
Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 7th September 2017

Subject: APPLICATION 17/00789/FU – Twelve flats with car parking Salvation Army Church Hall Opposite 123 Kirkstall Lane, Kirkstall, Leeds

APPLICANT

Mr Ismail

DATE VALID

8th February 2017

TARGET DATE

17th May 2017

Electoral Wards Affected:
Kirkstall

☐ Yes

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 conditions specified below and also the completion of a Section 106 agreement to include the following obligations:

Offsite greenspace contribution in the sum of £38,172.65

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

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. Sample materials to be submitted
4. Vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority.
5. Development shall not commence until details of works comprising removal of guard railing at the access and widening of the footway to 2m across the site frontage have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.

6. Highway Authority approval required via mini Section 278 agreement for proposed access over existing footpath
7. Cycle/Motorcycle storage to be provided
8. Electric vehicle charging points to be provided
9. Development shall not be occupied until all parking areas are fully laid out, surfaced and drained
10. Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.
11. The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority
12. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately
13. Remediation works shall be carried out in accordance with the approved Remediation Statement
14. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use
15. Development shall not commence until details of design of building foundations and layout, position and has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
16. A landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
17. Protection of Trees/Hedges/Bushes No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans
18. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, shall be planted in the same location unless otherwise agreed in writing by the Local Planning Authority.
19. Prior to the commencement of development, a Plan shall be submitted by an appropriately experienced ecologist to be approved in writing by the LPA of: integral bat roosting features within buildings; and integral bird nesting features (for species such as House Sparrow, Starling, Swift and House Martin) within buildings.

1.0 INTRODUCTION

- 1.1 The application is submitted seeking consent for a new residential development of twelve flats. The application is brought before Plans Panel at the request of Cllr Illingworth who raises concerns regarding congestion and potential impact on highway safety along with access and Public Rights of Way.

2.0 PROPOSAL

- 2.1 The proposals create a total of twelve flats consisting of four one bedroom flats to the ground floor with a further eight, two bedroom, duplex flats set over the first and second floors.

- 2.2 The proposed development seeks to demolish and replace the existing Salvation Army hall which has been vacant for some time and fallen into a state of disrepair.
- 2.3 The new residential block measures 29.5m in width, 19m in depth and 10.3m in height. The block is three storey in height and to be erected in brickwork with a glazed front façade featuring modern, thin profile aluminium framed windows and timber cladding. The block features a pitched roof design finished in slate with four front dormers serving the upper floors of the two bedroom flats. Access to the block is taken via a communal entrance hall to the side with a flat roof design clad in timber with louvres to the glazed front and side.
- 2.4 The development sits to the front of the site (north), set back from the highway by approximately 4.0m, in order to preserve the existing tree belt to the rear of the site.
- 2.5 A new dedicated parking area is to be created to the eastern side of the site with 13 spaces including a disabled bay close to the main access with Kirkstall Lane.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to the former Salvation Army Hall which sits to the south of Kirkstall Lane. The existing building is single storey and has been vacant for some time falling into a state of disrepair with stepped access from the front of the site. The site slopes back to front with the area to the rear of the existing building of a particularly steep topography. Semi-detached dwellings on Eden Crescent lie to the rear of the site set up from Kirkstall Lane separated by various boundary treatments including timber fencing. A number of mature trees, considered positive specimens, occupy the rear of the site forming a large tree belt which provides screening from the properties to Eden Crescent. The area is predominately residential with a mix of semi-detached properties to both Kirkstall Lane and Eden Crescent including flats forming the Cricketers development to the west and a similar development of flats to the north of Kirkstall Lane. The area to the east of the site is occupied by Paxton Horticultural Society a 1960s flat roof building, a large communal hall which hosts community events and services.

4.0 RELEVANT PLANNING HISTORY

- 4.1 PREAPP/12/01090, 07.11.2012, Demolish building and replace with 14 two bed apartments with car parking
- 4.2 PREAPP/12/01160, 26.11.2012, Residential block of 15 flats
- 4.3 PREAPP/13/00748, 04.07.2013, Residential development
- 4.4 PREAPP/13/01247, 11.12.2013, Residential development
- 4.5 PREAPP/15/00659, 18.08.2015, Residential development of 18No. Units
- 4.6 PREAPP/16/00627, 22.12.2016, Residential block of 12 flats.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The site has been the subject of various pre-application enquiries since 2012 which sought advice on the principle of creating residential developments of flats, many of which were deemed too intensive and thus unacceptable. The majority of previous schemes have included the removal of the majority of the large trees which created

a fundamental concern. A meeting was held with the agents on 07th December 2016 and advice was given via PREAPP/16/00627 in relation to the current proposals to provide an amended parking layout and access along with placing an emphasis on the retention of the existing mature trees to the rear of the site.

- 5.2 Initial concerns were raised by Cllr Illingworth in relation to public access and a right of way running to the rear of the site. As part of the pre-application and full application Public Rights of Way were consulted and confirmed no designated right of way exists to the rear of the site. Discussions have been held as part of previous applications surrounding the possibility of a new formal right of way. The site falls within private ownership and therefore insisting on a new, designated, public right of way as part of the application is considered unreasonable. Issues have been raised by Cllr Illingworth regarding retaining an open footway to the rear of the site which the applicant has no objection with, however this is not a formally defined right of way, on the Definitive Map and public access is not currently enforceable.
- 5.3 The Police Architectural Liaison Officer was consulted on the possibility of providing a right of way and raised objections based on the likelihood of criminality, mainly burglary, associated with a secluded public access to the rear of the site.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Cllr Illingworth has raised an objection to the scheme raising concerns with the following,
- Highways safety, parking and congestion.
 - Public Rights of Way
- 6.2 Site notices were posted around the application site on 03.03.2017 along with the publication of a newspaper advertisement on 24.02.2017 (Major Development Notice). The publicity period for the application expired on 24.03.2017.
- 6.3 5 objections have been received from local residents which raise concerns with the following,
- Over Development
 - Highways safety and Parking
 - Over Dominance
 - Overshadowing
 - Privacy
 - Impact upon Trees
 - Impact upon wildlife

7.0 CONSULTATION RESPONSES

- 7.1 Nature Team – Bat roosting survey required as site has medium potential for bat roosts. 15.08.2017 Full bat survey provided, no objections from Nature Team, subject to conditions.
- 7.2 Coal Authority - No objections
- 7.3 Highways - No objections, subject to conditions.
- 7.4 Flood Risk Management – No objections subject to conditions.
- 7.5 Contaminated Land – No objections subject to conditions.

- 7.6 Yorkshire Water – No objections subject to conditions.
- 7.7 Landscape Team – No objections subject to conditions.
- 7.8 Police Architectural Liaison Officer – Objections to potential public right of way.
- 7.9 Metro – No objections. Recommendation to provide commuted sum towards the enhancement of transport infrastructure.

8.0 PLANNING POLICIES

Development Plan

- 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) and any made neighbourhood plan.

Adopted Core Strategy

- 8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design
H2 New housing development on un-allocated sites
H4 Housing mix
H6 Houses in multiple occupation and flat conversions
T2 Transport infrastructure
G4 On Site Greenspace Provision
Saved Policies - Leeds UDP (2006)

- 8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 - Development Proposals should resolve detailed planning
Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Supplementary Planning Policies

National Technical Housing Standards 2015
SPG Neighbourhoods for Living, December 2003.
Leeds Street Design Guide (2009)
Kirkstall Neighborhood Plan

9.0 MAIN ISSUES

- Principle
- Design, Appearance, Amenity
- Trees
- Highways and Parking
- Greenspace

- Planning Obligations and Community Infrastructure Levy
- Nature Conservation
- Conclusion

10 APPRAISAL

Principle

- 10.1 The proposed development is located within a residential area with good highway and public transport links. The development is to replace the existing Salvation Army Hall which remains vacant and has fallen into a poor state of repair. The site is not allocated within the emerging site allocations plan however is considered brownfield due to the existing development. Policy T2 of the adopted core strategy sets out accessibility requirements for new development and states, *“New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility”*.
- 10.2 The principle of developing this site is concerned with redeveloping a brown field site within an inner city area, for new housing. Policy SP7 of the adopted Core Strategy states that 45% of all new housing within Leeds should be located within the main urban area, and policy H1 states that within the first 5 years of the plan life, 65% of all new housing development should take place upon brownfield sites. It is considered that the proposal complies with these policies, and the objectives of the NPPF which regard to delivering sustainable development.
- 10.3 Policy H2 of the Core Strategy, which states, the principle of new dwellings would be acceptable on non-allocated land, providing that, “The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.”
- 10.4 Council records indicate a strip of land to the rear of the application site falls within the ownership of Leeds City Council. The applicants redline boundary has subsequently been amended to reflect this and now omits the area outside their ownership.
- 10.5 It is considered the site is located within a sustainable location, within a suburban area, with access to public transport. It is therefore considered the proposals meet the requirements of policy T2 and H2 of the Core Strategy and are therefore acceptable in principle, subject to all other material planning considerations.

Design, Appearance, Amenity

- 10.6 A number of previous pre-applications have been submitted proposing residential schemes on the site which were considered overly intensive in nature and thus advice was given the proposals would not be supported.
- 10.7 The current proposals are considered more positive with a stand-alone contemporary design. The residential block occupies an area to the north eastern side of the site in a prominent location close to Kirkstall Lane. It is acknowledged the building lies to the front of the site which does impact upon the street scene however this position enables the retention of the existing tree belt at the rear which is considered positive and provides additional screening from the existing dwellings on Eden Crescent along with a high level of amenity for potential occupants of the development.

- 10.8 It is considered the schemes modern design lends itself to the surrounding area and takes the opportunity to improve the current appearance of the site. The front elevation is to be finished in a combination of red facing brickwork, characteristic of the adjacent semi-detached dwellings and surrounding apartments along with natural timber cladding which relates well to the wider site and the surrounding trees. Modern, thin profile aluminium framed windows are to be installed to front with a vertical emphasis reducing the bulk of the front elevation with four front dormers to the pitched roof, set up from the eaves and down from the ridge.
- 10.9 The scheme proposes a three storey development comprising of a total of 12 flats/apartments. 8 x two bedroom duplex apartments set over two floors with 4x one bedroom apartments to the ground floor. It is considered the proposed flats offer a satisfactory level of amenity for potential occupants, meeting the guidance sizes specified by the National Technical Housing Standards and provide a suitable gross internal floor area. The ground floor, one bedroom, apartments measure approximately 44.0m² and the upper storey 2 bedroom apartments measure approximately 89.0m². Each flat benefits from good level of natural light via front windows facing the highway with the two bedroom apartments providing patio doors to the rear, allowing access to an open amenity space.
- 10.10 As part of the previous pre-application discussions were held with the agent regarding the overall height of the development. The current plans seek consent for a three storey development which is considered of an appropriate height and scale in relation to the wider street scene, respecting the height of the neighbouring semi-detached dwellings opposite. Opinions were sought by the applicant on the possibility of adding an additional storey however this was deemed inappropriate in terms of dominance and would lead to additional apartments and thus an increased parking demand to the detriment of highway safety with no additional spaces proposed on site.
- 10.11 The development retains 22m to the rear boundary which slopes steeply upwards towards properties on Eden Crescent. Guidance within Neighbourhoods for Living suggests a minimum distance of 10.5m is retained from main windows, to boundaries which are achieved. It is not considered there would be any issues of overlooking, with the development screened from view.
- 10.12 The development retains approximately 24.0m from the semi-detached properties opposite running along Kirkstall Lane with the existing highway providing separation between the development and the neighbouring properties garden areas which is considered to prevent an adverse impact upon amenity. This distance is considered to be acceptable and provides mitigation beyond the minimum recommended distance of 21m, due to the elevated position of the site.
- 10.13 In summary the design, character and appearance of the scheme is considered positive and thus acceptable with the proposals providing a satisfactory level of amenity for occupants. Conditions are attached which require the submission of appropriate, sympathetic materials prior to commencement.

Trees

- 10.14 The development site features a number of mature trees and high quality specimens to the rear forming a large tree belt which is to be retained as part of the development.

- 10.15 The proposals seek to remove a total of 9 trees to facilitate the development.
- T1 and T2 sit to the north west corner of the site with T1 carrying a C2 rating and T2 a U rating.
 - T4 sits to the south of the site and carries a U rating.
 - T5 also lies to the south side and carries a C2 rating.
 - T6 sits to the site frontage and carries a C2 rating.
 - T7 sits to the site frontage and carries a C2 rating.
 - T8 sits to the site frontage and carries a B2 rating.
 - T8 sits to the site frontage and carries a C2 rating.
 - T15 sits to the middle of the site and carries a B2 rating.
- 10.16 A total of 14 mature trees, the majority of which are positive specimens, are to be retained as part of the development with the loss of 7 low value trees.
- 10.17 It is acknowledged the proposals seek to remove a number of trees including two specimens carrying a B rating which ordinarily would sought to be retained. However 5 of the trees to be removed carry a C rating with 2 rated as U, the lowest rating and thus are afforded limited weight in terms of amenity. It is considered the removal of these specimens is, on balance, acceptable subject to the retention of the remaining trees.
- 10.18 As part of the application process and previous pre-application discussions amendments have been made to the scheme which retains the majority of the larger positive specimens and critically the large tree belt to the rear of the development. Furthermore the proposals feature new landscaping to the frontage including shrubbery and hedging.
- 10.19 The Landscaping team have been consulted and on balance raised no objections to the current proposals subject to conditions which require details of tree protection measures and a management plan prior to commencement of the scheme.

Highways and Parking

- 10.20 The proposals feature a dedicated parking area which is to be constructed to the eastern side of the site which creates a total of 13 parking spaces including a disabled bay close to the access.
- 10.21 The scheme has been amended to incorporate a wider 6.0m access on to Kirkstall Hill as advised by Highways as part of the pre-application process.
- 10.22 Highways have been consulted on the plans and on balance do not object to the number of spaces provided, subject to the attachment of conditions. Advice was previously given to the applicant to provide a total of 15 spaces. A total of 13 are provided which allows the retention of the mature trees. The site is located within a sustainable location with good public transport links including Headingly station approximately 500 yards to the east.
- 10.23 The proposed vehicle access and the widening of the footway to 2m would need to be carried out to the satisfaction of the Area Highway Engineer. The developer will have to enter into a formal agreement with the Local Highway Authority (mini Section 278 Agreement). The developer will have to take these works forward.

- 10.24 Concerns were raised by Cllr Illingworth in relation to highway safety and congestion within the area. It is considered the proposals does not represent an overly intensive form of development which would lead to highway safety concerns. The development features its own dedicated parking area which is considered sufficient to provide adequate off street parking for the number of dwellings proposed. Discussions regarding the possibility of setting the development to the rear of site were held, however this is not considered a viable
- 10.25 The Travel Plan SPD provides further detail on contribution requirements relating to residential developments. The SPD states a trigger of 50 units is applicable when creating new dwelling houses for individuals, families or not more than six people; living together as a single household. In this instance the proposals create 12 separate self-contained flats within a C3 use.
- 10.26 West Yorkshire Combined Authority suggest seeking a contribution of £10,000 to provide “live” bus information displays along with a further sum of £5,893.80 to provide residential Metro cards. The Leeds Travel Plan SPD outlines the threshold for dwelling houses (C3) id 50+ and thus the scheme does not trigger the contribution requirements.
- 10.26 It is considered the proposals do not adversely affect highway safety and are deemed acceptable in this regard.

Greenspace

- 10.27 Policy G4 relates to the provision of onsite greenspace and in this instance requires 80 sqm of onsite greenspace per dwelling from all schemes with 10 or more dwellings that are located in areas deficient of green space. The proposals do not include any on site greenspace and thus an offsite contribution is required in lieu.
- 10.28 In this instance the proposals create 12 dwellings which requires a greenspace provision of 960sqm. Policy have calculated the cost of providing this amount of greenspace offsite as follows:
- Laying Out: £19,196.55
 - Off Site Maintenance: £14,564.31
 - On Site maintenance: £0
 - Off Site Fixed Play: £1,282.76
 - Professional Fees: £3,129.04
 - **Total: £38,172.65**

Planning Obligations and Community Infrastructure Levy

- 10.29 The proposals create a total of twelve residential flats. The site falls within CIL Zone 2b which incurs a CIL levy of £45m² gross internal floor area. The scheme creates a total CIL levy of £49,786. Infrastructure requirements associated with this application have not been determined at this point. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

10.30 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

(ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

Nature Conservation

10.31 The site falls within the bat alert area and a bat scoping survey has been submitted in conjunction with the application. Nature Conservation were consulted as part of the application and advised the site has a medium potential for bat roosting and thus a full bat survey was required prior to determination.

10.32 A full bat survey has been submitted by the applicant (09.08.2017). This has been assessed by the Nature Conservation Team and deemed acceptable, demonstrating no bats are present within the existing vacant building. Conditions are recommended which seek the provision of integral bat roosting and bird nesting features to be provided as part of the development.

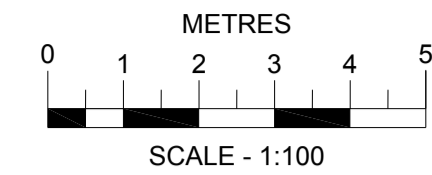
11.0 CONCLUSION

11.1 In light of the above, the application is considered to be acceptable. The principle of development is consistent with adopted local and national planning policies, the development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety and as a result, subject to appropriate conditions detailed above, the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Planning application file. 17/00789/FU

Certificate of ownership: signed by applicant.



HOUSE TYPE KEY

4no. - 1 Bed @ 46m ²
8no. - 2 Bed @ 83.8m ²
12no. - TOTAL
Bike Store

REVISIONS

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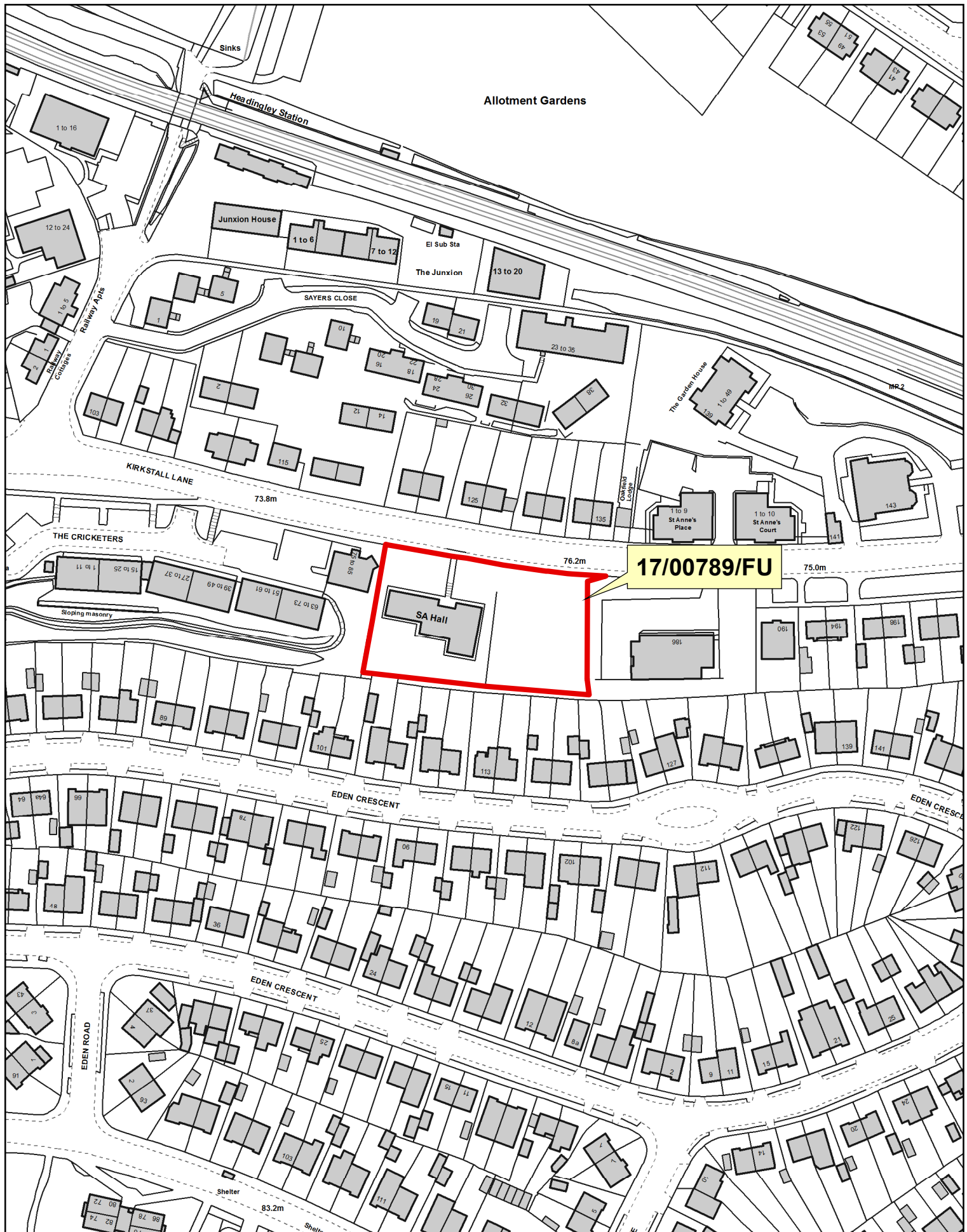
KIRKSTALL LANE
LEEDS

PROPOSED
SITE PLAN

Drawn: NJP
Date: 20.09.16
Scale: 1:100@A2
Checked: CA

brewsterbye architects
5 NORTH HILL ROAD
HEADINGLEY
LEEDS
LS6 2EN
telephone
0113 2754000
facsimile
0113 2844250
e-mail
info@brewsterbye.co.uk

Dwg No: 499/01(02)003



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

