



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 4th June 2015

Subject: 14/05882/FU – Development of 10 houses and conversion of public house to four flats with associated access road, parking and landscaping on Land at the Former Railway Public House, Moor Knoll Lane, East Ardsley, WF3 2ED.

APPLICANT

Burkhard Homes

DATE VALID

8th October 2014

TARGET DATE

15th January 2015 (Revised)

Electoral Wards Affected:

Ardsley and Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE subject to conditions set out below.

The proposal will be CIL liable and the amount payable would be approximately £61,828.20

1. Full three year time limit.
2. Development in accordance with approved plans
3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. Motorcycle/cycle parking to be provided
7. All surfaces to be hard surfaced drained and sealed
8. Landscaping plan and Implementation
9. Replacement planting

10. Landscape management plan
11. Submission of drainage scheme
12. Construction management plan (including Hours of construction and control of noise nuisance during construction)
13. Phase 2 site investigation to be submitted
14. Amended remediation statement.
15. Submission of verification reports.

1.0 Introduction

- 1.1 This application was considered at the South and West Plans Panel meeting of 19th March 2015 where Members resolved that the application be deferred for further discussions with the applicant to explore more fully the possibility of retaining the Public House, that Panel members considered to be of historic interest and converting it into flats. A Members site visit also took place at the last meeting. This report should be read in conjunction with the detail provided in the 19th March Panel (see appendix 1). Members of Panel should also be aware that since the last Panel meeting, the Community Infrastructure Levy (CIL) is now fully implemented. This application is therefore no longer the subject of a section 106 agreement. However, the proposal as revised, is subject to a CIL payment of approximately £61,282, payable on commencement of the development.

2.0 Summary of issues

- 2.1 The key issue raised by Members of Panel at the 19th March 2015 meeting related to the loss of the existing Public House building from the streetscene. In response to the wishes of Plans Panel, the applicant has had numerous discussions with officers and thoroughly investigated the possibility of retaining the existing building that is identified as a Non-Designated Heritage Asset. The result of this is that amended plans have now been submitted, removing two of the new build properties that were proposed to replace the public House and retaining the existing building and converting it to four 2 bedroom units with a communal amenity space to the rear and parking spaces accessed from Moor Knoll Lane.
- 2.2 The elevations have been amended to take account of the needs for new door openings and window openings. These changes consist of the relocation of the two doors on the Common Lane front elevation and the insertion of two ground floor windows, the insertion of a door and a first floor window to the Moor Knoll Lane side elevation, the blocking up of a door and the insertion of a window on the first floor of the rear elevation and two ground floor and two first floor windows in the side elevation facing the existing car park. On the whole, the building has been changed with the minimal amount of alterations in an attempt to retain as much of the feel of the existing building as much as has been possible.
- 2.3 Principle of Development.
The principle of development remains as detailed in Paragraph 10.1 of the amended report.
- 2.4 Design and Character.

The design and character of the proposal remains acceptable as detailed in paragraphs 10.2 to 10.5.

2.5 Non Designated Heritage Asset

The proposal is now to retain the Non-Designated Heritage Asset and as such, the comments of Paragraphs 10.8 to 10.10 are amended. The result of the changes mean that the building will be retained essentially as is, with only minor alterations to window openings and doors to enable the change of use to occur with the required level of residential amenity to the users of the building. Obviously, the benefits to the visibility at the junction of Moor Knoll Lane and Common Lane will not be achieved as the building will remain in situ.

2.6 Residential amenity.

Whilst not ideal in terms of conversion, in that windows on the ground level are adjacent to the footpaths on both Common Lane and Moor Knoll Lane, the rooms have been arranged in such a way as to keep the most sensitive rooms (bedrooms) off of the ground floor elevations. Additionally, the amount of private amenity space is close to the 25% of floor space required and so it is considered that, in light of the benefits of retaining the building, the levels of residential amenity, whilst not ideal, are of a level that are satisfactory standard to allow recommendation of approval of the amended proposal.

2.7 Access

As previously described, the retention of the public house will not now allow for the improvement of the junction of Moor Knoll Lane and Common Lane but will instead retain the current levels of visibility. All other access points remain the same and as such remain acceptable and the car parking levels are of an acceptable standard.

2.8 Contributions.

The contributions that were the subject of a section 106 agreement have now been amalgamated into a CIL contribution that will now be payable upon commencement of the development and whilst numbers have increased to 14 units, this still remains under the threshold of 15 units and as such, no affordable house obligations are required.

2.9 Assimilation into the wider area

There are no changes to that part of the site that abuts the green belt and as such, the comments remain as paragraph 10.17

2.10 Representations.

There have been no further public representations

3 Conclusion

3.1 The applicant has complied with the wishes of the South and West Plans Panel in that they have now amended plans to retain the existing building on the site and as such, on balance, it is now considered that, subject to appropriate conditions as listed above, the proposal is acceptable, given that the principle of residential development is considered to be acceptable on a site situated in a sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, it raises no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it is recommended that the application be approved.

Background Papers:

Application files 14/05882/FU

Certificate of ownership:

Certificate B signed by agent and notice served on owner



APPENDIX 1

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th March 2015

Subject: 14/05882/FU – Development of 12 houses with associated access road, parking and landscaping on Land at the Former Railway Public House, Moor Knoll Lane, East Ardsley, WF3 2ED.

APPLICANT

Burkhard Homes

DATE VALID

08.10.2014

TARGET DATE

15.01.2015 (Revised)

Electoral Wards Affected:
Ardsley & Robin Hood

Y

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include the following obligations;

- (a) Provision of Metro Cards - £5,709.00**
- (b) Greenspace contribution - £36,558.83**

In circumstances where the legal agreement has not been completed before 2nd April 2015, the final determination of the application shall be delegated to the Chief Planning Officer. The following pooled contributions will be Cill liable (Contributions for greenspace £36,558.83) and the following non pooled contributions will remain subject to a Section 106 agreement (Provision of Metrocards £5,709.00).

1. Full three year time limit.
2. Development in accordance with approved plans

3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. Motorcycle/cycle parking to be provided
7. All surfaces to be hard surfaced drained and sealed
8. Landscaping plan and Implementation
9. Replacement planting
10. Landscape management plan
11. Submission of drainage scheme
12. Construction management plan (including Hours of construction and control of noise nuisance during construction)
13. Phase 2 site investigation to be submitted
14. Amended remediation statement.
15. Submission of verification reports.

1.0 INTRODUCTION:

- 1.1 The application is for new residential development of twelve houses on a part greenfield, part brownfield site. The application is being determined by Plans Panels at the request of Ward Member Councillor Lisa Mulherin citing the loss of a valuable community resource as the reason.

2.0 PROPOSAL:

- 2.1 The proposal is for a residential development of 12 dwellinghouses comprising 4 semi-detached properties and 8 detached properties.
- 2.2 7 of the properties face directly onto Common Lane and the other 5 are set within a Close behind the frontage properties.
- 2.3 The properties are proposed to be built from red brick with concrete roof tiles and each property provides at least two off street parking spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies to the south of Common Lane. The Railway Hotel public house occupies the north eastern corner of the site, with its car park to the south and west. The car park can be currently accessed from both Common Lane and Moor Knoll Lane
- 3.2 The existing car park has 36 parking spaces and 3 large recycling bins are also located within as well as a pre-fabricated garage. The public house has an enclosed beer garden and smoking area to the west of the building. The car park is bounded by a 1m brick wall, and landscaping.
- 3.3 Land to the south of the site, but included within the red line of the application, is greenfield. Land to the South of the site and West of the site is designated Green Belt. To the west of the site is a long stretch of terraced dwellings on Common Lane. Allotments are to the north of the site, opposite on Common Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The planning history for the site is as follows.
 - 09/04436/FU – Two four bedroom semi-detached houses each with integral garage and reconfiguration of public house car park. Approved 27.11.2009. This is the car park area only and not including land to the rear.
 - 09/00983/FU - Block of 4 three bedroom terrace houses and reconfiguration of public house car park. Refused 27/11/2009
 - H23/157/80 – Use of vacant site as public house car park. Approved 31.03.80.

10/02026/OT – Outline application to erect residential development and reconfiguring of car parking to public house. Refused 05.07.2010 on grounds of principle, character and overdevelopment. Appeal allowed

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The site was discussed at a pre-application enquiry meeting in late September 2014 where the proposal was discussed with the agent, including matters of design, highways and the layout of the site. This was a general discussion which referred heavily to the previous decision by the Planning Inspectorate on behalf of the Secretary of State that allowed for the redevelopment of the car park and the paddock to the rear for eight residential units.
- 5.2 This proposal differed in that it included the loss of the public house and its replacement with four more dwellings and whilst issues of conversion were discussed, the preference was for replacement due to the cost and low amenity levels that would be provided by such a scheme of conversion.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice on 17th October 2014 and newspaper advertisement on 22nd October 2014. To date 3 letters of objection have been received from this consultation. The issues raised are as follows and are dealt with in the appraisal below:
- i) The area will be subject to increased traffic.
 - ii) The area has been subject to excessive building
 - iii) There has already been a loss of several pubs and community facilities in the area.
 - iv) Pollution levels will increase being near two motorways and a major A road
 - v) There are a shortage of school places, doctors, supermarkets and public transport
 - vi) The proposal will lead to loss of an historic part of East Ardsley with its links to the former railway in East Ardsley
 - vii) Drainage issues could increase flooding issues in the area
- 6.2 Local Ward Councillors Mulherin, Renshaw and Dunn have made comment raising the following issues and these are discussed in the report below.
- i) The Public House is one of the few community assets left in the area
 - ii) The site is protected by a covenant placed on the car park by Leeds City Council

7 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Yorkshire Water – Objection to the drainage scheme proposed. However they are happy to condition the application in order to ensure that a suitable system can be implemented.
- 7.2 Coal Authority – The applicant has satisfactorily addressed the requirements of the Policy Minerals 3 of the NRW DPD and therefore no objection is raised.

Non-Statutory

- 7.3 Environmental services (waste) - No objections
- 7.4 Sustainability (Design) – No objections following revisions.
- 7.5 Contaminated Land team – No objection subject to conditions
- 7.6 Metro - Metro – No objection subject to S106 contributions to enter into Metros Residential Metrocard.
- 7.7 Highways – No objection subject to conditions

7.8 Local Plans (Policy) – No objection subject to a contribution to greenspace being provided (£36,558.83)

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan.

8.4 Relevant Policies from the Core Strategy are:

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

P10 – High quality design

P12 – Good landscaping

T2 – Accessibility

H2 – Housing proposals on unallocated sites

H3 – Minimum housing densities

H4 – Housing mix

H5 – Affordable housing mix

G4 – New greenspace provision

G8 – Biodiversity improvements

EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace

EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

EN5 – Managing flood risk

EN7 – Protection of mineral resources (coal, sand, gravel)

ID2 – Planning obligations and developer contributions

8.5 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

N23 – Incidental open space around development.

N25 – Landscaping

T7A – Secure cycle parking.

T7B – Secure motorcycle parking.

BD5 – General amenity issues.

LD1 – Landscaping

Car Parking Guidelines

8.6 Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

8.7 Supplementary Planning Documents

Street Design Guide

Public Transport Infrastructure Contributions

Neighbourhoods for Living

Greening The Built Edge

8.8 National Planning Policy

8.9 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.10 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.

9.0 **MAIN ISSUES:**

1. The principle of development.
2. Design and character.
3. Access and highway safety considerations
4. Residential Amenity
5. Greenspace
6. Education
7. Affordable Housing.
8. Public Transport.
9. Assimilation into the wider open area
10. Representations

10.0 **APPRAISAL:**

1. The principle of development.

10.1 The application site comprises two parts; the first being the car park and a small paddock to the South, and the second the remaining part of the public house car park and the public house itself. Previously, the site was considered for residential

development and this was considered unacceptable by Leeds City Council but this refusal was appealed and a Planning Inspector considered the site to be acceptable in terms of residential development and therefore the principle was established on this part of the site. The rest of the site comprises the Public House and its beer garden and the rest of the car park and would be considered as brownfield and as such would accord with Policy H2 of the Core Strategy which is the policy that deals with unallocated sites for new housing development. The site is considered to be in demonstrably sustainable location and within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the Core Strategy. Additionally, the proposal contributes to the overall supply in housing stock, contributing family homes in a sustainable location and as such, it is considered that the principal of residential development is acceptable in this location.

2. Design and character

- 10.2 The application proposes 12 detached properties. The main part of the site is based upon a layout that was approved at appeal in 2011 with the main differences applying to the Eastern corner where the Public House currently stands. This is proposed to be replaced by a further four properties in this location facing onto Common Lane. The properties are well spaced with drives to the sides allowing for car parking to be set to the rear of the properties to provide a relatively car free frontage.
- 10.3 The loss of the public house is unfortunate and consideration has been given on how to replace its presence within the streetscene and its prominent position on the corner of Common Lane and Moor Knoll Lane. It was considered as to whether a replacement stone property should sit on the corner but was rejected in that it would appear rather unusual within a development of red brick properties and as a result, the property has been simply amended so that it addresses both road elevations to give it some presence on the corner. There is a good amount of defensible space to the fronts of the properties, a good mix of house types and there are opportunities for landscaping within and around the site.
- 10.4 The scale of the properties and the style of properties sits comfortably within what is a very mixed streetscene of both older terraced properties and more modern recent developments to the East of the site.
- 10.5 All properties are designed with an amount of private useable garden space that is in accordance with the guidance given in Neighbourhoods For Living. The design and layout ensure that properties address the street where possible and in particular in the case of plot 7 which now has a dual frontage. It is therefore considered that the site proposes a scheme that is be acceptable in terms of design and character.

3. Non designated Heritage Asset

- 10.6 The Public House itself could be considered as a non-designated heritage asset as defined within the National Planning Policy Framework (NPPF), it being a building that has a degree of significance meriting consideration in planning decisions because of its heritage interest.
- 10.7 The building dates to the second half of the 19th century (not shown on the 1849/54 1:10560 Ordnance Survey but appears on the 1888/94 Survey) and is considered a locally important building forming a strong group with the surviving historic terraces also shown on the historic map sequence. It forms a historic link to the now lost railway station and the development of this area relating to the community that grew up around the 19th century iron works.

The building makes a positive contribution to the street scene playing an important role in place-making and making a strong contribution to the local distinctiveness of the area. It addresses both street frontages of its corner plot and is a locally recognised landmark making an important contribution to views along Common Lane particularly along the approach from the east. The building retains an authentic and unspoilt appearance with the use of quality natural materials; including its natural stone walling, hipped slate roof and surviving historic timber windows. Paragraph 135 of the National Planning Policy Framework (NPPF) states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 10.8 The proposed demolition of the building would result in the total loss of the significance of the heritage asset. This total loss must be weighed against the planning gain of the proposed redevelopment to enable a balanced judgement to be made.
- 10.9 The public house has struggled as a viable concern for a number of years and there appears no viable way it can continue to operate in its current capacity as a public house. It has been for sale for several years and there has been little in the way of public objection to the proposal with only representations being made, following consultation. The proposal offers the opportunity for 12 residential units in a relatively sustainable location and additionally, the loss of the building actually improves highway safety as it improves the visibility splay and the Moor Knoll Lane/Common Lane junction that is currently substandard. A further argument against the retention of the existing building is that as contested by the applicant the building does not readily convert to residential units and that if this were attempted it would raise issues of low residential amenity for the occupants of the converted building. Finally as commented in terms of design above, the loss of the stone building is not considered to be detrimental in terms of its replacement with a red brick building that turns the corner and now addresses both frontages.
- 10.10 As a consequence of the above, it is considered that whilst it is regrettable that an attractive building of this nature is to be lost to the area, the benefits in the form of the delivery of 12 new residential units in a relatively sustainable area and the other reasons given, outweighs the loss of this non-designated heritage asset

4. Residential Amenity.

- 10.11 The site is located near to surrounding residential developments and as such it is necessary to consider that impact of the proposal in terms of residential amenity on that existing development.
- 10.12 To the North, there is an existing terrace of properties on the opposite side of the road that sit side on to the site presenting a gable elevation to the site with tertiary windows and will therefore not be significantly affected by the development. The properties to the West of the site will sit side on to a side gable and their rear gardens will run parallel with the new properties and therefore again, the proposal will not significantly harm the residential amenity of those neighbours.

10.13 Finally, those properties on Moor Knoll Lane that form the terrace that sits to the East of the site have rear gardens of between 10 and 11 metres and with the gable of plot 8 set in 2 metres from the boundary, there is more than the 12 metres distance to the side gable as required by guidance given in Neighbourhoods For Living and the North of the terrace presents a side gable (only tertiary windows only) towards plot No's 7 and 8. As such, there will be no harm to neighbouring properties with regard to residential amenity

5. Access and highway safety considerations

10.14 The scheme was initially acceptable in principle but had small detail issues which were addressed within subsequently revised drawings. This included re-alignment of one access point to avoid conflict with existing speed cushions and widening the footway on Common Lane to create increased visibility at the Common Lane / Moor Knoll Lane junction. As a result, it is now considered that there is no significant harm to the free and safe use of the highway and the proposal is acceptable in terms of highway considerations. All properties provide 2 off street parking spaces and all access points accord with the necessary visibility requirements as set out in guidance given in the Leeds Street Design Guide and as such the proposal is acceptable in this regard.

6. Greenspace

10.15 The proposal is for 12 properties and therefore a greenspace contribution is required for the provision of both on and off-site greenspace within the local area in the event of an approval. A section 106 agreement has been drafted and agreed between parties and the green space figure has been calculated on the basis of 12 units for which a contribution of £36,558.83 is required for the site.

10.16 If a decision is not issued by 2nd April 2015 the proposal would become CIL liable and the amount payable would become approx. £61,828.20

7. Education

10.14 The amount of development proposed by the application is below 50 properties and therefore in line with policy and guidance, the application is not liable for Education contributions. Whilst it is appreciated that there can be a cumulative issue of several developments bringing stress to the local education situation, there is currently no policy mechanism for dealing with such occurrence's and therefore the application is acceptable in this regard.

8. Affordable Housing

10.15 The amount of development does not trigger the requirement for affordable housing required by policy and guidance in that it is a proposal for 12 units (contributions to trigger at 15 units) and therefore the application is under the threshold for such payments.

9. Public Transport

10.16 Metro have requested that the developer should enter Metros Residential Metro Card scheme for each property. The price to the developer is 12 units x £475.75 which gives a contribution of £5,709.00 which again can be secured via the section 106 agreement that has been drafted and agreed between parties.

10. Assimilation into wider open area

- 10.17 Policy N24 requires that where development proposals abut the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. However, this matter was considered by the Planning Inspector in the consideration of the appeal in 2011 where she stated that

“Existing development on Common Lane itself presents a hard edge onto the Green Belt with little in the way of landscaping between the rear of the terraced houses and the open land. The sharp transition between the open countryside and the urban area forms part of the character of the area. I acknowledge that careful treatment of the western and southern boundaries of the site will be required in order to ensure that the development does not present an unduly harsh edge to the Green Belt. Nevertheless, I consider that the provision of large amounts of landscaping surrounding the appeal site would set it apart from its surroundings and would be unnecessary.”

As a consequence of this appeal decision, it is considered that a landscape scheme / boundary treatments could simply be conditioned and agreed at a later date given their lesser importance in this case.

11. Representations

- 10.18 There have been three representations to this scheme from members of the public and Ward Members raising a number of issues. Most are dealt with in the points above but others are addressed as follows. The car park was sold by Leeds City Council in 1981 with a restrictive covenant attached, restricting the use of the land to car parking for the public House only. The current owners approached the Council to have the covenant lifted and the matter was dealt with through Asset Management and the matter received Council approval on 23 April 2014. The restrictive covenant currently remains in place and will be triggered should this permission be approved. The matter was consulted with Local Ward members who raised objections but these were considered to be matters of Planning and Highways safety and as such not thought to be relevant to the administrative lifting of the covenant. Finally, as with education, there is currently no policy requirement or mechanism for assisting with GP places and therefore this issue could not be dealt with through this application.

11.0 CONCLUSION:

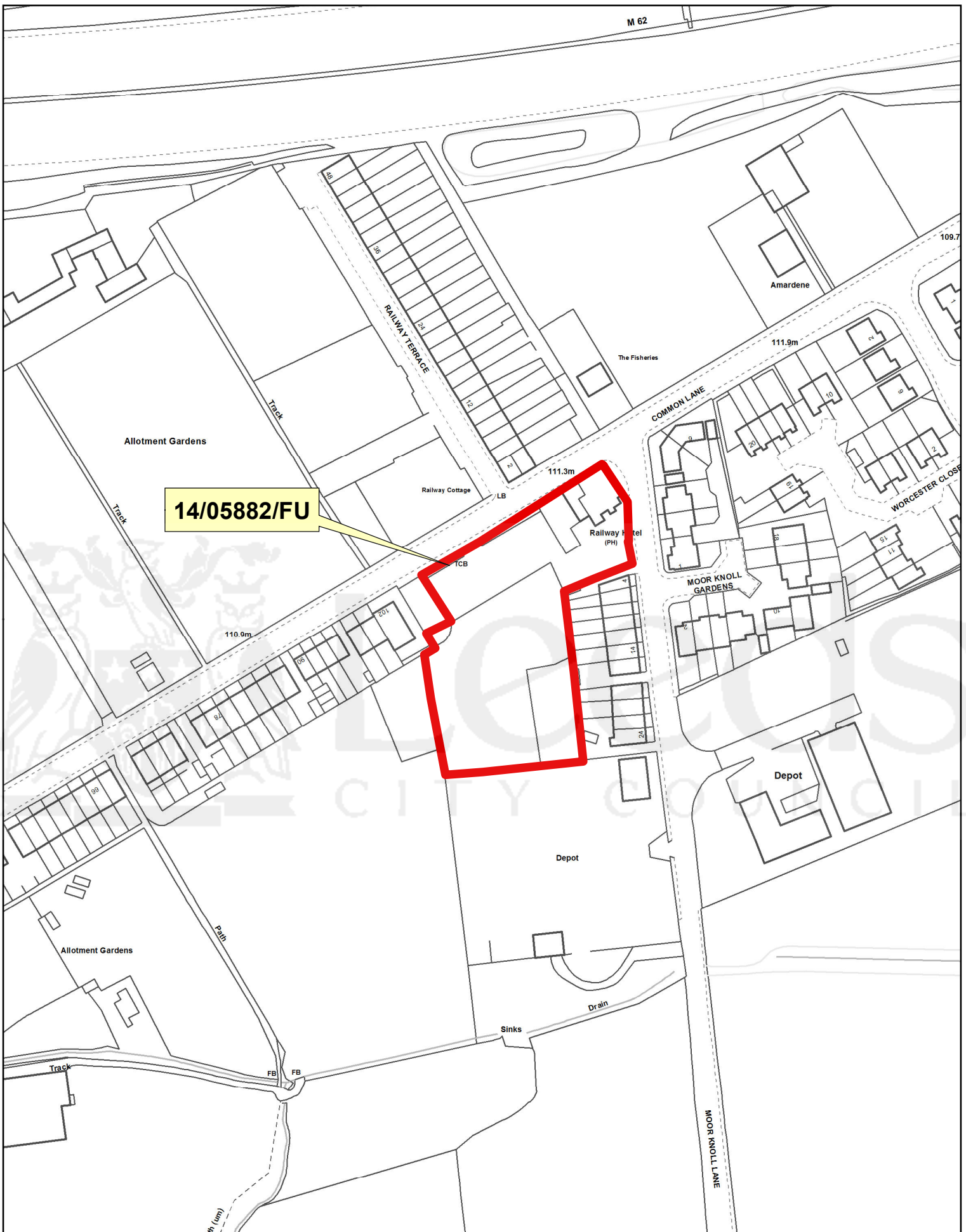
- 11.1 On balance, it is considered that, subject to appropriate conditions as discussed above, the proposal is acceptable given that the principle of residential development is considered to be acceptable on a site situated in a sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, it raises no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it is recommended that the application be approved.

Background Papers:

Application files 14/05882/FU

Certificate of ownership:

Certificate B signed by agent and notice served on owner



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

