



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 2nd October 2014

SUBJECT: APPLICATION 14/02088/FU: Erection of 14 dwellings, laying out of access road and associated works, off site road improvements to vehicular/pedestrian access.

ADDRESS: Former Bell Bros, Green Lane, Pudsey, LS28 8JN

APPLICANT	DATE VALID	TARGET DATE
CHARTFORD HOMES LTD & BEGBIES TRAYNOR	23.04.14	23.07.14 EXTENDED TILL 03.10.14

Electoral Wards Affected:

Pudsey

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPLICATION 14/00493/FU

Defer and delegate to the Chief Planning Officer subject to the following conditions and to completion of a Section 106 Agreement within 3 months of the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer to secure:

- 1) £42,651.97 greenspace contribution.**

CONDITIONS

- 1) Standard time condition 3 years.
- 2) Plans to be approved.
- 3) Sample walling materials.
- 4) Sample roof materials.

- 5) Sample surfacing materials.
- 6) Details of boundary treatments.
- 7) Details retaining walls.
- 8) Visibility splays.
- 9) Area to be used by vehicles to be constructed, drained etc.
- 10) Cycle/motorcycle parking.
- 11) Highway condition survey.
- 12) Arboricultural method statement.
- 13) Submission and implementation of landscape details.
- 14) Replacement of trees.
- 15) Retention of trees.
- 16) Protection of trees.
- 17) Landscape management plan.
- 18) Bird nesting and bat roosting opportunities.
- 19) No vegetation clearance in bird breeding season.
- 20) Method statement for eradication of Knotweed.
- 21) Plans showing all levels.
- 22) Separate systems of foul and surface water drainage.
- 23) No piped discharge prior to completion of surface water drainage works.
- 24) Contamination report.
- 25) Unexpected contamination.
- 26) Verification reports.
- 27) Precautionary condition if shallow mine workings are discovered.
- 28) Contractor facilities.
- 29) Measures to prevent mud, dirt, and grit being carried onto highway.
- 30) Measures for suppression of dust on site.
- 31) Details of windows, doors, roof-lights and rainwater goods.
- 32) Removal of PD rights for extensions.
- 33) Local Employment.
- 34) Improvement of surface of public footpath.

1.0 INTRODUCTION:

- 1.1 The application is being reported to Panel at the request of Cllr Richard Lewis who has concerns regarding the design quality of the scheme and felt it would benefit from the input of committee members. This is supported by Cllr Coulson whom requested a panel site visit.

2.0 PROPOSAL:

- 2.1 The proposal seeks consent for 14 detached dwellings, laying out of access road and general site improvements on this 'brownfield' former industrial site. The site area is approximately 0.57 Ha.
- 2.2 Access to the site will be from Green Lane and a new cul-de-sac of dwellings will be formed around an access road running broadly through the centre of the site. The position of the access will be altered in comparison to the existing access point serving the now defunct industrial site with it being moved slightly further south along Green Lane towards Greentop. Road and footpath improvements are proposed along the Green Lane frontage of the site to bring it up to modern standards.
- 2.3 The dwellings are generally orientated north to south either side of the central access road with gardens adjacent to the gardens of the Smalewell Road dwellings

to the North and gardens adjacent to Greentop to the South. They comprise of three main different house types with two further sub variants of two of the main house types.

- 2.4 A standard substation will be located in the north-west corner of the site adjacent to plot1. The opposite south east corner of the site will provide the on-site greenspace protecting a dense grouping of trees in this corner of the site.
- 2.5 The revised proposal has introduced a greater variation in the housetypes particularly in terms of their principle elevations in order to provide greater visual interest to the streetscene as compared to the original submission.
- 2.6 The only Section 106 contribution required of the applicant is a policy compliant greenspace contribution of £42651.97 as calculated using the Council's standard formulae. In addition an area of on-site greenspace has been set aside within the development utilizing an existing copse of trees. The financial contribution is still applicable in addition to the on-site provision and the applicants are willing to provide both.
- 2.7 Each of the new units will be provided with 2 off-street parking spaces which exceeds the maximum requirement of 1.5 spaces contained within the UDP and the Leeds Street Design Guide.
- 2.8 The construction materials of the proposed new houses will be brick and render walls and concrete tiled roofing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within a predominantly residential area of Pudsey and is surrounded on all sides by residential dwellings of varying eras of construction. It is one of the few remaining industrial sites within this area as many have already been re-developed generally for housing.
- 3.2 The site is currently vacant and unoccupied and contains a mixture of industrial units related to the previous industrial use the owners of which unfortunately went bankrupt approximately 3 years ago. A large part of the site not previously occupied by the footprint of buildings is hard surfaced with tarmac save for a small woodland area to the south eastern corner of the site.
- 3.3 A disused railway tunnel (Green Lane Tunnel) runs along and under the northern part of the site. This has restricted access with locked steel gates at either end.
- 3.4 A public footpath runs along the eastern boundary of the site in a north-to south direction linking Green Top to Smalewell Road for pedestrians.
- 3.5 This site is relatively flat with a gentle slope down from Greentop towards Smalewell Road reflecting the prevailing topography. The site does sit below the level of the highway on Green top by approximately 1.5m with a fairly steep embankment.

4.0 RELEVANT PLANNING HISTORY:

H25/251/83/: 37 Greentop, Alterations, to form enlarged lounge and extension, to form enlarged kitchen, to side of detached house.

25/170/96/FU: Bell Bros, Extension to side and laying out of car park to factory (Approved).

5.0 HISTORY OF NEGOTIATIONS:

5.1 Informal pre-application discussions were held with the applicants in relation to the broad principles and quantum of development.

5.2 The applicants have indicated that they would be prepared to consult with the owners of number 37 Greentop and undertake a degree of cosmetic improvements at the applicant's expense in response to the issues raised by Cllr Lewis. They are however unwilling to accept a condition to that effect and even if they were, none could be attached as the property is outside the red-line boundary.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The planning application was advertised by means of 9 site notices posted around the site on 9th May 2014 as a major development and in the Yorkshire Evening Post on 8th May 2014.

6.2 Councillor Lewis with support from Councillor Coulson requested the application be determined at panel due to concerns regarding the blandness of the design. Councillor Lewis raised a further concern, when notified of the application being presented to panel, regarding the missed opportunity to improve the situation as regards 37 Greentop.

6.3 Six local residents have commented by email. Comments relate to:

- Although raising some concerns regarding the development 3 of the local residents express support for the principle of the residential development of this site.
- Parking both on-street on Green Lane and provision within the site is of concern to more than one of the local residents. In light of these concerns and those of Officers revised layout plans have been requested to ensure suitable and safe arrangements for the access to the site. Conditions have also been attached to ensure such works are carried out prior to occupation of the dwellings to ensure they are in place before required. Parking provision within the site exceeds the Council's maximum guidance levels on provision with two spaces per dwelling being provided.
- The presence of Knotweed on the site and how this will be dealt with is also of concern to a number of those who have commented. The applicants are aware of this issue as it was included in their submission. This has been controlled by condition and is also covered by separate legislation. Development of the site offers the best chance to remove this invasive species.
- The Smalewell Road residents who have commented have concerns regarding the brick wall which forms a significant proportion of the northern boundary of the site following demolition of the building. A suitable alternative boundary treatment has been conditioned to ensure a reasonable level of privacy for both the gardens of the existing and proposed dwellings. It is likely

that this will comprise of timber close boarded fencing 1.8m high similar to the boundary treatment being used (Boundary Treatment Plan CH/48/013) to subdivide the rear gardens of the plots plots.

- Flooding/Groundwater was raised as an issue by one objector. Drainage has been consulted and is satisfied with the proposal put forward in this regard.
- Materials were raised by one objector. Brick and render are the proposed walling materials and these are considered suitable and appropriate within the immediate local context.
- One of the local residents made a suggestion that access could be taken of Greentop rather than Green Lane. There would be issues with the level difference between the site and Greentop and in any case the Green Lane access proposed is considered acceptable.
- One resident expresses concern regarding demolition of the buildings and the structural effect this may have in terms of their property, requirements for access and how asbestos removal will be controlled. These issues are covered by separate legislation and are not significant planning material considerations in the assessment of this application. Planning consent does not grant nor infer rights of access to third party land.
- Although not a significant material consideration as regards the planning merits of the proposal, given the close proximity of other residential dwellings conditions relating to the construction works have been attached to minimise, noise, dust and disturbance during the construction phase.
- The proximity of the substation has been raised as a concern by one resident (the closest to it). The effect of this in terms of property value is not a material planning consideration. Right to light is not protected by the planning system, however the scale of the proposal and its proximity to the adjacent dwellings is not considered likely to lead to significant overshadowing or overdominance. Electro-magnetic fields are controlled by separate legislation.
- The existence of a disused railway attention is known both to the applicant's and the Local Planning Authority. The layout has been designed to ensure that only gardens will be on-top of the tunnel.
- The occupier of number 37 has raised concerns regarding the effect of the proposal on light received and their rights to access and maintain their property. The relationship between this dwelling and the development site is far from ideal due to the lack of curtilage to number 37. The layout of the scheme has been designed to minimise this impact as far as possible and overall on the planning balance the arrangement is considered acceptable. The Party Wall Act is the relevant legislation as regards future access and maintenance.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Coal Authority: No objection subject to conditions.

Yorkshire Water: No objection subject to conditions.

Non-statutory:

Contaminated Land Team: No objection subject to conditions

Public Rights of Way: Public footpath no.75 abuts the site and a request for surface improvements to it was made.

SDU Nature Conservation: Confirms that the bat survey requested is satisfactory, there is vegetation suitable for nesting birds and Japanese Knotweed is present on-site. No objection subject to conditions relating to the above three issues.

SDU Landscape: No objection subject to conditions.

Local Plans: No objection in principle, satisfied following submission of additional information that the site has been adequately marketed for other employment uses. A greenspace contribution of £42651.97 is required.

Highways: Following submission of a revised layout and access details no objection subject to conditions.

West Yorkshire Metro: Advise that residential metro cards (£6660.50) should be secured through a Section 106 Agreement.

Drainage: No objection following submission of a revised Flooding and Drainage Assessment.

8.0 PLANNING POLICIES:

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Leeds Unitary Development Plan (2006 Review)

- Proposals Map: the site is shown without notation
- SA7: Promote physical and economic regeneration of urban areas.
- SP3: New development concentrated largely within or adjoining the main urban areas.
- GP5: General planning considerations.
- GP11: Sustainable development.
- N4: Provision of greenspace.
- N12: Urban Design.
- N13: Design Quality.
- N39a: Sustainable drainage.
- H4: Development of unallocated sites in main urban area.
- T2: Transport infrastructure.
- T24: Parking provision.
- BD5: General amenity issues.
- LD1: Landscape schemes.

Leeds City Council Supplementary Planning Guidance

- SPG4 Greenspace relating to new housing development.
- SPG10 Sustainable Development Design Guide.
- SPG13 Neighbourhoods for Living.
- SPG22 Sustainable Urban Drainage.
- SPD Street Design Guide.
- SPD Designing for Community Safety.

Local Development Framework:

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan.

The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.

It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

- H2: New housing development on non-allocated sites.
- H3: Density of residential development.
- H4: Housing mix
- P12: Landscape
- T2: Accessibility requirements and new development
- G4: New greenspace provision
- G7: Protection of species and habitats
- G8: Biodiversity improvements
- EN1: Climate change
- EN2: Sustainable design and construction
- EN5: Managing flood risk.
- ID2: Planning obligations and developer contributions

9.0 MAIN ISSUES

1. Principle of development.
2. Layout, scale and design.
3. Impact on residential amenity.
4. Impact on highway safety.
5. Planning Benefits.

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is located within an area unallocated within the Leeds UDP. However, it does lie within the main urban area in a sustainable location with good access to facilities, forming a natural infill to an existing built up area. It is classed as a brownfield site and therefore residential development is considered acceptable in principle subject to sufficient justification being provided as regards the loss of employment. The scheme is therefore considered to accord with policies SA7, SP3, GP11 and H4 of the Unitary Development Plan and policies SP1 and H2 of the Core Strategy. The density and housing mix do not accord with the requirements of policy H3 and H4 of the Core Strategy; however this is outweighed by the compliance with the UDP policies and other Core Strategy policies in light of the appropriate weighting to be attached in the overall planning balance. Limited weight has been attached to policies H3 and H4 as they introduce density and housing mix thresholds (respectively) which were not included in the UDP. They effectively introduce new standards, by which future housing proposals, following adoption of the Core Strategy, will need to conform. Officers have not been instructed to apply these standards prior to adoption of the Core Strategy. It would therefore be unreasonable to assess the application against such thresholds.
- 10.2 The information submitted relating to the employment use demonstrates that the site has been marketed and is not attractive for an employment use. The site is not within an area of shortfall in terms of employment provision. The Core Strategies Employment Land Review does not identify this site for future employment. The proposal will not result in the loss of a deliverable employment site, and the existing land/buildings are considered non-viable. The proposal will not deliver a mixed use scheme, however the use proposed is considered the most suitable given the surrounding residential context. The proposal is therefore considered to broadly accord with the requirements of policy E7 of the UDP and EC3 of the Core Strategy.
- 10.3 In essence therefore there are two fundamental considerations. The first is whether the present proposal is considered acceptable in amenity and highway safety terms compared to the existing use of the site. The second is to consider whether the proposed residential scheme is acceptable on its own merits in relation to the relevant planning policies and material considerations.

Layout, scale and design

- 10.4 There is a broad mixture of detached, semi-detached and terraced dwellings within the immediate locality of varying eras of construction. The nature of the site, constrained on three sides and with an undevelopable strip along the disused tunnel and copse to the south-east corner, encourages the cul-de-sac approach adopted and as such the proposal will be very much judged within its own context. Given the eclectic mix of surrounding building styles there is a limited local pattern of development to follow. Although there are some detached dwellings in the locality

these are quite limited compared to the semi-detached dwellings and terraces so the proposal will introduce a better variety to the overall housing mix.

- 10.5 The scale of the dwellings proposed is considered appropriate to their detached form and all are two storey which reflects the dominant scale and form of the surrounding dwellings.
- 10.6 The design of the dwelling has been revised during the course of the application. This has led to the creation of two sub housetypes within the three main house types. The main difference is in the roof design with variation introduced into the orientation of the gables relative to the access road running through the site. This reflects the wider variation in roof forms within the locality and helps break the uniformity of the streetscene and introduces more visual gaps at the roof level creating a better sense of space. All the dwellings are also slightly staggered in their relationship to the access road which adds to visual interests.
- 10.7 The dwellings are set back from the highway and all have front garden areas of slightly varying sizes. The rear private garden areas all exceed, and mostly by a significant margin, the 2/3ds proportion encouraged in the Neighbourhoods for Living SPD. The site design lends itself to good natural surveillance and introducing a link the footpath will break up its rather secluded length.
- 10.8 On balance it is considered that the layout, scale and design of the proposal is acceptable and represents a significant improvement on the established use of the site which is standing idle and in a poor state of repair. The proposal is therefore considered to accord with policies N12 and N13 of the UDP and the guidance contained within the Neighbourhoods for Living SPD and the guidance on 'good' design appropriate to the local context contained within the NPPF and NPPG.

Impact on residential amenity.

- 10.9 In relation to the existing residential dwellings which surround the development site the proposal complies fully with all the minimum recommended guidance distances contained within 'Neighbourhoods for Living'.
- 10.10 The rear gardens of the proposed dwellings backing onto the northern boundary are generally 12m deep or more where guidance suggests a 10.5m minimum. The rear elevations of the Smalewell Road terraces are a similar distance away in respect of 40-46 and over 20m away in respect of 18-34. There will be approximately 29m between the rear elevation of plot 1 and the rear elevation of numbers 6 & 8 Green Lane.
- 10.11 The dwellings at the access (plots 1 and 14) are well positioned to minimise their impact on the amenity of the properties on the opposite side of Green Lane. The dwelling in plot 1 has been positioned such that it is opposite the gap between Wheatfield House and number 11 and presents a side gable to the street. The dwelling in plot 14 has been set well back from Green Lane with a large front garden and driveway providing a buffer to number 11 Green Lane and 39 Greentop.
- 10.12 In relation to Greentop the dwellings have between 12m and 14m deep gardens. There will be a distance of approximately 30m between the elevation of plot 4 facing Green top and number 38 Greentop on the opposite side of the highway and the levels difference will further mitigate the impact. There will be similar separation distances between the dwellings opposite number 36 Greentop. The retained copse

area will provide a significant landscape buffer to the terraced row of 26 – 34 Greentop.

- 10.13 The copse of trees will also provide a significant landscape buffer between 9 and the side gable of number 17 Greentop. A separation distance of approximately 12m will be retained between the side gable of the dwelling in plot 8 and the rear elevations of numbers 15-21 Smalewell Green protecting a reasonable outlook and protecting their privacy.
- 10.14 The development and particularly plot 14 will have a somewhat awkward relationship with number 37 Greentop. Number 37 does not have a significant curtilage around the dwelling and therefore the application site extends up to both the rear and side elevations of this dwelling. The development has responded to this by positioning the dwelling of plot 14 outside the direct view from the rear elevation of number 37 and providing a large front garden area which will act as a landscape buffer protecting the main outlook from number 37. The rear garden of plot 14 will then abut the side elevation of number 37. There are three secondary side windows in the gable elevation of number 37 which will overlook the rear garden of plot 14. The existing outlook and privacy to number 37 is limited by the previous and established use of the site. The proposed development is not considered likely to be materially worse than the existing or authorized use of the site. It is likely to improve the outlook and privacy to some degree especially in relation to the rear elevation. The privacy and amenity of plot 14 will be compromised by this relationship but it is one of the largest plots on the site which does help to mitigate some of the impacts. Potential future occupiers of plot 14 will be able to make their own assessment of these relationships. Therefore on-balance and light of the pre-existing site circumstances the relationship between plot 14 and 37 Greentop is considered acceptable.
- 10.15 Looking within the site and the inter-relationship between the proposed dwellings these have generally been staggered such that front elevations generally face directly towards the driveway areas of the dwellings opposite rather than dwelling to dwelling. There is also some side elevation to front elevation relationships between the varying house types. This is considered to compensate for the separation distances which at around 17m are below the 21m guidance. The spaces between dwellings and their relative relationships, ensures any shadow and dominance will generally fall against predominantly blank gables and areas of limited amenity value.
- 10.16 Overall therefore and taking a balanced view of the development as a whole the proposal is not considered likely to lead to significant demonstrable harm to the amenity of neighbouring properties and will provide a reasonable level of amenity for future occupants. The proposal is therefore considered to accord with policies GP5 and BD5 of the UDP and the guidance contained within the Neighbourhoods for Living and Community Safety SPD's.

Impact on highway safety.

- 10.17 The original access details were revised following the input of highways Officers principally to achieve a less severe widening of Green Lane, improvements to visibility around plot 1 and the substation and a connection to the footpath was also introduced to improve accessibility to public transport routes.
- 10.18 Following the revisions outlined above the proposal is considered to result in an acceptable access onto Green Lane and appropriate linkages have been formed to the public footpath. The developer has also expressed a willingness to re-surface

the existing footway at their expense as requested by Highways and the Public Rights of Way Officers. The layout is considered acceptable both in terms of turning areas for refuse and standard vehicular traffic and the parking provision exceeds our standard maximum requirements. The proposal is therefore considered to accord with policies T2 and T24 of the UDP, policy T2 of the Core Strategy and the guidance contained within the Street Design Guide SPD.

Planning Benefits

- 10.19 The applicant has indicated that they are be willing to contribute the full greenspace contribution which has not been reduced even though a substantial area of greenspace has been set aside within the development to retain the existing copse. The proposal is therefore considered to accord with the requirements of policy N4 of the UDP, the aims of policy G4 of the Core Strategy and SPG4 Greenspace relating to new housing development.
- 10.20 The applicant is also willing to shoulder the cost of the re-surfacing of the public footpath (no.75) running along the eastern boundary of the site.

Other issues

- 10.21 Suitable revisions and further information has been requested and received to address the concerns raised by the consultees. The remaining issues relate to matters of detail and not principle and as such have been dealt with through the attachment of conditions where they were considered appropriate and necessary.
- 10.22 Given the improvements to Green Lane and accessibility to the footpath proposed and the scale of the development the request for a financial contribution towards travel passes put forward by Metro was not considered necessary or reasonable.

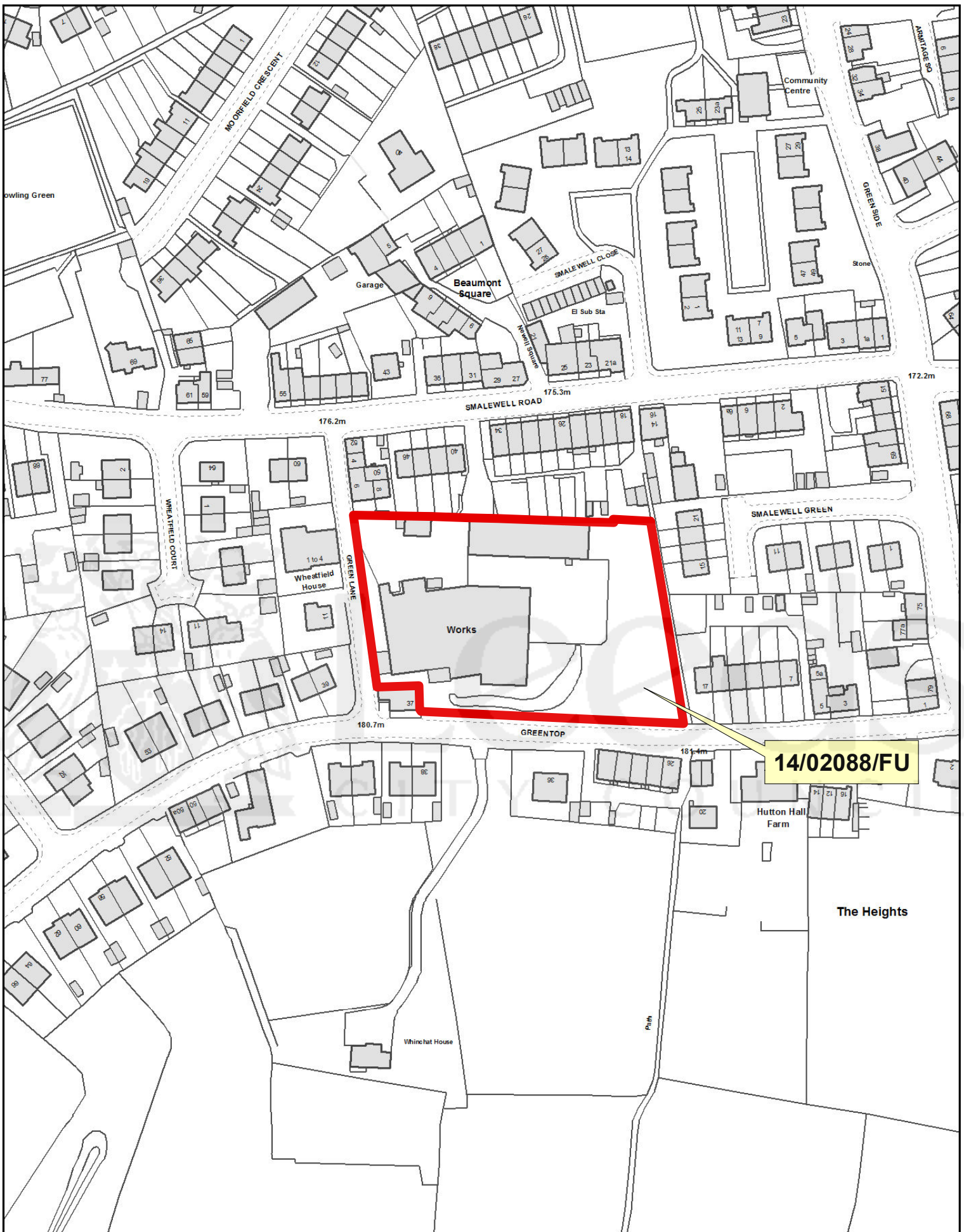
11.0 CONCLUSION

- 11.1 The proposal is considered acceptable subject to the recommended conditions and the completion of a Section 106 Agreement providing a £42651.97 greenspace contribution and a section 38 agreement regarding off site highways works.

Background Papers:

Application files: APPLICATION 14/02088/FU

Certificate of Ownership: Certificate A dated 04.03.14



14/02088/FU

SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

