



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 1st May 2014

Subject: Discharge condition application 14/00720/COND related to planning approval Application number 06/01130/FU – Residential Development for 164 houses and apartments at Cemetery Road Pudsey

APPLICANT
David Wilson Homes

DATE VALID
6/02/2014

TARGET DATE
1/05/2014

Electoral Wards Affected:

Pudsey

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

Members are requested to approve the landscaping plan and discharge the condition

1.0 INTRODUCTION

1.1 A planning application for a residential development of 164 dwellings was considered by Plans Panel on 29 November 2007 and approved in December 2008. Condition 25 related to submission of landscaping scheme. The boundary treatment on the eastern side of the development has not been carried out in accordance with the approved landscaping scheme. To rectify this a new discharge of condition application has been submitted and this report recommends Members of Panel approve the amendments to the boundary treatment on the eastern boundary. Because of previous Panel involvement it is considered appropriate that this discharge of condition application is considered by Panel.

2.0 PROPOSAL:

2.1 Planning permission was granted for a residential development of 164 houses and apartments in 2006 and the development is almost complete. The approved

landscaping plans showed that on the boundary with a footpath to the east of the site the existing stone wall and hedgerow were to be retained.

Work commenced on site and the stone wall and hedgerow were removed and replaced with an unauthorised 2 metre high palisade fence.

- 2.2 Councillor Coulson and Council officers met with the developer on site and negotiated an alternative treatment between the new development and the public footpath. This comprised the removal of the security fence once development was complete, the erection of a 1.5 metre wooden fence and the planting of a hedge on the public footpath side of the new fence. Amended plans were submitted and approved by the City Council detailing these proposals.
- 2.3 Work is almost complete on site and the vast majority of the properties are now occupied. The work required above has so far not been implemented. The palisade fence is still on site and a 1.8 metre wooden fence has been erected behind the aforementioned palisade fence. It also became evident that the wooden fence that has been erected on site is not in the correct position by approximately 1 metre. The fence has increased the garden sizes and narrowed the gap to the public footpath. For clarification the revised position has not incorporated any land that belongs to the Council.
- 2.4 Councillor Coulson and council officers have met again with representatives of the building company to seek a way forward to ensure that the residents of the new properties have secure gardens and the visual amenities of the public footpath are improved.
- 2.5 The gap that remains on the footpath side of the fence is not wide enough to support a hedge. A landscaping officer has been on site and has stated that even if the fence was relocated into its approved position a hedge would still not flourish. An officer from the Public Rights of Way team has concerns regarding a hedge being planted in this limited space as it would become a future maintenance issue and be prone to littering.
- 2.6 The developer has requested that the wooden fence remains in its current position and has offered to fund work to improve the public footpath instead. This involves resurfacing the whole of this footpath from Cemetery Road up to the Vicarage at the top of the path. The cobble stones at the beginning of the path will be retained and repaired whilst the rest of the footpath will be resurfaced. The piece of land that remains at the side of the public footpath and the existing wooden fence which is owned by the developer will be resurfaced with flush cobble setts which will be easier to maintain, will prevent littering and which will tie in with the historic cobbles at the entrance to the footpath.
- 2.7 The developer will also repair the stone wall that exists along the remainder length of this public footpath. The Palisade security fence will be removed and the wooden fence will also be boarded on the footpath side to prevent people climbing up the fence and entering the gardens off this footpath.
- 2.8 A discharge of condition application has been submitted showing the proposed works discussed above.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a public footpath to the side of a completed residential development. The footpath links Cemetery Road to the Vicarage with Tofts Road, Lower Tofts Road and Church Lane beyond. The residential development abuts just under half of this footpath which on the application side moves through POS then existing residential development to the south. The Cemetery is the opposite side of the footpath with allotments at the southern end. There are some cobble stones at the start of the footpath with the rest of the footpath tarmacked and in a poor state of repair. There are areas of stone walling along its length which are in various states of repairs.
- 3.2 The site is located within the Conservation area

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/01130/FU – application for 164 houses and apartments, approved 23/12/2008

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 One local resident has objected to the proposal:

I wish to object to the discharge application given that the hedge will not be planted in accordance with the planning condition. The fence line is sighted (sited) in 1 metre over where it should be and the developer removed a mature hedge and stone wall which was situate next to the public right of way.

The developer has aggrandised the land and not complied with the planning permission. I would further state that the hedgerow regulations have not been complied with and that your consent was not obtained before the hedgerow was removed. The hedgerow and the stone wall formed part of the well established track up through Queens Park which can still be seen and therefore there still exists a right of way through what are now the gardens of the new development.

6.0 CONSULTATION RESPONSES:

Public Rights of Way

Supportive of the proposed improvements to the public footpath.

Conservation officer

Architectural Liaison Officer

A security assessment was carried out of the public footpath at Cemetery Road, Pudsey and my immediate observation was that the area appeared to be closed in and there was a lack of natural surveillance. The existing boundary treatments between the residential housing and the footpath was mixed and afforded places to hide. There is a neglected area which adjoins a public space which, with the aforementioned conditions has created a vulnerable area and is a risk to public safety. I did notice at the time of the assessment that members of the public were using this footpath as a shortcut to a nearby residential area and the public space.

I cannot comment on the vulnerability of the area during the hours of darkness but in my opinion the conditions will create a foreboding atmosphere and an increased risk of criminal activity.

The boundary treatment to the newly constructed development was constructed of a single boarded wooden fencing which should have been close boarded to prevent climbing. To improve natural surveillance I would recommend that trellis work be added to the fencing giving an overall height of 1.8m or 2.0m.

I also recommend that the existing palisade fencing which is in a varied state of repair be removed to create a uniform appearance and so taking away this neglected feel to the area.

Landscaping to the neglected public space will also improve the environmental conditions of the footpath

Conservation Officer – has strong concerns due to the impact on the character of the conservation area and the setting of the grade II* registered park and garden for the following reasons:

- At present the fencing stands higher than the wall to grade II* Pudsey Cemetery, as such it dominates the PROW and has a negative impact on the setting of the boundary wall of the cemetery, impacting on its character and the character of the conservation area. As this is proposed to be retained this is clearly still a concern.
- The 1.5 metre buffer and hedge is necessary to soften the impact on the historic environment otherwise if not then the fence will continue to dominate.
- The cobbles on the surface and the informal nature of the existing surfacing help retain the setting of the cemetery. Overly suburbanising the path by covering in tarmac would make it more in-keeping with the new development and not relate to the fact that the PROW was put in place over 100 years to service the cemetery and the former Grove Works site. This will have a negative impact on the character of the conservation area, the PROW and the registered cemetery.
- Repairing sections of wall and a bit of cobble resurfacing does not mitigate the above.

7.0 PLANNING POLICIES:

Development Plan

7.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at submission stage with examination in October 2013.

Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

LD1: Landscape schemes.

7.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

- 7.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Policy P12 – Landscape (page 91)

National Guidance

- 7.4 The National Planning Policy Framework 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.
- 7.5 It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 7.6 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 7.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.8 The development plans have to achieve economic, environmental and social aspects of sustainable development.

The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being.

The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. from good planning, and should contribute positively to making places better for people.

8.0 MAIN ISSUES

1. Impact on conservation area/visual amenity
2. Residential amenity

9.0 Conservation area/visual amenity

- 9.1 The public footpath is located within the Conservation Area and is heavily used by the general public. The original permission allowed for the stone wall and hedge to remain and this was removed from this part of the footpath when development commenced. Officers negotiated a revision to this which was for a wooden fence at 1.5 metres and replanting of a hedge. This was considered to provide privacy for the proposed residents and the hedge would soften the fence when viewed from the public footpath and reduce its impact in the conservation area.
- 9.2 The wooden fence was then erected in the wrong position by approximately a metre which has resulted in the gardens increasing in size and the width of the public footpath reduced. None of the land incorporated into the gardens is within the ownership of Leeds City Council and previously formed part of the public footpath.
- 9.3 The gap that is now available for the planting of a hedge is too narrow to allow for a hedge to grow and form an adequate width and height to improve the visual amenity off users along the public footpath. There is also a concern from Public Rights of Way that the hedge would attract litter and is likely to be difficult to maintain.
- 9.4 The applicant has requested that the wooden fence is not moved to create this additional 1 metre on the footpath side of the development. The residents are now occupying the properties and have carried out various landscaping and erected decking/sheds up against the fence.
- 9.5 The application covers about half of the whole of the footpath between Cemetery Road and The Vicarage. Once beyond the application site the footpath opens up as it is alongside an area of POS and allotments. The surfacing of the footpath is not ideal and has been damaged over time by its usage. The applicant has agreed to resurface the whole of this footpath which would improve access to and over the footpath. Our conservation officer is concerned that resurfacing this footpath with tarmac would have a negative impact on the footpath. It is suggested that the resurfacing material is negotiated with the conservation officer involvement. There are also sections of stone wall beyond the application site which are in a poor state of repair and the applicant has agreed to mend these sections of wall. The additional land between the footpath and the wooden fence which are at the moment is an unsurfaced strip of land will be resurfaced with cobble sets which will improve the visual amenity of this footpath and will help in its long term impact and maintenance
- 9.6 The conservation officer does have concerns regarding the fence and lack of hedge. The fence will be higher than the listed wall, it will overdominate the views along this footpath to the detriment of the wall and conservation area in general. Whilst these are valid points the fact that the hedge has been removed and the space left would not support a hedge have to be taken into account. The scheme also offers other benefits to the public footpath as a whole rather than just the section alongside the housing development.
- 9.6 Whilst, the loss of the wall and hedge and the reduction in width have resulted in too little space to plant a hedge, the applicant is compensating that by improving the visual amenity for the whole of this path and not just the section alongside the application site. Acceptance of this way forward also avoids the fence being removed and repositioned and all the upset to current residents who would have to removed decks and existing landscaping.

10.0 Residential amenity

- 10.1 The original scheme of the stone wall and hedge were of sufficient height to have provided privacy and security for the residents who would have occupied the dwellings. A new hedge would take a number of years to grow to a width and height that would offer privacy and security. This was the reason for previously approving a 1.5 metre fence on the boundary behind the proposed hedge.
- 10.2 The fence that has been erected is 1.8 metres in height. The architectural liaison officer has confirmed that a fence of 1.5 metres would not provide adequate security for the residents. A fence of 1.8 metres would increase security for the residents so on balance the increase in height is considered acceptable.

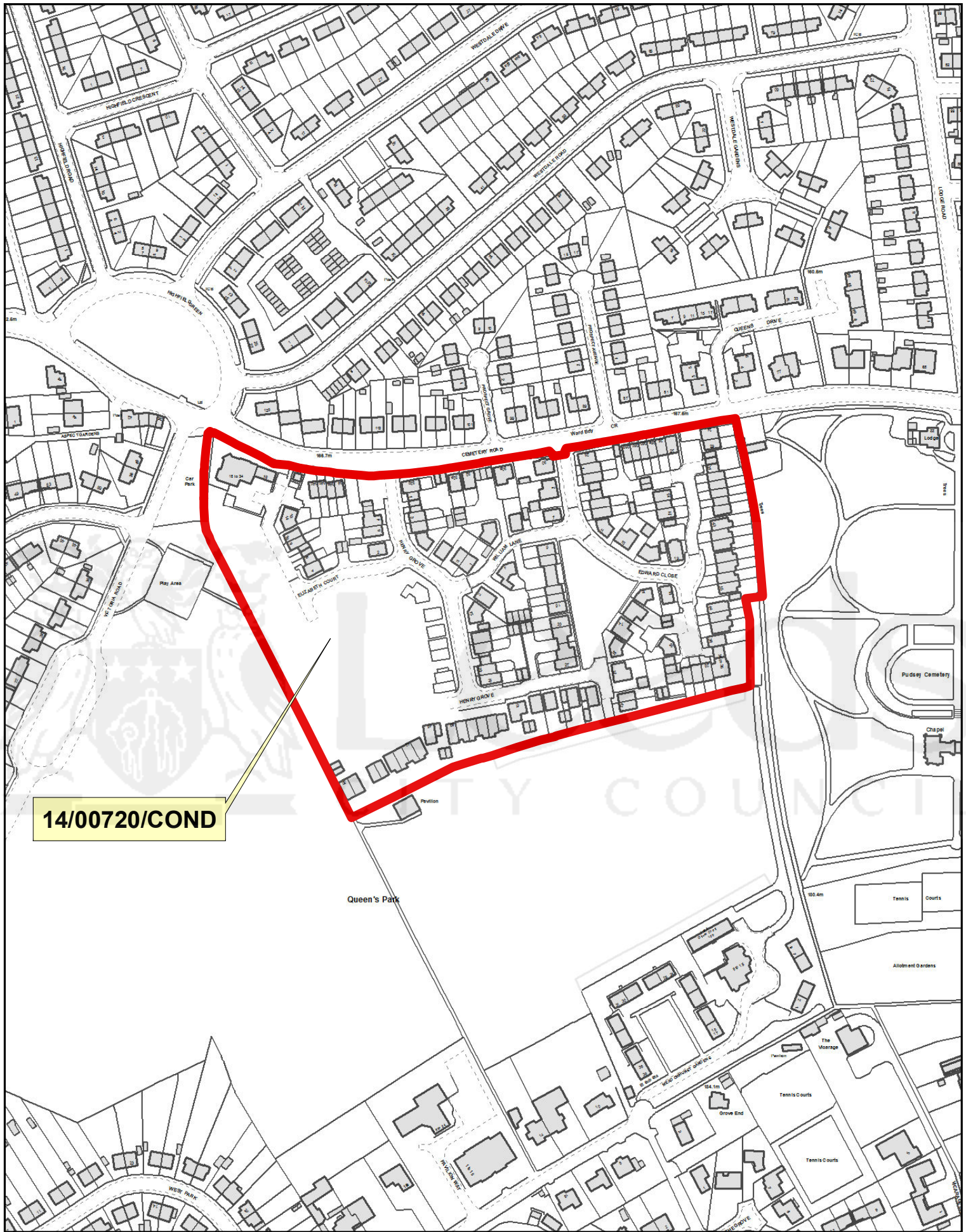
11.0 CONCLUSION

- 11.1 The removal of the original wall and the loss of a well established hedge was considered to have a detrimental impact on visual amenity on the adjacent public footpath it was considered that a replacement hedge would improve visual amenity but a fence behind would offer security to the residents whilst the hedge was becoming established.
- 11.2 The fence being erected in the wrong place has resulted in their being lack of space between the fence and the footpath for a hedge to establish to an adequate height and width required for it to soften the existing fence.
- 11.3 Officers have negotiated other improvements to the public footpath which cover the whole of the footpath and not just the section alongside the application site. The other improvements also can be implemented without the fence position changing and inconveniencing the residents who have invested money in landscaping, decking and sheds backing on the fence.

On balance officers are supporting the changes

Background Papers:

Certificate of ownership: signed by applicant.
Planning application file.



14/00720/COND

SOUTH AND WEST PLANS PANEL

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