



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 24 May 2012**

**SUBJECT: APPLICATION 12/00979/FU – ERECTION OF FOUR HOUSES WITH GARAGES AND NEW ACCESS, PARKING AND LANDSCAPING AT LAND TO REAR OF FORMER HARRY RAMSDEN'S RESTAURANT (NOW WETHERBY WHALER) OFF BRADFORD ROAD, WHITE CROSS, GUISELEY, LEEDS, LS20.**

**APPLICANT**

Stirling Investments Properties

**DATE VALID**

1 March 2012

**TARGET DATE**

26 April 2012

**Electoral Wards Affected:**

Guiseley & Rawdon

YES

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions**

1. Time limit on full permissions (3 years).
2. In accordance with approved plans.
3. Details of levels.
4. All PD rights removed (*with the exception of satellite dishes*).
5. Details and samples of external walling, roofing and surfacing materials to be submitted.
6. Details of all proposed and existing boundary treatments to be approved and carried out (*including Public Right Of Way, retaining walls, access gates, bins store and existing palisade fence*).
7. Submission and implementation of landscape (*hard and soft*) scheme.
8. Landscape management plan.
9. Protection of existing trees/hedges/bushes.
10. Provision for replacement trees/hedges/shrubs.
11. Foundation details (*including garages and bin stores*) to ensure tree route protection.
12. Public Right Of Way improvements plan (*including surface treatment and signage*).
13. Biodiversity enhancement measures including protection of nesting birds.
14. Area used by vehicles laid out, surfaced and drained.

15. In accordance with the approved flood risk assessment.
16. Foul drainage scheme / implementation.
17. Surface water scheme / implementation (*Including discharges to the watercourse*).
18. Specified construction hours (*8am to 6pm weekdays and Saturday mornings*) with no Sunday or bank holiday operations.
19. Minimising of dust during construction.
20. Further site investigation required (Phase 1 Desk Study).
21. Details of unexpected contamination.
22. Development to accord with an approved remediation statement.
  
23. **Reasons for approval:** The application is considered to comply with policies SP3, H4, GP5, BD5, N12, N13, N19, N24, LD1, A4, T2 and T24 of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

## **1.0 INTRODUCTION:**

- 1.1 This application proposal is being brought to Plans Panel West for determination at the request of Councillor Graham Latty (*Guiseley & Rawdon Ward*) because of its impact on the local area and given the planning history of the site.

## **2.0 PROPOSAL:**

- 2.1 The application proposes four large detached houses of 5 and 6 bedrooms, one of the houses being two storeys with accommodation in the roof, whilst the remaining three houses propose three storeys plus accommodation in the roof. Each house would have external space for two parking spaces and a double garage.
- 2.2 The scheme is accessed by a private driveway, which will be gated at the entrance point. This driveway will be in turn accessed by the new spine road being built for the proposed *Aldi* Supermarket and *Wetherby Whaler* fish restaurant on the frontage of the larger site. A bin store will be located adjacent to the entrance to the private driveway and the properties will be serviced from this point. The existing Public Right of Way would be diverted around the site entrance and upgraded.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site lies to the rear of the former Harry Ramsden's restaurant (now *Wetherby Whaler*) adjacent to the Cairn Avenue residential development to the southeast. The land currently has an approval for a single residential property. Although this property was never built the permission was implemented in 2008 as foundations were constructed. The site is an overgrown area of open land with a mixture of trees and bushes which are protected by Tree Preservation Orders. A public right of way runs from Bradford Road to the southwest through the site and out to the fields beyond the site to the northeast. This path is currently an overgrown muddy track.
- 3.2 The site is bounded to the north by a ditch and a line of trees that run along the boundary with the Greenbelt fields beyond. The Public Right of Way continues to the rear of the trees. The southwest of the site is bounded by the former Harry Ramsden's restaurant (now *Wetherby Whaler*) with its new enlarged car park. There is another vacant restaurant to the west which fronts onto the A65 Bradford Road. The east of the site is the Cairn Avenue housing development with a mix of commercial and residential properties beyond. The west of the site is bounded by vacant land which is the site for the proposed Aldi store with the BP Petrol Station and residential properties running along Bradford Road beyond.

3.3 The site lies between 2.5 to 6.5 metres below Bradford Road with a fall of approximately 1 metre across the site running west to east and 5 metres running north to south. Mature trees exist to the boundary of the site on the north and south screening and defining the boundaries.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 The site has been incorporated within the larger development site in the past and therefore has been subject to historic planning applications and permissions (such as a hotel scheme in 2000), however the relevant application(s) are: -

4.1.1 Planning permission was granted in October 2002, for the erection of one detached 5 bedroom house with detached garage and workshop on the site, under reference 28/262/01/FU. This scheme was implemented.

4.1.2 A planning application (11/04269/FU) which sought permission for the erection of six houses with garages and new access, parking and landscaping was withdrawn in December 2011.

4.2 The following planning history is also considered relevant:-

4.2.1 Planning permission was granted for a new Aldi supermarket on the adjacent site in February 2012, under reference 11/02169/FU. This scheme approved the access road which would serve this residential application.

4.2.2 The former Harry Ramsden's restaurant which is also adjacent to the application site was refurbished under application 12/00771/FU by Wetherby Whaler fish restaurant.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The original concept for a residential scheme on this site formed part of the Aldi supermarket permission. At that time 10 dwellings were proposed. However this residential element was withdrawn from the supermarket submission. Discussions have been ongoing, with Officers seeking a reduction in the density proposed and alterations in the layout to ensure that the majority of existing trees are protected and to mitigate any loss of residential amenity. These discussions resulted in the scheme being reduced to six dwellings and an application being submitted last year. This scheme was also withdrawn, following advice from Officers and further discussions four houses are now proposed.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised on site by means of four site notices located on Bradford Road, Otley Road, Cairn Avenue and Cairn Garth. These site notices gave reference to an application affecting a public right of way and they were posted from the 16 March 2012 and gave a publicity expiry period of 6 April 2012. Interested parties who made comments on the previous 2011 scheme were also written to directly.

6.2 LOCAL WARD COUNCILLOR:

Councillor Graham Latty (*Guisseley & Rawdon Ward*), whilst not objecting to the scheme, has requested that the application be presented to Plans Panel West because of its impact on the local area and given the planning history of the site.

### 6.3 LOCAL RESIDENTS:

Five letters of objection have been received from local residents and their objections can be summarised as follows: -

- Residents on Cairn Garth bought their houses knowing that only one two-storey house would be built on the site, not the proposed four, three storey houses.
- One resident on Cairn Garth is concerned that the scheme will adversely affect the large TPO protected oak tree in their rear garden. This is due to the proximity of one of the new dwellings and its garage and possible request for pruning by any new owners.
- Loss of existing trees on the site.
- The proposed three storey properties to the north part of the site will create a massive impact on the landscape and on adjacent countryside.
- Neighbours have requested that the houses be reduced in size and height.
- The use of red brick is considered inappropriate as the dwellings on Cairn Garth are built from stone.
- Neighbours have requested that the existing boundary palisade fence is retained for the security of existing residents.
- Too much development in the Guiseley area already and extra traffic.
- Loss of amenity to residents of Cairn Garth, through overlooking, loss of privacy and overshadowing.
- The scheme is considered to be too cramped and the dwellings are built too close to each other.
- Alterations to the scheme have been requested to move the dwellings further into the site away from the existing residents.

### 7.0 CONSULTATIONS RESPONSES:

#### **Statutory:**

#### 7.1 YORKSHIRE WATER:

No objections, subject to the imposition of conditions to secure details of foul and surface water.

#### **Non-statutory:**

#### 7.2 HIGHWAYS:

The proposals do not raise any specific road safety concerns subject to a car turning head being provided on the private access road and standard highway conditions.

#### 7.3 CONTAMINATED LAND TEAM:

No objections, subject to conditions to deal with unexpected contamination.

#### 7.4 MAINS DRAINAGE:

No objections, subject to conditions to secure details of surface water treatment.

#### 7.5 ENVIRONMENTAL PROTECTION TEAM:

No objections, subject to conditions to restrict construction hours and minimising dust during building works.

#### 7.6 WEST YORKSHIRE ECOLOGY.

No objections.

#### 7.7 PUBLIC RIGHTS OF WAY:

No objections.

## **8.0 PLANNING POLICIES:**

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework (LDF) will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy being at the draft stage.
- 8.3 The Regional Spatial Strategy (RSS) was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including employment uses. The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgment on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.
- 8.4 The Publication Draft of the Core Strategy was issued for public consultation on 28 February 2012 with the consultation period closing on 12 April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. 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. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

### **REGIONAL SPATIAL STRATEGY (RSS) (ADOPTED MAY 2008):**

- 8.5 It is not considered that this application raises any issues of regional significance.

### **UNITARY DEVELOPMENT PLAN REVIEW (ADOPTED JULY 2006):**

- 8.6 The application relates to a residential curtilage Brownfield site in an urban area. Therefore, the most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- Policy SP3: New development to be concentrated largely with or the main urban areas.
- Policy H4: Residential development on non-allocated sites.
- Policy GP5: General planning considerations.
- Policy BD5: New buildings design consideration given to own amenity and surroundings.
- Policy N12: All development proposals should respect fundamental priorities for urban design.
- Policy N13: Design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy N19: All new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.
- Policy N24: Development abutting the Green Belt or other open land should

	achieve assimilation into the landscape.
Policy N25:	Positive boundary treatments.
Policy LD1:	Landscape schemes.
Policy A4:	Development and refurbishment proposals designed to ensure safe and secure environment.
Policy T2:	Development must be capable of being served by highway network and not adding to or creating problems of safety.
Policy T24:	Parking guidelines for new developments.

#### SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS:

- 8.7 Supplementary Planning Guidance and/or Documents provide a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
- SPG13 Neighbourhoods for Living (adopted 2003);
  - SPG25: Greening the Built Edge (Adopted 2004); and
  - Street design guide.

#### GOVERNMENT GUIDANCE:

- 8.8 The National Planning Policy Framework was published on 27 March 2012. It sets out the Government's planning policies for England and how these are expected to be applied. This is a key part of the government's reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. This has resulted in a presumption in favour of sustainable development.

#### 9.0 MAIN ISSUES:

- 9.1 It is considered that the main issues in this case are:-
- The principle of residential development on the site;
  - Character and appearance of the area;
  - Residential amenity implications;
  - Alterations to a public right of way;
  - Protection of existing tree and landscaping features;
  - Highway access, servicing and parking issues; and
  - Other material planning considerations.

#### 10.0 APPRAISAL:

##### **The principle of residential development on the site:**

- 10.1 The application site lies within the urban area of Guiseley and is not subject to any specific proposals in the UDP.
- 10.2 The surrounding area is predominantly residential. The proposed site is previously developed land, and forms a natural infill site that is compatible with the location and setting of that area. The proposal is also considered to be in-line with Policy H4 of the UDP Review, as the site utilises a Brownfield site and is within a recognised urban settlement. In land-use terms the proposal is considered to be acceptable.

##### **Character and appearance of the area:**

- 10.3 The Guiseley Conservation Area (CA) was reviewed and enlarged in January 2012. This resulted in the CA being enlarged from the centre of Guiseley to the White Cross roundabout as an important intersection to the town. The new CA also encompassed the former Harry Ramsden's building as an important part of the town's heritage. It is considered that the application proposals would not adversely affect the character and appearance of the adjacent Guiseley Conservation Area due to the nature of the low density residential proposed, the physical position and the physical topography of the site, being to the rear and being at a lower level than the main commercial Bradford Road frontage.
- 10.4 The buildings in the immediate vicinity of the site are predominantly residential of 2 to 3 storeys in a traditional scale with varying scales of commercial beyond. The general reference to the scale of the new residential proposal will effectively be 2 to 3 storeys with rooms in the roof similar to the nearest properties in overall mass and density on Cairn Avenue and taking into account the existing site levels.
- 10.5 All the existing trees, hedgerow and vegetation on the north boundary of the site are to be retained. Whilst plots 2, 3 and 4 are large in scale, the significant mature landscaping will ensure that there is sufficient screening to the Greenbelt boundary.

**Residential amenity implications:**

- 10.6 There are three existing residential properties primarily affected by this proposal. These being 5 and 7 Cairn Garth and 15 Cairn Avenue. The rear gardens of these existing properties adjoin the site where one dwelling (*identified as plot 1*) is proposed. Plot 1 is a two storey plus rooms in the roof dwelling measuring 9.5 metres to the ridge. A site inspection by Officers was undertaken with the existing residents on Cairn Garth and Cairn Avenue to understand neighbour concerns in detail. In addition a shadowing exercise was completed to establish any potential over dominance or overshadowing implications.
- 10.7 Nos.5 & 7 have a rear main aspect relationship with plot 1. No.7 has an 11 metre rear garden, whilst No. 5 has a 10 metre rear garden. Both Nos.5 & 7 are three storey properties with rooms in the roof. Plot 1 is sited 10 metres from the boundary to No.7. This gives a total separation distance between aspects of 21 metres (*minimal requirement is 21 metres*). Discussions were undertaken with the applicant to amend the location of plot 1. However these amendments would have only resulted in minor siting alterations and could not be undertaken due to other highway and tree constraints. The rear elevation of plot 1 has two bedroom and one bathroom windows at first floor level. These would correspond to the ground floor kitchen and dining room windows of No.7. There is a drop in land levels, with plot 1 being one metre below the back garden level of No.7. It is considered there will be no significant loss of residential amenity to the rooms or garden area of No.7 through overlooking, given the layout of the garden areas and as sufficient distances are proposed. It is also not considered that there will be any loss of residential amenity to No.5 & 7 through over dominance or overshadowing given the distances involved and heights of dwellings.
- 10.8 No.15 has a side relationship with plot 1 and has a 12 metre back garden. Plot 1 is sited 12 metres from the boundary of No.15. This gives a total separation distance between aspects of 24 metres (*minimal requirement is 12 metres*). There is one side window proposed to plot 1 and this would be a first floor bathroom window, which would be obscure-glazed. It is considered there will be no loss of residential amenity through overlooking as sufficient distances are proposed. It is not

considered that there will be any loss of residential amenity to No.15 through over dominance or overshadowing given the distances involved and that plot 1 would be at least 3.5 metres lower than No.15.

- 10.9 Overall, it is considered that this scheme will cause no loss of residential amenity to surrounding properties through overlooking or overshadowing, as although the dwellings are three storeys with room in the roof, the garden depth and separation distances proposed are within normally accepted standards.

**Alterations to a public right of way:**

- 10.10 Public footpath No.36 Aireborough crosses the site. It runs down from Bradford Road through the site into the countryside beyond. The footpath on the upper site will be upgraded as secured through the Aldi permission. The part of the footpath that runs across the application site is in a poor state of repair.
- 10.11 The developer is proposing to divert this footpath around the perimeter of the proposed houses. A Diversion Order under the TCPA would be required to enable this and no development could start on site until an Order is confirmed. The application proposals also include upgrading the footpath, with new surfacing, appropriate boundary treatments and signage.

**Protection of existing tree and landscaping features:**

- 10.12 There are a large number of trees on the site with 33 individual trees, 11 groups of trees and one hedge. The scheme has been designed in conjunction with the Leeds "Guideline Distances from Development to Trees" document together with other national guidance for the design of residential developments.
- 10.13 Whilst the proposals remove some internal trees, the scheme retains and ensures the long term future of the two most important protected trees on the site, an Oak (T40) and an Ash (T11).
- 10.14 The side of the house Plot 1 faces TPO tree T40 (Oak) which allows the house to be built 12m from the tree. The rear of the house is 21 metres from No.7 Cairn Avenue over the east boundary. The proposed garage is sited 8 metres from the tree. The rear of plots 2 and 3 are sited 18 metres away from TPO tree T11 (Ash). The scheme retains the existing trees and hedgerow on the boundary to the greenbelt. The scheme also includes a landscape scheme and new tree planting.
- 10.15 There will be a loss of vegetation on the site that may be suitable for nesting birds and foraging bats. Conditions are suggested to control site clearance and to enhance biodiversity.

**Highway access, servicing and parking issues:**

- 10.16 Access to the application site is via a new adopted spine road that that will serve the two commercial operations to the front of the larger site. This was approved within planning permission 11/02169/FU. The new spine road is served by improved access arrangements at Bradford Road. The spine road also has pedestrian footpaths and lighting.
- 10.17 A turning head has been provided at the site entrance so that a refuse vehicle can service the housing scheme. Bin storage would also be at the site entrance. The scheme proposes a gated private drive arrangement. A double garage has been



provided for each dwelling, which will also have a two car drive. The proposed garages can store cycles/motorcycles.

- 10.18 Ideally a car turning head at the end of the private road should be provided to improve vehicle manoeuvring safety on the site. However, the garage at the end of the private drive has space to execute a three point turn even with a car occupying the drive. Overall the proposals do not raise any specific road safety concerns.

**Other material planning considerations:**

- 10.19 The flood risk assessment approved within the Aldi permission outlines agreed proposals for the drainage of the entire larger site. There is an outfall to the Mire Beck watercourse and it is suggested that general improvements and /or refurbishment of the existing outfall would be required to ensure that it remains fit for purpose. Both Yorkshire Water and the Council's Land Drainage section have raised no objections to the scheme, subject to relevant conditions.
- 10.20 A Phase II detailed intrusive site investigation report was submitted with the application, which was agreed as part of the remediation for the larger redevelopment site. The Council's Land Contamination Section has raised no objections to the report, subject to conditions.

**11.0 CONCLUSION:**

- 11.1 It is considered that the design of the scheme is such that there would be no loss of amenity to surrounding residential properties through overlooking or overshadowing. It is considered that this proposal meets the Council's adopted standards with regard to layout, siting and means of access.
- 11.2 The proposal therefore complies with P policies SP3, H4, GP5, BD5, N12, N13, N19, N24, LD1, A4, T2 and T24 of the UDP (Review 2006). In light of the above the application is considered acceptable and is recommended accordingly.

**Background Papers:**

Application and history files.

Certificate of Ownership.

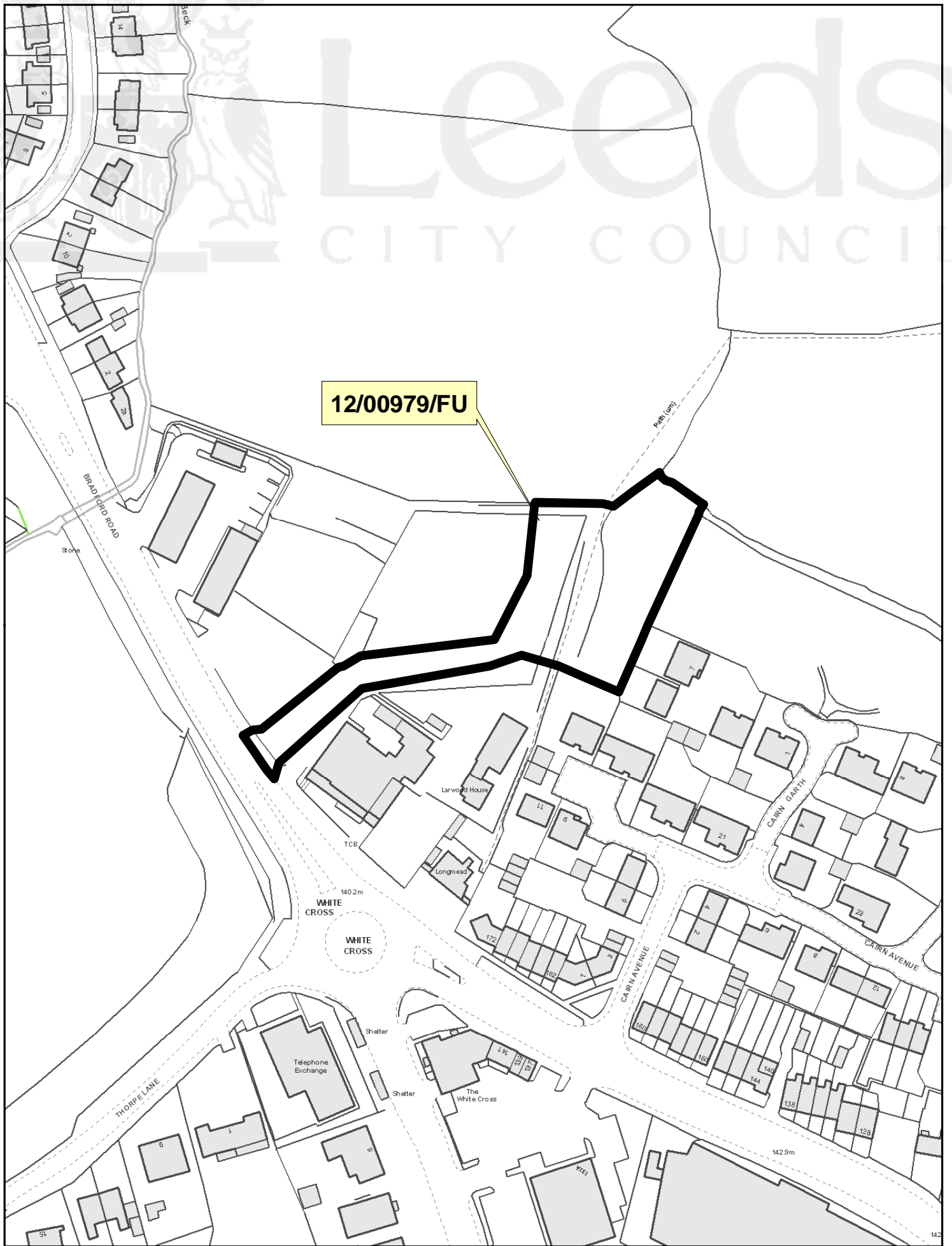
Planning permission 28/262/01/FU.

Planning application 11/04269/FU.

Planning permission 11/02169/FU.

Planning permission 12/00771/FU.

12/00979/FU



# WEST PLANS PANEL

