" and to "ensure an integrated approach to considering the location of housing, economic uses and community facilitates and services." This section also makes reference to the LPA helping to meet the need of existing and new communities in respect of school place choices, that is should support the enhancement and protection of Public Rights of Way and access and that developments should be consistent with Green Belt policies.

8.13 Guidance on development is the Green Belt is also particularly relevant, and what is considered to be appropriate development. Paragraph 89 is most relevant and sets out a list of exceptions where development in the Green Belt is not inappropriate.

## Planning Policy for Traveller Sites (2015)

- 8.14 In addition, the Government published revised guidance regarding Planning for Travellers sites in August 2015 "Planning policy for traveller sites" and whilst the generality of the whole document is relevant to this case, Policy H is particularly relevant and summarised as follows:
- 8.15 Policy H: Determining planning applications for travellers sites

Proposals to be determined in accordance with the development plan unless material circumstances indicate otherwise, and there should a presumption in favour of sustainable development.

The advice also specifically adds the need to consider the following issues in addition to the other relevant planning matters when considering sites for travellers:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.
- 8.16 A significant policy shift in this document from the earlier version is that subject to the best interests of the child, the personal circumstances of the applicant and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. It also indicates that weight should be given in the determination of applications relating to the consideration of Personal Circumstances and unmet need outside of the Green Belt.
- 8.17 The advice goes on further to add that weight should be given to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land.
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
  - c) promoting opportunities for healthy lifestyle, such as ensuring adequate landscaping and play areas for children.

- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.18 Further significant advice in the document is that where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, that this should be a significant material consideration in any planning decision when considering applications for the grant of temporary planning permission.
- 8.19 The Equality Act 2010 is particularly relevant, and is discussed in the appraisal section below.

#### 9.0 MAIN ISSUES

- 1. Principle of Development
- 2. Highways Considerations
- 3. Design & Impact on Character of the Green Belt
- 4. Impact on Living Conditions
- 5. The Equality Act 2010
- 6. Other Issues

#### 10.0 APPRAISAL

## Principle of Development

- The site is within the Green Belt and therefore the application needs to be considered against a number of policies and planning guidance at local and national levels. As the proposal includes the siting of a static caravan on a base surrounded by decking, the proposal has been assessed against the guidance set out within paragraph 89 of the NPPF. This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt and then lists a number of exceptions to this in six bullet points. Bullet point 6 is the relevant exception to be considered as part of the proposals. This exception stipulates:
  - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 10.2 It is also relevant to note the five purposes that the Green Belt serves, which are:
  - to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring town merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.3 The Planning Policy for Travelers (PPTS) document is also material, and states that 'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or

permanent) in the Green Belt are inappropriate development'. However, paragraph 26 of the document also states:

- 10.4 'When considering applications, local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land;
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community'.
- 10.5 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. Policy H7 of the Core Strategy relates specifically to accommodation for Gypsies and Travelling Show People. The policy provides a number of criteria upon which to identify land or determine planning applications for pitches / plots. The criteria have been assessed as follows.
  - Pitches and plots should have reasonable access to public transport, health care, schools, shops and local services.
- 10.6 Whilst the site may be regarded as being within a relatively remote location, it is located adjacent to the A58 corridor where bus services to Wetherby and Leeds City Centre are available. Local services and shops are also available within the village of Shadwell to the north west. Whilst these are not within easy walking distance, it would only take several minutes to drive by car. This situation is no different to many other villages and isolated areas within the HMCA where limited services are available. In terms of school provision, the applicant does not require access to local education facilities as his children of school age would not need to attend any of the closest schools to the site. This is because they permanently reside with their respective mothers and therefore attend the local school at that particular location. It is also relevant to note that accessibility for Gypsy and Travellers sites are assessed different from conventional housing proposals as they less likely to compete against the land values in established housing areas. So therefore, whilst it may appear in a less accessible location, it is deemed to be appropriate for use as a Gypsy and Travellers site.
  - pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.
- 10.7 The site is not located on land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.
  - pitches and plots should avoid zones of high risk of flooding.
- 10.8 The application site is not located within a zone which has a high risk of flooding.
  - the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodates pitches and plots will only be considered in exceptional Page 87

circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Show People's site only.

- The application site is located on a previously developed site (brownfield) and therefore is first in the order of preference. However, this brownfield site is also located within the Green Belt, although there is no indication that the Green Belt would be altered, and indeed would remain as a site being 'washed over'. The proposal therefore satisfies this criteria.
  - the availability of alternative deliverable sites for Gypsies and Travellers and Travelling Showpeople.
- 10.10 No other known sites have been identified which are considered to be suitable and available. It is considered that sites within or immediately adjacent to existing settlements and villages would not be appropriate for the proposal.
- 10.11 In summary therefore, it is considered that the proposed development of the site for one Gypsy and Travellers pitch only, would generally be in conformity with Policy H7 of the Core Strategy, which is considered to be an up-to-date development plan policy.
- Turning to national guidance and specifically Green Belt policy contained within the NPPF, consideration needs to be given to the assessment against paragraph 89, and specifically bullet point six in this instance. This allows limited infilling or the partial or complete redevelopment of previously developed sites, which would have no greater impact on the openness of the Green Belt and the purposes of including land within it. The renovation and re-use of the former telephone exchange building and it's re-use as the amenity building will have not have a materially greater impact. The siting of the mobile caravan does not constitute operational development requiring planning permission. Other development within the site including the hardstanding areas and parking areas already comprise hardsurfaced areas and therefore will have no greater impact.
- 10.13 The main difference which could affect openness is the siting of the static caravan. Whilst temporary in nature, this does involve some engineering operations to affix it to the ground and includes an element of external decking. The static unit would be approximately 3.3m in height and would just sit above the height of the adjacent mature hedging. In the context of the wider countryside and given the improvements to landscaping that the applicant proposes, on balance, it is considered that the proposals would not cause significant harm to the openness of the Green Belt, nor would they be contrary to any of the five purpose of including land within the Green Belt.
- 10.14 The PPTS also needs to be considered alongside the NPPF which encourages the effective use of previously developed land whilst also placing great importance on Green Belts. Paragraph 26 advises local planning authorities to attach weight to a number of matters when considering applications.
- 10.15 In terms of these matters, the site seeks to re-use an existing previously developed site, and certainly one which is untidy and could be regarded as derelict. The site also benefits from dense mature hedging and landscaping, particularly along its boundary with Wetherby Road, while the application also proposed to plant additional hedging within the site, thereby seeking to enhance the environment. Furthermore, the proposal includes the provision of a grassed garden area, while Page 88

the site lies adjacent to the open countryside, thereby promoting opportunities for outdoor play and recreation. Finally, no high walls or fences are proposed, with the utilisation of the existing dry stone walls and hedging being the only forms of boundary treatment, which will not give the impression that the site and its occupants are deliberately isolated from the rest of the community.

10.16 At the present time it would appear that the applicant lacks any reasonable alternative pitch provision in Leeds. This is a matter that should be afforded weight but planning guidance is clear that "...personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances" (para. 16, PPTS). However, when this proposal is also considered in the context of the broader policy advice set out in the PPTS and Policy H7 it is in general compliance with those policies. So when regard is had to the limited extent of harm to the openness, the specific character of this site and small scale nature of the proposal, the needs and personal circumstances of the applicant and the broader compliance with planning policy it can be argued that any harm to the Green Belt is outweighed by other factors. In light of this and the progression of the Site Allocations Process a temporary permission would also appear to be a pragmatic solution whilst we wait the Inspector's findings, which are likely to be released until late 2018. A temporary permission is likely to strike an appropriate balance between the immediate accommodation needs of the applicant and planning harm. A 3 year period is likely to be reasonable given the physical alterations required to develop the site. In reaching this conclusion, it is necessary to review the consideration by the Development Plans Panel at the meeting on 19th July 2016. The site reference, HG6-14, was considered by Members who did not agree that the site should be taken out of the Green Belt and were concerned about access to services. The Panel agreed that a temporary personal planning application would be preferable to an allocation given the brownfield nature of the site.

## **Highways Considerations**

- 10.17 The site is located between the A58 Wetherby Road and Coal Road, with both roads being restricted to a 60mph speed limit. There is an existing access into the site from Coal Road which is relatively wide with curved/splayed dry stone walls on either side. This part of Coal Road is relatively straight with reasonable forward visibility in both directions. The site is also approximately 85m from the junction of Coad Road and Wetherby Road.
- 10.18 Proposals involve the utilisation of the existing access from Coal Road to serve the development. A total of two car parking spaces are provided, together with a turning area meaning that it would be possible to exit the site in forward gear. Therefore, adequate car parking has been provided. Concerns have been raised by the Highways Officer with regard to the level of forward visibility that is required. It has been highlighted that the proposed access would have limited visibility onto Coal Road due to the overgrown nature of the existing verge and hedgerow. Given that the speed limit is 60mph in this location visibility splays of 2.4m x 215m could be required. In response, vegetation could be cut back in both directions within the highway verge which would provide the required visibility, and this could be done without compromising the rural character of the area. Visibility of 215m towards the junction with Wetherby Road would not be justified as the distance from the access to the junction is only 85m, with vehicles therefore travelling at lower speeds. Taking these factors into consideration, it is considered that the visibility is appropriate, subject to a condition requiring the visibility splays to be provided.

- 10.19 The Highways Officer also raised concerns that submitted site plan indicates that potentially more than one unit could be on the site as both a static and mobile caravan are shown, and therefore this causes concern that the two parking spaces proposed would not be adequate. In response, the proposal is for one pitch only, which is to be controlled by a planning condition, and therefore the level of parking is considered to be acceptable.
- 10.20 It is also worth noting that the proposed East Leeds Orbital Road (ELOR) will be located on and east west axis to be located to the south along Coal Road. This effectively will severe Coal Road in a southerly direction resulting in virtually no traffic utilising this route once ELOR is constructed. This will therefore result in significantly less traffic and making the requirement for forward visibility less critical.

## Design & Impact on Character of the Green Belt

- 10.21 Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.22 Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
- 10.23 As previously noted, the site is located within a rural area and bounded by hedging on the Wetherby Road and Coal road boundaries. The existing red brick telephone exchange building is visible from the road, and this visibility would slightly increase given the need to make the necessary physical alterations to bring it up to a habitable standard. This would also involve the rebuilding of its roof. Given that this building has been on site for a considerable time, although has deteriorated over recent years, its rebuilding is considered to be visually acceptable.
- In terms of the other buildings, these comprises a static caravan which would measure 3.9m x 12.2 with a small deck on 2 sides, and a mobile caravan which would measure 2.3m x 7.0m, although the mobile caravan does not require permission. Whilst no details of these 2 caravans have been provided, a typical static caravan would rise to a height of approximately 3.3m with a shallow pitched roof. A mobile caravan would be much lower. The upper parts of both caravans would be visible from Wetherby Road and Coal Road. However, there is a dense hedge along the Wetherby Road boundary and a large tree close to the junction with Coal Road which serve the screen the majority of the site, especially when travelling in a southern direction. The Coal Road boundary comprises a stone wall with less

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vegetation, with the site set down slightly below road level, making it slightly more prominent. However, the existing red brick former telephone exchange would screen views of the mobile caravan while the static caravan is orientated in such a way that it is end on, thereby limiting the extent of its overall length.

10.25 In terms of the impact on the character and openness of the Green Belt, it is clear that the use of the site as a domestic travellers site and the siting of the caravans will have some impact. However, given the brownfield status of the site, and proposals to provide improved landscaping and to reinstate some of the grass whilst taking into the account the temporary nature and use of the site and the need to provide accommodation for the applicant, the proposal is, on balance, considered to be acceptable.

## Impact on Living Conditions

- 10.26 The site is set within a relatively isolated location with no immediate residential neighbours. There will therefore be no impact upon the living conditions of existing neighbours, the nearest of which are a considerable distance from the site.
- 10.27 In terms of the impact upon the living conditions of the occupiers, the proposal provides one pitch which comprises one static caravan, a mobile caravan and an amenity block in the converted telephone exchange. Whilst the National Minimum Space Standards provide guidance on the quantum of floorspace required for residential dwellings, it is not considered that this particular applies to travellers sites. However, the provision of the three buildings is considered to be sufficient to cater for the family which comprises up to five at any point in time. The outdoor amenity space is also considered more than adequate to cater for the needs of the intended occupants. An area of land to the south of the site will be reinstated as grass and would provide a suitable garden area for the occupants to enjoy.
- 10.28 With regard to suitable access to services including shops, amenities and education facilities, it is relevant to highlight the personal circumstances of the applicant. In this instance, the father's four children reside predominantly at their mother's address and the ones of school age attend schools within close proximity to their mother's homes. Therefore, the applicant's children will not require attendance at a local school near the site due to these circumstances. Furthermore, whilst access to amenities and shops is less than ideal in this location, this is no different to many other sites in this HMCA area where some villages have very few if any facilities. Given the limited use of the site as one Travellers pitch only, and given that some public transport facilities are available on the A58, then on balance, the proposal is considered to be acceptable.

## The Equality Act 2010

- 10.29 The Equality Act 2010, defines Romany Gypsies and Irish Travelers as ethnic groups, meaning that they are protected against race discrimination. The Equality Act defines discrimination under the law as unfair treatment because of what it calls 'protected characteristics'.
- 10.30 As a decision maker, the local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.31 A public body must also have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 10.32 It is considered that the local planning authority have exercised it's duties responsibly in having regard to the Equality Act 2010 and the Public Sector Equality Duty in the assessment of this particular application, and have had due regard to the nature of the applicant who shares a protected characteristic.

#### Other Issues

- 10.33 Given the nature of the use and the temporary permission being recommended, it is considered that the proposed development is not CIL liable and therefore no contribution would be required.
- 10.34 The conditions that have been recommended at the head of this report are all considered to meet the tests set out within paragraph 206 of the Planning Practice Guidance (PPG). The submission of details of the materials to be used in the rebuilding of the amenity building are required in order that the brickwork matches the existing brickwork and that appropriate roofing materials are used in this rural location. The conditions requiring the details of site remediation and landscaping following the expiry of the permission is to ensure that the land is restored to an appropriate condition given its location within the Green Belt. Drainage details have been required under condition 5 to ensure that the site is adequately drained and to ensure flooding does not occur. Condition 6 is imposed in order to provide clarity on what the definition of one travellers pitch consist of, which is one mobile caravan and one static caravan. A landscaping condition is imposed to ensure that appropriate landscaping is implemented in this rural location and to ensure that this helps soften the impact of the development. Condition 8 is recommendation to provide certainty that the permission is for residential use only and provides clarification to the occupants that other business use would not be appropriate given the location in the Green Belt. Details of refuse collection from the site is considered to be appropriate to provide certainty to the local planning authority that refuse is being adequately dealt with to ensure that no visual harm arises to the Green Belt and in the interests of the health and well-being of the occupants. Finally, the contamination conditions are recommendation following advice from the Council's Contamination Officer to ensure that the site is free from contaminants given the sensitive use of the site.

## 11.0 CONCLUSION

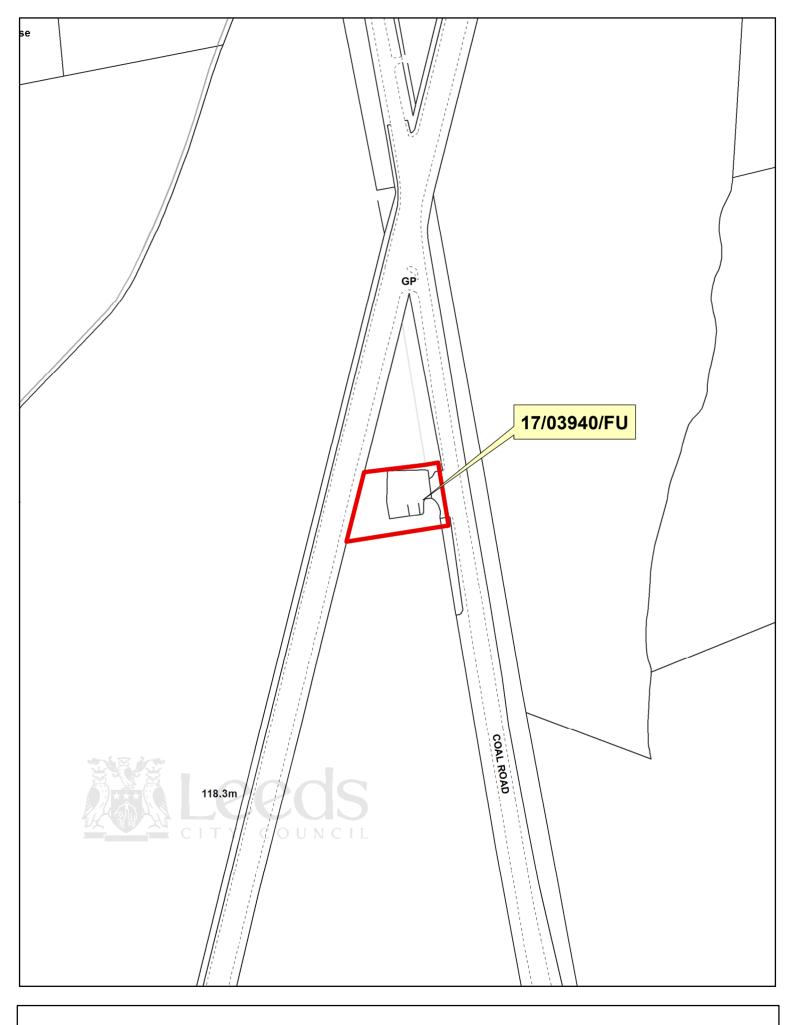
11.1 Taking into account the limited harm to the Green Belt, the personal circumstances/needs of the applicant, the brownfield status of the land, the broader compliance with planning policy (save for it constituting inappropriate development in the Green Belt) and until the findings of the Inspector are known in relation to the SAP, it is considered reasonable to support the proposal on the basis of a temporary three year personal permission. Taking all factors into account, it is considered that the limited harm to the Green Belt is outweighed by other factors and that the proposal is in general compliance with the policies set out within the development plan when read as a whole, and guidance within the National Planning Policy Framework and other policy documents, and thus, the application is recommended for approval.

## **Background Papers:**

Application file: 17/03940/FU

Certificate of Ownership: Certificate A signed as applicant.

C O A L R O A D



# **NORTH AND EAST PLANS PANEL**

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCILS

SCALE: 1/1500





## Agenda Item 11



Originator- U Dadhiwala Tel: 0113 247 8059

## Report of the Chief Planning Officer

#### NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: 17/05844/FU - Proposed detached house with integrated garage at 7 Elmete

Walk, Roundhay, Leeds LS8 2LB

APPLICANT DATE VALID TARGET DATE

Mr & Mrs Brawley 15<sup>th</sup> September 2017 10<sup>th</sup> November 2017

Electoral Wards Affected:	Specific Implications For:
Roundhay	Equality and Diversity
	Community Cohesion
Yes Ward Members consulted (referred to in report)	Narrowing the Gap

## 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. Parking spaces to be laid out
- 5. No windows to be inserted within the side elevations of the dwelling
- 6. Construction Works Management Plan
- 7. Details of the drainage scheme
- 8. The LPA shall be notified in writing immediately where unexpected significant contamination is encountered
- 9. Details of the footpath crossing/s and/or construction details of the reinstatement to full height footway of any redundant crossing/s to be submitted
- 10. Closure of Redundant Access
- 11. The gradient of the drive shall not exceed 1 in 12.5
- 12. Details of boundary treatment
- 13. The windows proposed in the side elevations shall be glazed with obscure glazed.
- 14. Any soil or soil forming materials brought to site to be tested for contamination and suitability for use. A methodology for testing these soils to be submitted to the Local Planning Authority.
- 15. Removal of permitted development rights for further extensions under Class A.

## 1.0 INTRODUCTION

1.1 This application seeks planning permission to erect a dwelling within the side garden of the application site. The application has been bought to Plans Panel at the request of Cllr Macniven. The Councillor comments that the proposal does not appear in keeping with the general pattern of development within the area and that it represents an overdevelopment of the site which will harm the spatial character of the area. The Councillor also finds that the proposal will harm neighbouring residential amenity.

#### 2.0 PROPOSAL

2.1 The application seeks approval for the construction of a detached two storey dwelling within the site garden of the site. Similar to the other dwellings on the street the dwelling will be designed with a gable front, a garden area to the rear and a front drive. A single garage will be constructed attached to the side of the house. The footprint of the main two storey element of the dwelling will measure 5.8m by 8.6m, and will be 7.1m in height. In order to level the site, the site will be infilled and raise towards the south by a maximum of 2m. The applicant states that the retaining walls that will be erected to support the infilling, these walls will be earth banked and grassed over.

## 3.0 SITE AND SURROUNDINGS

The proposed residential curtilage currently forms part of the private garden area of 7 Elmete Walk. Like many of the dwellings on the street, the host dwelling is a two storey gable fronted brick built structure. The dwellings on the street have an open plan feel with little or no boundary treatment to the front. The dwellings are regularly spaced out and are separated by single integral garages. The street inclines steeply from north to south with the application site located on top of the hill as it joins Elmete Close. The neighbouring dwelling No.1 Elmete Close is located above the ground level of the host dwelling. The garden area of No.1 adjoins the side of site. The site forms part of character area three of the Roundhay Conservation Area. The street does not feature any historic buildings that could be classed as positive building within the Conservation Area.

#### 4.0 RELEVANT PLANNING HISTORY:

4.1 H30/122/78/- Alterations and extension, to form dining room, kitchen, utility room and study, and erection of detached. Approved

## 5.0 HISTORY OF NEGOTIATIONS

5.1 Following the comments from highway colleagues that highlighted the need for the proposed drive to be 10m in length so as to allow two vehicles to be accommodated within the site, the applicant was advised to revise the plans and increase the length of the drive by 2m. The revised plans have been submitted.

## 6.0 PUBLIC/LOCAL RESPONSE:

The application was originally advertised by site notice dated the 29<sup>th</sup> September 2017 and was advertised in the press on the 22<sup>nd</sup> September 2017. Neighbour Notification Letters posted 19 September 2017.

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- 6.2 Seventeen objection letters have been received raising the following concerns;
  - Increase in traffic
  - Overlooking/ harm to privacy
  - The dwelling proposed does not match the other dwellings on the street.
  - Harm to the character of the Conservation Area.
  - Overdevelopment of the site.
  - The infilling of the site will result in the creation of a large retaining wall.
  - The proposal will create drainage issues.
  - Impact on trees and shrubs
  - Block views and outlook from neighbouring dwellings
  - The streetscene drawing does not accurately show the incline of the street
  - Impact from overshadowing
  - Overbearing impact
  - Construction traffic needs to be controlled
  - Pressure on local infrastructure such as schools and drainage
  - Approval of the scheme would set a precedent for other garden spaces to be developed
  - The dimension of the garage and drive will not allow for vehicles to be parked

## 7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways: No objections subject to conditions.
- 7.2 <u>Mains Drainage:</u> No objections subject to conditions.
- 7.3 Contaminated Land: No objection subject to conditions.

#### 8.0 PLANNING POLICIES:

#### <u>Development Plan</u>

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan
- 8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

## Core Strategy

8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

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 that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

## Natural Resources and Waste Local Plan (January 2013)

8.4 The following policies are considered relevant:

WATER 1: Water efficiency

WATER 2: Protection of water quality

WATER 7: Flood risk assessments

LAND 1: Contaminated land

LAND 2: Development and trees

## Saved UDP policies:

8.5 The following policies are considered relevant:

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 and adjacent to conservation areas

## Relevant Supplementary Planning Guidance includes:

- 8.6 Roundhay Conservation Area Appraisal- identifies this site within Character Area 3.
- 8.7 SPG 13: Neighborhoods for Living
- 8.8 Roundhay Ward Neighbourhood Design Statement- Elemte Walk is not specifically mentioned within the document.

## National Planning Policy Framework (NPPF)

- 8.9 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.
- 8.10 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.
- 8.11 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary Page 100

expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

8.12 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

#### 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 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. The standards are met.

## Community Infrastructure Levy

8.14 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). The development is regarded as Self Build and can therefore qualify for a CIL exemption.

#### 9.0 MAIN ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highways
- Representations

#### 10.0 APPRAISAL

## Principle of Development

- 10.1 Policy H2 of the document is an important consideration in so far as the principle of the development is concerned. The application site can be considered to be a non-allocated housing site as defined by policy H2 of the Leeds Core Strategy. The site has not been included as a potential site for housing in the submission draft Leeds Site Allocations Plan DPD. The first part of policy H2 requires new housing development with non-allocated land to not exceed the capacity of local infrastructure. The site being located in an existing residential area with good road links to nearby smaller town centres and Leeds City Centre itself, suggests that the proposal would not exceed the capacity of local infrastructure and therefore the proposal is considered to meet the aims of the policy in this respect.
- The second part of policy H2, amongst other things, states that greenfield land should not be developed if it makes a valuable contribution to the visual and spatial character of an area. It is considered that the site is not particularly important to the

spatial character of the area, being closed off with boundary treatment from the highway. Rather, the site makes, at best a neutral contribution to the Character of the Conservation Area. Therefore, the scheme is considered to comply with policy H2.

## **Character and Appearance**

- The NPPF 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 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 developments to preserve and, or enhance its character. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- The street has an open plan feel, characterised with gable fronted brick built dwellings with link attached garages with regular gaps between dwellings at first floor level. The dwellings step up from each other as the street inclines up from the north to the south. Similar to the neighbouring dwellings, this proposal will take a two storey form, maintaining the prevailing building- line and will have a gable fronted design. Furthermore, the first floor level will keep a distance of 4m from the side of the host dwelling so as to maintain the spatial character of the street, which features gaps of around 3.5m between dwellings. Therefore, it is considered that the proposal will not harm the spatial character of the area. Whilst also taking into account the gap of 7.2m that will be maintained from No.1 Elmete Walk, the 12m separation distance that will be maintained from the rear boundary and 6m that will be retained from the highway, it is considered that the scheme will not appear as an over-development of the site.
- 10.5 Similar to the other dwellings on the street the ground level of the proposed dwelling will also step up in line with the slope of the street, with the dwelling itself being set higher then the existing dwelling on the site but lower than the adjacent dwelling to the south 'No.1 Elmete Walk'. Therefore, it is considered that the level changes proposed in the site, the scale and the siting of the dwelling will not harm the character of the Conservation Area. Some public comments have raised concerns with regards to the retaining wall that will be needed to support the proposed 2m raise in the ground levels that will be required to level the site. The agent has clarified that any retaining walls will be earth banked and grassed over. It is considered that this will adequately screen the retaining wall from public view and soften its impact on the street.
- The objection raised by members of the public that the design of the proposed dwelling does not match the other dwellings within the street, is noted. Unlike the other dwellings on the street, the proposal is more symmetrical in design when compared to the existing dwellings on the street, that are unbalanced with a cat-slide roof which are bulkier on one side. However, the proposed dwelling, in terms of its two storey scale, gable front design, matching materials and by way of its appropriate siting in relation to the neighbouring dwellings; has many traits that will allow it to tie in with the character of the this part of Roundhay Conservation Area.
- 10.7 There are a number of small trees and shrubs located within the rear garden of the neighbouring dwelling that adjoins the boundary of the site, and these may have to Page 102

be pruned as a result of the works proposed. As these are modest trees that cannot be said to have a significant impact upon the character of the Conservation Area, it is not considered that the pruning will harm the character of the Conservation Area. Given that the trees are located within the adjacent garden and given the differences in ground levels, it is not considered that the trees will be fatally harmed as a result of the works proposed.

10.8 It is therefore considered that the proposal will not harm the character and appearance of the Conservation Area and therefore the proposal complies with P10 and P11 of the Core Strategy and with saved policy N19 and with the guidance contained within the Roundhay Conservation Area Appraisal. The proposal also complies with the guidance provided within the NPPF in particular those sections that relate to conserving heritage assets as outlined within Section 12 of the NPPF.

## **Residential Amenity**

- The development is considered to provide a reasonable standard of amenity for future occupants and the remaining parking and garden space for the existing occupants will also be adequate and will meet the guidance contained within SPG13 Neighbourhoods for Living. All habitable rooms would receive adequate levels of daylight and sunlight penetration, have a good level of outlook and the rooms are of a good size. Each dwelling will be served with two parking spaces which have been accepted by the Highways Officer as being of an adequate dimension. The garden areas proposed are of a reasonable size and meets the guidance provided within Neighbourhood for Living. With regard to internal space standards the submitted plans show a scheme that meets the requirements set out by the technical guidance.
- 10.10 The mass of the proposed dwelling will be largely constructed to the side wall of the host dwelling No.7, and will not appear to harm its amenity by way of overdominance or overshadowing.
- 10.11 The orientation of the adjacent dwelling No.1 Elmete Close is such that its prominent windows will not directly face the proposed dwelling. Furthermore, the ground levels of No.1 Elmete Close being set at a higher level than the application site together with the fact that a 7.5m gap will be maintained in between the proposal and the windows of No.1, it is not considered that the proposal will raise issues of over dominance. Furthermore, No.1 Elmete Close being located to the south of the application site, suggests that any resulting overshadowing of the garden area will not be significant or at least not to a level that will be harmful to residential amenity. Due to the separation distance, it is not considered that proposal will harm the amenity of any other dwellings located in the immediate vicinity of the site.
- 10.12 The windows in the side elevation are secondary in nature and therefore a recommended condition for them to obscure glazed is proposed. Considering the 12m gap that will be maintained between the first floor windows and the rear boundary, along with the mature landscaping present that is present of that boundary, it is considered that the windows in the rear elevation will not overlook and affect the privacy of the dwelling beyond the rear boundary. It is not considered that the windows in the front elevation will offer significant views and thereby affect the privacy of the neighbouring dwellings.

## Highway matters

10.13 It is considered that the proposed single dwelling on the site will not significantly increase the levels of traffic within the area. The proposed drive will provide adequate space to park two vehicles, which is considered adequate to meet the parking needs of the future occupants of the site. The Highways Officer has evaluated the scheme and has raised no concerns.

## Public Representation

- The issues raised by members of the public that relate to on street parking, overlooking, over-dominance, overshadowing; and with regards to the over-development of the site, design and the impact on Conservation Area are all issues that have been discussed within the report. The report also discusses issues relating to the loss of outlook and views from the neighbouring dwelling No.1 Elmete Close.
- 10.15 The comments made with regards to the proposed infilling of the site and consequent need to construct large retaining walls to support the land, not supported. The plans show the land to be landscaped with grassed embankments which will not appear intrusive from public viewpoints.
- 10.16 The drainage concerns raised have been evaluated by the Flood Risk Management Team, who do not raise any drainage concerns subject to a condition being imposed requiring details of the surface water drainage scheme being imposed on the decision notice.
- 10.17 The proposed Impact on trees and shrubs, have been discussed within the report.
- 10.18 The comments made that the streetscene drawing does not accurately show the incline of the street, is noted. It is however, considered that this plan does accurately depict the changing street levels.
- 10.19 The comments made concerning the need to control Construction traffic, is noted. This issues can be addressed via a condition that requires details of the contractor parking and loading and unloading of materials, being submitted and agreed with the Local Planning Authority prior to works commencing on site.
- 10.20 Concerns have been raised that the proposal will add pressure on local infrastructure such as schools. With regards to the issue relating to the pressure on local schools, it is considered that the proposed single dwelling will not put significant pressure on local schools.
- The concern raised relating to the precedent the approval of the scheme would set for other garden areas being developed, is not given much weight. All applications are judged on their individual merits and it is not considered that the approval of the scheme would mean other garden areas being developed through the setting of a precedent.
- 10.22 The concerns raised by Ward Councillor that have been highlighted at the head of the report have also been addressed within the report.

#### 11.0 CONCLUSION

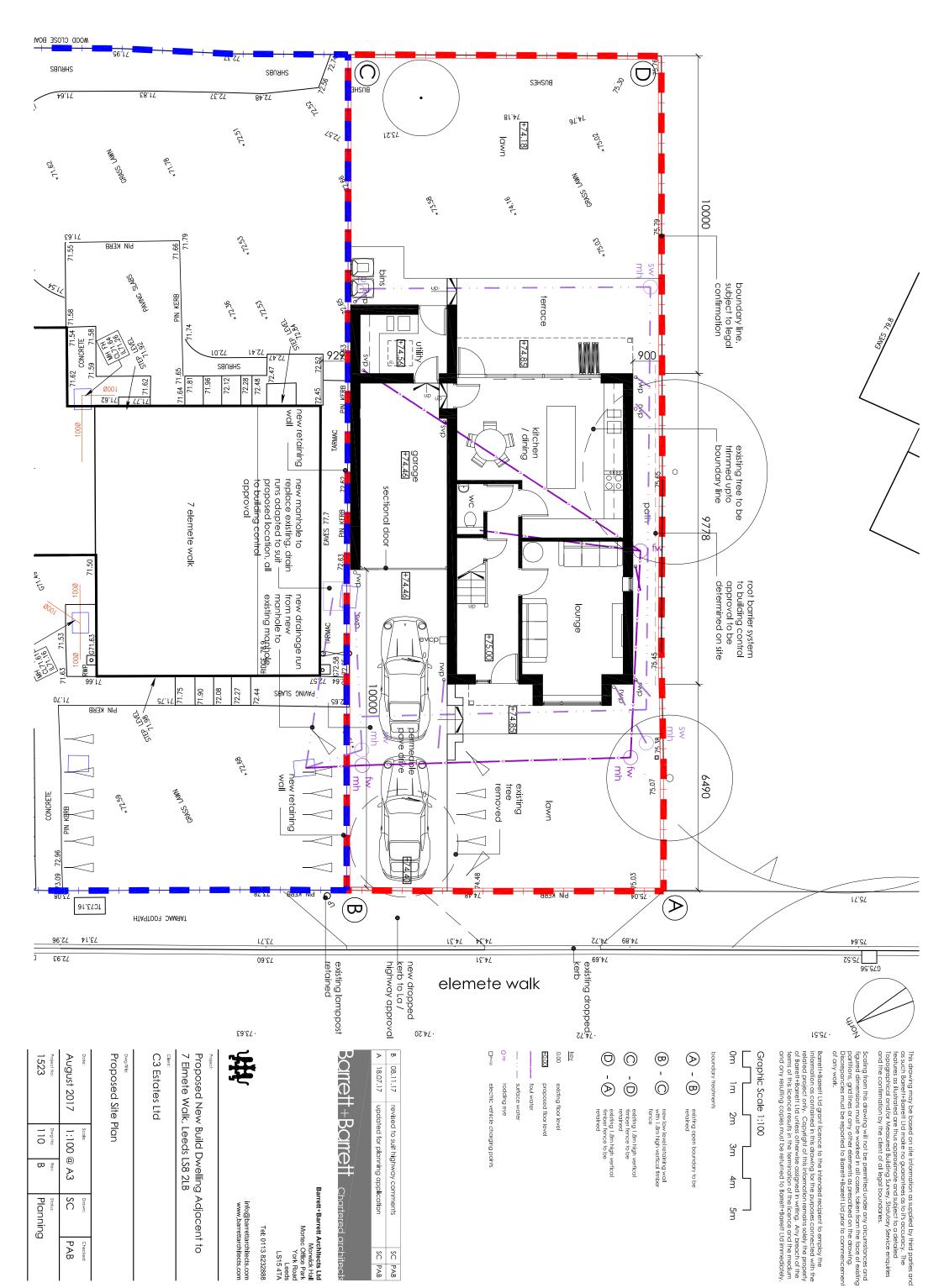
11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context and the character of the Conservation Area will not be harmed as a result of the scheme. The parking Page 104

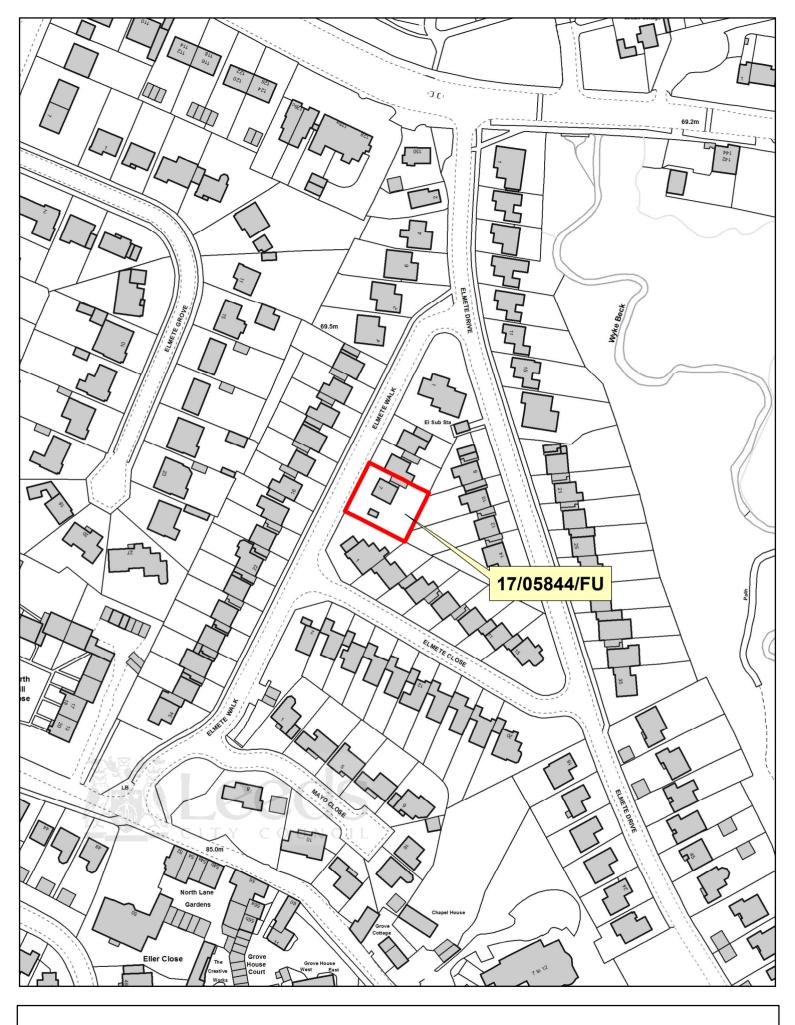
provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report, approval is recommended.

## **Background Papers:**

Application file: 17/05844/FU

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





## **NORTH AND EAST PLANS PANEL**

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**SCALE: 1/1500** 



