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**SOUTH AND WEST PLANS PANEL**

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Thursday, 28th November, 2024  
at 1.30 pm

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**MEMBERSHIP**

Councillors

R Finnigan  
N Manaka  
A Rontree  
P Wray (Chair)  
B Anderson  
S Firth  
M France-Mir  
Z Hussain  
R Jones  
A Parnham  
P Stables

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Note to observers of the meeting. To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (link below) ahead of the meeting. The webcast will become available at the commencement of the meeting: [Council and democracy](#)

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**Agenda compiled by:**  
**Tasha Prosser**  
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**Governance Services**  
**Civic Hall**

Enquiries specific to planning applications on the agenda should be directed to Panel Team; Phone 0113 3786980  
Email; [planspanel@leeds.gov.uk](mailto:planspanel@leeds.gov.uk)

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="676 322 858 353"><b>SITE VISITS</b></p> <p data-bbox="676 465 1406 533"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="676 573 1382 719">To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="676 759 1386 904">(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	7-8

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council’s ‘Councillor Code of Conduct’.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	

Item No	Ward	Item Not Open		Page No
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To consider the minutes of the previous meeting held Thursday, 31<sup>st</sup> October 2024, as an accurate record.</p>	9 - 14
7			<p><b>24/03369/FU - NO. 16 CHILTERN COURT, RODLEY, LEEDS, LS13 1PT</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT.</p>	15 - 40
8			<p><b>23/04830/FU - LAND EAST OF OWLCOTES LANE AND SOUTH OF WOODLANDS ROAD, STANNINGLEY, PUDSEY, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of a part 6 storey, part 4 storey, building comprising 19 apartments (Class C3) and commercial space (Class E) with associated parking, landscaping, and ancillary facilities at Land East Of Owlcotes Lane And South Of Woodlands Road, Stanningley, Pudsey, Leeds.</p>	41 - 60
9			<p><b>22/07648/FU - FLEET LANE, OULTON, LEEDS, LS26</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of a Wedding Venue, 33 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26.</p>	61 - 96
10			<p><b>DATE AND TIME OF THE NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Thursday, 9<sup>th</sup> January 2025 at 1.30pm.</p>	

Item No	Ward	Item Not Open		Page No
			<p data-bbox="675 181 1015 215"><b><u>Third Party Recording</u></b></p> <p data-bbox="675 255 1382 472">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 512 1310 584">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 624 1382 842">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li data-bbox="724 860 1394 1162">b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

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To all Members of South and West  
Plans Panel

**Planning Services**  
The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD


Contact: Steve Butler  
Tel: 0113 224 3421  
steve.butler@leeds.gov.uk

Our reference: SW Site Visits  
Date: 14/11/2024

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 28<sup>th</sup> NOVEMBER 2024**

Prior to the meeting of the South and West Plans Panel on Thursday the following site visit will take place:

Time			
Depart Civic Hall 09.45			
Arrive 10.15 Depart 10.45		<b>23/04830/FU</b> Erection of a part 6 storey, part 4 storey, building comprising 19 apartments (Class C3) and commercial space (Class E) with associated parking, landscaping, and ancillary facilities Land East Of Owlcotes Lane And South Of Woodlands Road Stanningley Pudsey	
Arrive 11.20 Depart 11.40		<b>22/07648/FU</b> Erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building Fleet Lane Gillford	
www.leeds.gov.uk	general enquiries 0113 222 4444		

12.00		Return Civic Hall	
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Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 09.40 am. Can I also advise Panel members to wear footwear appropriate to the prevailing weather conditions on the day as the Oulton site visit may involve walking on the Canal towpath.

Yours sincerely

Steve Butler  
Group Manager  
South and West

[www.leeds.gov.uk](http://www.leeds.gov.uk)

general enquiries 0113 222 4444





## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 31ST OCTOBER, 2024**

**PRESENT:** Councillor P Wray in the Chair

Councillors N Manaka, A Rontree, S Firth,  
M France-Mir, A Parnham, P Stables,  
Campbell, D Cohen, J Garvani and M Millar

### **SITE VISITS**

Councillors C Campbell, J Garvani, N Manaka, A Rontree, P Wray, M France-Mir and P Stables attended the site visit held prior to the meeting.

#### **42 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

#### **43 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

#### **44 Late Items**

There were no formal late items.

#### **45 Declarations of Interests**

Although Councillor Garvani did not declare an interest in Agenda Item 8 – 24/03902/FU – 1 New York Cottages, New York Lane, Rawdon, LS19 6JH, he informed the Panel of his intention to withdraw from the meeting during the consideration of this item, as he submitted objections to the application.

#### **46 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors B Anderson, R Finnigan, R Jones and Z Hussain.

Councillors C Campbell, D Cohen, Garvani and M Millar were in attendance as substitutes.

#### **47 Minutes - 3 October 2024**

**RESOLVED** – That the minutes of the meeting held on 3<sup>rd</sup> October 2024 be approved as an accurate record.

#### **48 22/06370/FU - Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds**

Draft minutes to be approved at the meeting  
to be held on Thursday, 28th November, 2024

The report of the Chief Planning Officer for demolition of the existing buildings and construction of a new building for residential use (Use Class C3), provision of internal roads for vehicular and pedestrian access and servicing, car parking, landscaping, a substation, new pedestrian infrastructure and modifications to existing vehicular and pedestrian access at the Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds.

The application had been considered as a position statement in August 2023. The report recommended to Members that the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions and s106 agreement as outlined in the submitted report. It was noted that alterations to the conditions include:

- Condition 31 removed.
- Condition 55 re-worded to include reference to removal of vegetation.
- Addition of a condition relating to full balcony and balustrading details.

Panel Members (referenced above) had attended the site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Objectors to the application attended the meeting. A Ward Councillor B Anderson addressed the Panel. Following this, Cllr B Anderson provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Estimated costs of houses nearby which is believed to be between 250,000 – 600,000k.
- Concerns regarding the lack of parking but there is a bus stop immediately outside of the development so on balance, that is considered acceptable. The main concern is affordable housing policies not being met.

The applicant's representative attended the meeting. Mr Waring addressed the Panel. Following this, Mr Waring provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Viability being an on-going issue and the offer of a dynamic section 106 to re-evaluate the financial situation 6 months before completion of the development.
- The applicant is an investor and looking at the longer-term gain.
- There is a covenant on the property that it cannot be sold, and the building can only be held by one company, and the properties must be rented out.
- The build to rent product has evolved over the last 10-15 years and it is a new suburban product. It is considered that the rental costs are different of properties in the city centre. However, construction costs are the same.

- The 700k commuted sum offer will not be made available should the application be refused and decided at an appeal hearing. Further to this, it was confirmed the scheme is currently un-viable and the commuted sum offer is a good will gesture.
- The viability assessments carried out by the applicant and District Valuer are based on assumptions and both demonstrate the scheme cannot offer a commuted sum at present.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Concern regarding the design / amenity element of two ground floor flats, particularly the light levels which are constrained by the construction of a car park wall. It was confirmed the wall is approximately 6-7m away from the properties. Members requested clarity on how the developer will mitigate against substandard flats and incorporating other design elements.
- Clarity on Policy H5 which sets the aspirations for affordable housing. It was confirmed that the applicant is yet to decide whether they will provide 20% build to rent units onsite, or whether they will opt for the 700k commuted sum option with a clause. It was confirmed that the applicant must provide one or the other, and figures will be checked with the district valuer before completion to look at sums. Details are finalised in the Section 106 Agreement but there is a risk of the council only receiving the 700k commuted sum as a baseline.
- Confirmation that there is a 15-year covenant on the properties that they cannot be sold, or there will be a financial penalty.
- It was confirmed that there are other schemes where a Section 106 Agreement of a similar nature has been used to get closer to policy compliancy. Albeit some of those developments are still being built out.
- Confirmation that there will be improvements to Lawnswood Roundabout in 2025 and it is fully funded and will help the development with connectivity.
- Legal clarity on the weight decision makers apply to viability. Members were informed that there are some assurances provided by the overage clause in enabling real costs to be considered nearer completion.
- The risk of not agreeing to the officer recommendation and not receiving a commuted sum and any affordable units.
- There is no factual evidence of build to rent properties in suburban areas. Albeit it was noted that Adel is a highly desirable suburb of Leeds and the financial output of what has been estimated by the District Valuer may be higher.
- Members collectively highlighted the importance of providing affordable housing for the people in Leeds.
- The residual value of the properties has not been considered, and after 15 years the applicant can sell the properties.
- Panel Members are content with the basic design principles of the development.

Further to discussions and clarity on non-availability of the District Valuer to attend the meeting, a member moved and another seconded a motion that the application be deferred until the District Valuer is available to attend a future South and West Plans Panel meeting to answer questions to enable Panel Members to be fully informed of and understanding of the viability issues, with regard to understanding the significant divergence between the applicants and District Valuers assessment of profitability. This was seen of particular importance as it would aid Members understanding of why the application was not policy compliant regarding Affordable Housing delivery and the applicant's reluctance to accept an overage clause.

Upon voting, the application was deferred to enable the district valuer to attend a meeting.

**RESOLVED** – To defer the application as per above.

**49 24/03902/FU - 1 New York Cottages, New York Lane, Rawdon LS19 6JH**

The report of the Chief Planning Officer set out an application seeking planning permission for the demolition of existing garage/outbuildings and erection of two dwellinghouses with associated hard and soft landscaping works at 1 New York Cottages, New York Lane, Rawdon, LS19 6JH. The report recommended to the Panel that the matter be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions as outlined in the submitted report and appendices.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Cllr Garvani left the room prior to the commencement of this item as per Minute No.45, as he had submitted an objection to the application.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Members raised concern regarding the risk of microplastics within a plastic grid, to make improvements to the lane. It was requested that the applicant seek alternatives. Panel Members agreed that alternative options should be discussed with the applicant, and any alternative solutions regarding materials be agreed by the Chief Planning Officer in consultation with the Chair on behalf of Panel Members.
- It was noted that the car park sits within green belt land but already exists. There is a certificate of lawful use for the car park and use of the gardens.
- Clarity was provided regarding conditions 8 and 10. It was confirmed that any damage created because of construction will be repaired.
- Cragg Wood Conservation Area is approximately 200m away.

- Members acknowledged that the site is within brownfield land and not in a Conservation Area and appears to be in-keeping with the local area.

A motion was put forward to move the officer recommendation, with the addition of a condition regarding non-plastic subsurface system being used. This was moved and seconded, and it was

**RESOLVED** – To approve the application in principle but defer the decision to the Chief Planning officer and discussion with the Chair following further discussion with the applicant to ensure that the subsurface system employed to stabilise the access track did not use plastics.

(Cllr Garvani re-joined the meeting at this point, and Cllr Cohen left the meeting at 16:05)

## **50 23/07393/FU - Newall Church Hall, Newall Carr Road, Otley, LS21 2AF**

The report of the Chief Planning Officer set out reasons for refusal of the above application, following Panel's previous resolution it was minded to refuse for five reasons. The application was for the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure at Newall Church Hall, Newall Carr Road, Otley, LS21 2AF. The report recommended to the Panel that the application could be refused for two reasons and explained why the Chief Planning Officer considered other matters previously raised by the Panel were not considered to be defensible reasons for refusal.

The application was brought before the Plans Panel at the South and West Plans Panel Committee held Thursday, 3<sup>rd</sup> October 2024 and at that meeting, the Panel resolved not to accept the officer recommendation and were minded to refuse the application.

The Area Planning Manager presented the update regarding the reasons for refusal which were based on 5 concerns raised by Panel Members at the previous meeting and as set out in the submitted report. It was noted that Panel's concerns are not included in the reasons for refusal due to:

- The application is exempt from specific Biodiversity Net Gain (BNG) requirements. Further to a BGN assessment, the application is in compliance with Core Strategy Policy G9 and ONP Policies GE2, GE5 and GE8.
- West Yorkshire Archaeological Advisory Service (WYAAS) confirmed that the Written Scheme of Investigation for Archaeological Evaluation (WSI) is acceptable.

The report therefore sets out 2 reasons for refusal as presented at 1 and 2 of the head of the submitted report.

A motion was put forward to move the officer recommendations, as per the submitted report. This was moved and seconded, and it was

**RESOLVED** – That the application be refused on the defensible grounds of reasons 1 and 2 at the head of the submitted report.

**51 Date and time of the next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday, 28<sup>th</sup> November 2024 at 1.30pm.

The meeting concluded at 16:11.

**52 Webcast of the Meeting**

Please [ctrl+click](#) to access the link to view the webcast of the meeting.



Originator: Aaron Casey

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## Report of the Chief Planning Officer

### *South and West Plans Panel*

Date: 28<sup>th</sup> November 2024

Subject: Application 24/03369/FU: Change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chilern Court, Rodley, Leeds, LS13 1PT

Applicant: Amethyst247support

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#### Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted: (referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the following Conditions**

#### Conditions:

1. Time limit – Commencement within 3 years.
2. Development to be carried out in accordance with approved plans.
3. Restrictions on number of residents that reside at the site at any one time to three
4. Restrictions on number of resident staff on site at any one time to two (except for a 30 minute cross over period between shifts)

5. Details of bins (siting and method of storage) to be submitted for written approval.
6. Details of electric vehicle charging points to be submitted for written approval.
7. Prior to first occupation a management plan shall be submitted to and approved in writing by the LPA that the occupants in care at the site shall be restricted from owning a car/vehicle for the full period of their occupancy at the site.

### **INTRODUCTION:**

- 1 At the 3 October 2024 Plans Panel meeting Members resolved to accept the Officer's recommendation to grant planning permission subject to recommended conditions but with the addition of a condition that required that prior to the first occupation of the development details of a means of pedestrian access/exit from the site directly onto Town Street to be submitted and approved by the LPA and that residents in care at the site would be restricted from owning a car/vehicle to be secured through a legal agreement (Section 106). This application is brought back to Plans Panel as the Applicant has challenged the necessity of imposing a condition for the access/exit onto Town Street and the mechanism of a Section 106 to secure residents in care do not have access to car/vehicle ownership.
- 2 The Applicant has stated in an email to Officers dated 11 November 2024 that the landlord of the property (*who has been correctly notified of the proposal by the correct Certificate B*) would not agree to any re-configuration to the property to access Town Street or any internal layout alterations that would be required to facilitate the provisions of the access/exit to the property through Town Street. The Applicant has re-iterated that they would only use their allocated parking space and that visitors to the property would be fully informed of the parking arrangements and that this would be marshalled through the operation of the care facility.
- 3 Furthermore, the Applicant has raised concern over the necessity of securing the residents in care to having no access to vehicle use and/or ownership. In their written response the Applicant sets out that such ownership or access to a car would not be realistic e.g., through financial constraints. The residents in care would have a budget which is allocated for food, transport (other than private vehicles) and activities. Officers are informed by the Applicant that they and the residents enter into a contract when the young people are placed in the Applicant's care and that since the 3 October 2024 Panel meeting this contract has been revised to include details that residents in care are not permitted to own/have access to a car whilst resident at the site. The Applicant also re-iterates that the care facility will have a pool car that is available to transport residents to attend any engagement/appointment that they may have and that they are a regulated service provider and are duty bound to abide by the regulatory bodies' rules.



- 4 In the interests of clarity this report sets out the relevant sections of the minutes from the 3 October 2024 meeting:

Applicant:

- There would be a pool car for staff, the looked after young people would not normally have access to cars.
- The young people would receive a social work visit approximately every six weeks.
- The young people in residence could be transported by pool car or could also use public transport.
- Residents of the property would not have access to the pool car.
- Visitors to the property would be made aware of parking arrangements.

Members:

- A condition or Section 106 agreement could be made that prevented car ownership by any residents of the property.
- There was no direct pedestrian access from the property to Town Street.
- Possibility of having a condition to allow pedestrian access from Town Street.
- Concern with the lack of car parking.
- There were car parking issues in the wider area but not just relating to this application.
- There was a need for this kind of accommodation for young people and the application should be supported.
- A motion proposed that the Officer recommendation be approved with additional conditions relating to car ownership and access to Town Street.
- A further motion was made to refuse the application due to the issues on car parking, traffic and other issues including the lack of consultation and access to Town Street. Both motions proposed were moved and seconded and upon voting.

- 5 It was resolved that planning permission be granted subject to the conditions outlined in the report, and the addition of a condition requiring a pedestrian access from Town Street to the property be opened up and a Section 106 agreement be undertaken preventing residents of the property from owning a car [*whilst in care and resident at the site*].

## MAIN ISSUES

- Are the imposition of the condition to require the provision of an additional external door and pedestrian route and the completion of a s106 to prevent resident car ownership necessary to make the development acceptable and do they pass the tests set out within the NPPF and NPPG.

## APPRAISAL

### The tests set out within the NPPF and NPPG for the imposition of planning conditions and obligations

- 6 Paragraph 55 of the NPPF set out that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 011 of the NPPG also sets out that where planning objections can be overcome through the imposition of planning condition or obligation under Section 106 of the Town and Country Planning Act 1990 (TCPA), that in such cases LPA's should use a planning condition rather than seeking to deal with the issue through section 106 of the TCPA.
- 7 Paragraph 56 of the NPPF and paragraph 003 of the NPPG directs LPA's that planning conditions should be kept to a minimum and only imposed where they meet the below tests and paragraph 005 of the NPPG states that conditions that fail to meet one of the six tests should not be used.
  - a) Necessary,
  - b) Relevant to planning
  - c) Relevant to the development to be permitted,
  - d) Enforceable,
  - e) Precise
  - f) Reasonable in all other respects.

Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

- 8 Moreover, paragraph 009 of the NPPG states that conditions requiring works on land that is not controlled by the Applicant or that requires the consent or authorisation of another person often fail the tests of reasonableness and enforceability.
- 9 Paragraph 57 of the NPPF refers to the imposition of a planning obligations and sets out that Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and that Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 10 Moving now to discuss if the condition for a pedestrian access onto Town Street passes the tests set out within the NPPF and NPPG. In this instance the land, structures and building are not within the Applicants ownership and as they have set out the site owner would not permit alterations to accommodate and provide the pedestrian route directly onto Town Street. This would need to involve the replacement of the existing door on the northern elevation and removal of a section of the boundary wall and steps to navigate the difference in levels between the site and the footway onto Town Street. Therefore, paragraph 009 is engaged and in Officers view such works to provide this pedestrian route fails the tests of reasonableness. Such a route would not be required if the site stayed within use as a family home within Use Class C3 of the Use Classes Order (UCO) and the proposed residency limits and staff capacity are not above and beyond what could occur if the site remained as a family home where no such route onto Town Street would be reasonably required. The travel time taken for residents and staff to navigate the cul-de-sac onto Town Street to access public transport or the services and amenities along it or close to it, is no different than if the site did not change use as proposed. It is Officers view that the change of use proposal is acceptable in planning terms without the requirement to create a pedestrian route to the rear onto Town Street and therefore there is no demonstrable necessity for the condition and this in union with the considered failure to meet the tests of reasonableness that the condition fails the tests set out within the NPPF and the NPPG.
- 11 This report now focuses on the request for the Applicant to enter into a Section 106 agreement to restrict and regulate car/vehicle ownership and access to a vehicle for residents whilst they are in care at this site.

- 12 As set out above, the NPPF and NPPG make it clear that where a planning condition can perform regulation then it should be used rather than a planning obligation. Notwithstanding the Applicants statement that residents would not have the financial capacity to fund a private vehicle and that the contract of care between them and a resident and the duty to abide by regulatory rules, the matter of private vehicle ownership could be secured through a planning condition that requires the submission of a management plan of the use and operation of the site that includes the restrictions on private vehicle and parking by residents in care whilst at the site. This approach is in line with the policy of the NPPF and the guidance contained within the NPPG.

### **CONCLUSION**

- 13 As set out within the Officer report to Panel on the 3 October, the change of use is compliant with both national and adopted local planning policy in terms of establishing sustainable development. It is Officers view that the proposed condition requiring a pedestrian route directly to Town Street fails the tests set out within the NPPF and NPPG and that regulation of vehicle ownership/access whilst in care at the site can be secured through a planning condition requiring the submission and written approval of a Management Plan.

### **Background Papers**

Application Files: 24/03369/FU

# Appendix 1



Originator: Aaron Casey

**Report of the Chief Planning Officer**

***South and West Plans Panel***

**Date: 3 October 2024**

**Subject: Application 24/03369/FU: Change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chilern Court, Rodley, Leeds, LS13 1PT**

**Applicant: Amethyst247support**

**Electoral Wards Affected:**

**Calverley & Farsley**

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**

**Conditions:**

1. Time limit – Commencement within 3 years.
2. Development to be carried out in accordance with approved plans.
3. Restrictions on number of residents that reside at the site at any one time to three
4. Restrictions on number of resident staff on site at any one time to two (except for a 30 minute cross over period between shifts)
5. Details of bins (siting and method of storage) to be submitted for written approval.
6. Details of electric vehicle charging points to be submitted for written approval.

### **INTRODUCTION:**

1 The application is brought to Plans Panel at the request of Councilors Andrew Carter who has set out the below reasons:

- Staff and visitors to the property are likely to increase traffic in an already congested cul de sac.
- Extra pressure on parking, making the cul de sac less safe for both residents and the young people themselves.
- There has been a proliferation of this type of application to change residential properties into what are essentially commercial businesses, with a subsequent loss of residential properties.
- Property type unsuitable for use, e.g., insufficient outdoor area, and extremely close to other properties, therefore unsuitable for the young people themselves and detrimental to the amenities of local residents.

### **PROPOSAL**

2 The proposal is for the change of use of a dwelling house within the Use Class C3 to a young person's supported accommodation within Use Class C2.

- This home will be for three young people aged between 16 and 25 years of age. The Applicant has confirmed that the age range of residents would be arranged on compatibility e.g., three 16 years old residents rather than having a younger resident with the upper age range.
- The facility will be supported by 2 members of staff at any one time, with staff working on a rota basis:
  - Morning shift: 07:30 hrs until 20:00 hrs.
  - Night shift: 20:00 hrs until 08:00 hrs

- The above suggest that there would be 30 minutes in the morning where staffing rotas cross over.
- There are no proposals for alterations to the external or internal parts of the building nor do the submitted details indicate that there would be any alterations to the grounds.
- The existing off-street parking facilities equates to one surface parking space and this would be utilised by the proposed use.
- Residents of legal driving age would not have access to car use.
- Visitations by relevant professionals and family would be planned and arranged. The family visits would be arranged for one residents at a time and the Applicant has advised that in their experience family visits result in residents and their families going out from the facility rather than spending the visitation time on site.
- The residents will be in full time education, employment or training.
- The Applicant advises that they will be registering the facility with OFSTED.

#### **SITE AND SURROUNDINGS:**

- 3 The application site comprises a semi-detached 5 bedroom semi-detached dwelling located at No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT. Rodley is identified as being identified as being within the Main Urban Area within Map 3 (Settlement Hierarchy ) and Table 1 (Identification of Settlement Types) of the Core Strategy.
- 4 No.16 is a 5 bedroomed semi-detached house set within a relatively small rectangular plot. A private amenity area is located to the front of the house with a shallow area of garden to the rear facing Town Street, but this is generally open to public view and represents a landscape area rather than any meaningful amenity space. The parking space is divorced from the house and immediate plot and located to the front of No.16. Access to No.16 is down steps to the front as the building is set lower than street-level.
- 5 Chiltern Court is a cul-de-sac of three storey dwellings laid out in terraced and semi-detached formation to the eastern side of the cul-de-sac with a wooden area of mature and well-established trees to the western side. Chiltern Court is accessed from the eastern side of Bagley Lane. The houses have integral

garages at ground floor with staircases leading to the first floors and front doors. The wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights, ranging from approximate periods of construction throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries. There are also a range of services, hospitality and commercial offers along Town Street as well as the waterways to the north of Chiltern Court.

- 6 The site is located close to existing designated centres in Pudsey and Fardsley as well as the Owlcotes retail park and access to these areas can be achieved along the existing highway infrastructure. It is considered that given the wide range of existing amenities, existing highway infrastructure, public transport routes in union with the well-established residential settlement within the main urban area, the site can be regarded as being within a sustainable location.

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

- 7 24/02006/CLP: Certificate of Proposed Lawful Development for Use as a house for semi-independent supported living: The certificate was not issued as the LPA are of the view that the use represents a change of use to Use Class C2.
- 8 Members attention is drawn to the following appeal decision for change of use from C3 to C2 and highlights the position Officers are in regarding the resistance of change of use of dwellings for care facilities due to the size of the building and the extent of outdoor space with the plot:
9. 16/07459/FU: 13 Wellington Grove, Bramley for a Change of use of dwelling (C3) to a residential children's care home (C2) – This site falls outside of the area of the site but given that the proposal is for a change of use from a C3 to a C2 use the findings of the Inspector dealing with the subsequent and relatively recent appeal are considered to be relevant in this instance. The LPA refused this application for the below reason:

*The Local Planning Authority consider that the proposed use of the host property as a Children's Care Home (C2 Use Class) is unacceptable by reason of the increased noise and disturbance from the comings and goings of staff associated with the running of the proposed use, resulting in the intensification of the use of the building, which would result in multiple users that would be above those levels reasonably expected if the building was in use as a family home. This would therefore have an undue effect on the living conditions of neighbouring residents, compounded by the back-to-back nature of the dwellings. As such the proposal is contrary to saved Policy GP5 of the Leeds UDP (2006) and the advice contained within the National Planning Policy Framework (2012).*



*The Local Planning Authority considers that this property, a back to back house, is unsuitable for the provision of specialist care for children due to the lack of outdoor amenity area, limited scope for private/quiet rooms, and the higher levels of noise transfer from surrounding properties. It is considered that the likelihood of the children to be homed here having severe emotional and behavioural disabilities would be higher than with a typical family and that the type of property could therefore create a more harmful environment for them to live in. This would be detrimental to their amenity, contrary to policy GP5 of the UDP.*

This was subsequently allowed at appeal. With regard to noise and disturbance the Inspector notes in his findings that:

*“.....it is argued that the potential emotional and behavioural difficulties of a child at the property would contribute to adverse and excessive noise and disturbance from within the property for neighbouring occupiers. However, I have seen no substantive evidence to support this. Furthermore, whilst the children likely to reside at the property may have such difficulties, I find it unreasonable to assume that such behavioural and emotional needs would inevitably result in anti-social behaviour and excessive noise or disturbance.”*

Member’s attention is drawn to the above as it is pertinent to the determination of this application now before Panel. It should also be noted that the Inspectors finds refer to the change of use of a back-to back property, thereby much smaller than the application site with much less outdoor space.

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

- 10 The proposal before Members is unchanged from the date of its submission.

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

- 11 This application was advertised by 1 x site notice close to the site on the 5 July 2024. This application has attracted 12 letters of representation including representation from Councillor Andrew Carter.

#### Ward Members

- 12 Councillor Carter has objected to the application for the reasons cited in Paragraph 1.

#### Other Public Response

- 13 The issues raised through the representations received from the local residents are summarised below:

## Objections from local residents

- The facility is an inappropriate use with the residential street.
- Increased levels of noise, disturbance, comings, and goings.
- Increase in anti-social behavior and crime.
- Welfare and safety concerns of residents close to roads, waterways and public houses.
- Highway safety issues.
- LCC Refuse vehicles no longer access Chiltern Court due to space restrictions from on-street parking.
- There are no footpaths on Chiltern Court and the use may exacerbate vehicle and pedestrian conflicts.
- Would result in an increased parking demand.
- Added parking pressures when staffing change over occur twice a day for 30 minutes at a time.
- The development does not include Electric Vehicle Charging points or disabled parking.
- The use has the characteristic of a House in Multiple Occupation (HMO) and fails the tests of adopted Core Strategy policy H6<sup>1</sup>
- Would result in the loss of a family home.
- How would the risks of conflicts and absconding be managed?
- The stepped access to the property and the number of floors within the building mean that it is not accessible to all.
- There is little outdoor space to serve the use and its residents.
- Any modification that require planning permission would be constrained by the sites Conservation Area Location.
- Inaccurate details on the application form.
- No Certificate B has been issued<sup>2</sup>
- No neighbour notification letters were issued nor was a site notice placed.
- The property has restrictive covenants.
- There has been no community engagement.
- Potential increase in bins exacerbating the existing issues of on-street storage on collection days.
- Drainage implications.
- The proposed use would have a direct impact on a vulnerable, elderly neighbour through impacts of noise and any anti-social behavior.

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<sup>1</sup> Policy H6 refers to houses in multiple occupation, student accommodation and flat conversions

<sup>2</sup> Certificate B should be issued by Applicants if there is shared ownership (All other owners/agricultural Tenants known) This should be completed if the Applicant is not the sole owner, or if there are agricultural tenants, and the Applicant knows the names and addresses of all the other owners and/or agricultural tenants.

## **CONSULTATION RESPONSES:**

### Highways

- 14 No objections and no concerns raised with regard highway safety and that the dedicated parking space was in accordance with adopted guidance within the Transport SPD. .

## **PLANNING POLICIES:**

- 15 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 is made up of the Core Strategy (Review 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, the Aire Valley Leeds AAP, as well as any made neighbourhood plans.

### Relevant Policies from the Core Strategy:

- GENERAL POLICY: Presumption in favour of sustainable development
- Spatial Policy 1: Location of development in main urban areas on previously developed land.
- P10: Design, context and amenity consideration
- T2: Accessibility

### Relevant Saved Policies from the UDP:

- GP5: General planning considerations

### Supplementary Planning Guidance and Documents

- SPG13: Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Transport SPD

### National Planning Policy

- 16 The National Planning Policy Framework (NPPF). One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

The below sections of the NPPF are considered to be most relevant:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport

#### **CLIMATE EMERGENCY:**

- 16 The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
- 17 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 18 As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

#### **PUBLIC SECTOR EQUALITY DUTY:**

- 19 Through the application process, the Local Planning Authority (LPA) have been made aware of some particular circumstances and sensitive issues, where it is necessary to have regard to the Equality Act (2010). The Equality Act 2010 defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'. As a decision maker, LPA's have a duty under the Equality Act 2010 to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In accordance with (1 and 2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant

protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:

1. Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
3. Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Based on information received, this application raises matters of Protected Characteristics which must be considered by the Local Authority in its capacity as LPA, in discharging its Public Sector Equality Duty. In taking the information received into account, having regard to the Equality Act 2010 in the assessment of this particular application. Consequently, due regard has been given to the impact of the application on a nearby resident who shares a protected characteristic. Confidential and sensitive information has been considered and assessed and will be disclosed as part of the Confidential Equality Impact Assessment (EIA). The matter relevant refers to the final bullet point within paragraph 13.

## **MAIN ISSUES**

- Principle of development
- Character and Appearance
- Impact on residential amenity
- Highways
- CIL
- Other issues

## **APPRAISAL**

### Principle of development

- 20 Spatial Policy 1 of the Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between Brownfield and Greenfield land.

- 21 The proposal seeks to change the use of No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT from a family house within the Use Class C3 to young person's supported accommodation within the Use Class C2.
- 22 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within the immediate and wider areas of Pudsey and Farsley. The travel times and methods of travel to these shopping and service areas are the same as they would be if the house stayed within a C3 use, and there is no requirement that a supported accommodation facility for young people operating from an existing building would need to be any closer to the existing local amenities than the surrounding residential population. Moreover, the immediate area is well served by public transport routes to designated centres within Pudsey and other surrounding areas, as well as the Owlcotes Retail Park. Therefore, site is considered to be within a sustainable location.
- 23 Officer take the view that the end use would respond to the residential context of the area and the number of occupants at any one time would be no more than one could expect if a family occupied this five bedroom dwelling. This proposed use and the occupancy limits of three young people and the care and managerial staffing numbers that would be on-site at any one time, would have a neutral impact on the use of the building and implications on local services, as there could be a very similar, if not the same impact from a family occupation of the site. This would be a residential facility offering independent living support within a residential area, albeit the dynamics differ from a family home (i.e., that the staff would work there rather than it being their home).
- 24 The use is considered to accord with the aims of Spatial Policy 1 and there is no policy context that could reasonably prevent a change of use from a C3 use to C2, and therefore the principle of the change of use is considered to be acceptable.

#### Character and Appearance

- 25 There are no physical changes proposed to the external parts of the building or to its grounds. It is not considered that the use of the site with the limited level of three residents and associated on-site staff or any visiting support specialists would change the residential character of the site or over-intensify it beyond what could reasonably be expected if this five bedroom semi-detached dwelling remained in family use. Any internal alterations (e.g., *fire doors*) can be undertaken without the need for planning permission and any external alterations that may be required in future to meet the needs of residents (e.g., *ramps*) would need to pass the tests of planning policy through applying for planning permission.
- 26 The scheme is considered to be compliant with the aims of Core Strategy Policy

P10 and saved UDP Policy GP5 and the policy contained within the NPPF.

Impact on residential amenity

- 27 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking as there are no alterations proposed to the building or its plot.
- 28 The building is semi-detached with the access areas to the front that that adjoin neighbouring sites. Whilst it could be argued that the chances of noise and disturbance could be higher than if a family occupied the property, any instances of difficulties would be dealt with by the staff that will be on site. It is not considered that any levels of noise and disturbance from the three residents and the on-site care team would be significantly greater than a family situation, and there is no evidence to suggest otherwise.
- 29 The care home would provide accommodation for three compatibly aged young people at a time. and until referrals are made it would not be clear to the Applicant exactly to what extent of care and supervision the individuals will need. Nevertheless, this is a facility with a duty of care and one that will be subject to assessment by a regulatory body.
- 30 It is a usual requirement that operators record and log any complaints made and that the regulatory body (e.g., OFSTED) would then investigate. In principle and dependent upon the scenario, operators run the risk of their licenses being revoked should they fail to meet the relevant and required standards.
- 31 In Officers opinion the proposed use would not result in unduly increased comings and goings from staff changes and transportation of the residents than the existing C3 use. The home will be supported by 2 staff members at any one time, 24 hours a day and one manager working a day shift. As with a family home visits and activity could occur throughout the day and at sociable hours into the evening and at a similar level of vehicles and visitors.
- 32 In light of the above, Officers acknowledge that many attributes of family life could occur however, the nature of the occupation, involving the rotation of the care workers due to their shift patterns, the comings and goings to the site may on occasion be more numerous than could be anticipated for most family homes but it is not considered that the levels of comings and goings would be significantly greater than those a family could attract. The impact on the surrounding neighbours would in Officers view, not be unduly harmful. Moreover, conditions

restricting resident and staffing numbers will ensure that the site would not be overly intensified beyond the limits of the property if it remained a family home. In respect of future residents, the levels of outdoor space would be the same if a family occupied the house and the C3 use remained. There is no policy requirement for a C2 use to provide more outdoor space than for a C3 use. Members attention is drawn to an Inspectors findings that is set out in paragraph 9 of this report.

- 33 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the policy of the NPPF.

### Highways

- 34 Core Strategy Policy T2 requires that 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. Whilst paragraph 115 of the NPPF directs LPA's not to withhold or refuse development on highways grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 35 As part of this application a technical view was sought from Highways who have indicated that the site is within an accessible location with a bus stop adjacent to the site access (stop ID: 45024096) with a service of around 1 bus an hour to Keighley. There is also a bus stop around 180m from the site on Town Street (stop ID: 45012600) with a frequent service to Leeds Bus Station / White Rose Centre with around six buses in peak time. Highways also note that refuse vehicles do not currently access Chiltern Court and residents take their bins to the junction bell mouth.

- 36 In respect of parking facilities - the existing residential dwelling has five bedrooms, and the proposal would not change this. Staff shifts will be rotating with the morning shift from 07:30 until 20:00 and the night shift from 20:00 until 08:00 with two care staff on each shift with the addition of a site manager through the day shift. The adopted Transport SPD sets out that in response to C2 uses, parking provision is one space per three residents. Therefore, as the proposed use would not exceed the limit of three potential car users, namely the two staff and manager as the three resident young people would not have access to their own vehicles. However, the ratio of 3:1 also responds to the number of residents i.e., the resident capacity. Therefore, the parking provision of one space meets with the guidance within the adopted SPD and Highways have provided a view that No road safety concerns would arise from the proposed use. Members attention is also drawn to the likely scenarios that if No.16 was to remain in C3 use as a five bedroomed family home then unregulated use would be in place where two car ownership may occur perhaps more if children are of driving age. Moreover, visitations would still occur that attracted vehicular activity and the



need to park for varying periods of time and on an *ad hoc* and unknown pattern (e.g. family, deliveries, maintenance, medical etc)

37 Therefore, Highways have concluded that the proposal is acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the policy of the NPPF.

### CIL

38 The proposal is a change of use and is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014)

### Other issues - Representations

40 The points raised in representation have in the main been covered within the above report. The remaining points are responded to below:

- Increase in anti-social behavior and crime.
  - There is no evidence provided to substantiate that the future residents would partake in or add to levels of anti-social behavior or crime and no weight can be attributed to this assertion.
- The development does not include Electric Vehicle Charging points or disabled parking.
  - The scale of the development and limitations of the end use have not attracted the need to provide for a disabled parking space. Whilst Highways have not requested the provision of an Electric Vehicle Charging Point Core Strategy EN8 sets out that new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires that residential uses should provide one 1 charging point per parking space. A condition is recommended to secure this provision.
- The use has the characteristic of a House in Multiple Occupation (HMO) and fails the tests of adopted Core Strategy policy H6.
  - Whilst the shared communal areas and bathroom can be mirrored in a HMO situation, the proposed use is fundamentally different and Policy H6 is not relevant. The Town and Country (Use Class Order) 1987 (as amended) sets HMOs within their own Use Class of C4 and had the Government and whilst some characteristics can be aligned between C2

and C4 there are within different use classes and are specifically set out as so within the use class order.

- Inaccurate details on the application form.
  - The submitted plans and statements regarding the building and its proposed operational use have been precise enough in planning terms to assess the application before Members and for Officers to arrive at the recommendation presented.
- No Certificate B has been issued.
  - This matter was raised with the Applicant and notice was served on the relevant resident through the submission of Certificate B.
- No neighbour notification letters were issued nor was a site notice placed.
  - No neighbour notifications were issued but a site notice was placed near the turning head of Chiltern Court on the 5 July 2024. This was done in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) 2015 which sets out that an application for planning permission must be publicised by the local planning authority to which the application is made in the manner prescribed by this article. In paragraph 2 of Article 15 it sets out that an application must be publicised by a site display in at least one place on or near the land to which the application relates for not less than 21 days.
- The property has restrictive covenants.
  - This is not material to the determination of the planning merits of this application.
- There has been no community engagement.
  - The LPA has no powers to request that the Applicant shall engage with residents or the wider community.
- Potential increase in bins exacerbating the existing issues of on-street storage on collection days.
  - There is no indication that the existing level of bins would be increased. The use would remain a residential function albeit with an element of support and care. The occupancy levels and operational use do not

suggest to Officers that the levels of waste or bin numbers would be more than would be expected if the property remain in C3 use. Therefore it is not considered that there would be any exacerbation on the bin storage methods that residents on Chiltern Court employ on collection days, namely taking their bins to a collection point as refuse vehicles no longer enter the cul-de-sac.

- Drainage implications.
  - There are no concerns that the occupancy level or operational use of the building would place any greater pressure on the drainage capacity of the building or wider drainage infrastructure.
  
- Safeguarding and welfare.
  - The above matters would be dealt with through separate regulatory frameworks that would deal with these issues outside of planning legislation. Therefore, this is not considered to be material to the determination of this application.

#### Inclusivity

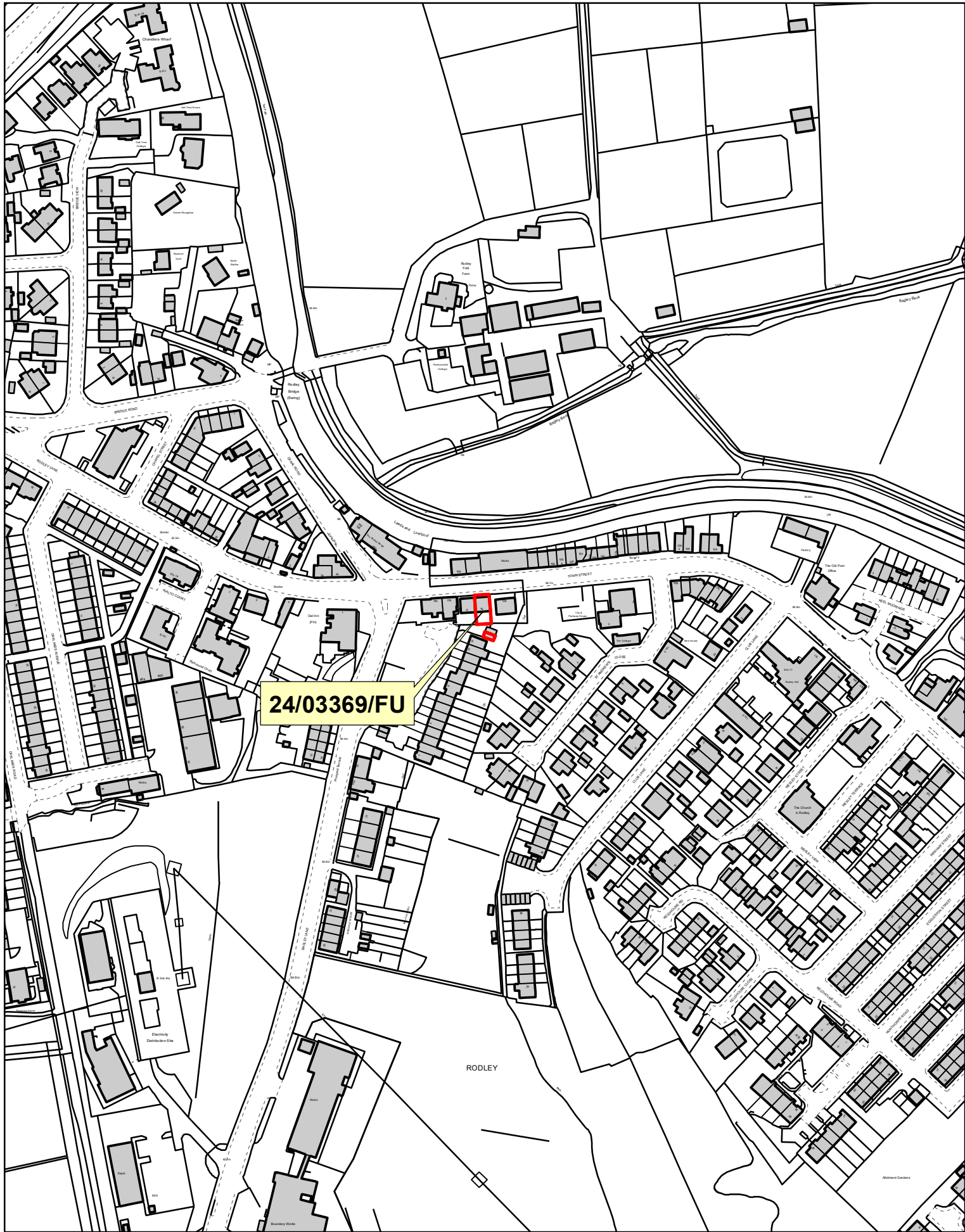
- 41 Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal is predominantly for a change of use with no external changes. It is noted that there are steps to the main entrance doors, however the providers will need to comply with any disability requirements as laid down by Ofsted and depending on the individual needs of the occupants

#### **CONCLUSION**

- 42 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely occur if a family resided at this five bedroomed property.
- 43 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff and Highways have concluded that the parking provision is in accordance with the Councils adopted guidance. Moreover, the site is considered to fall within a sustainable location.
- 44 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

## **Background Papers**

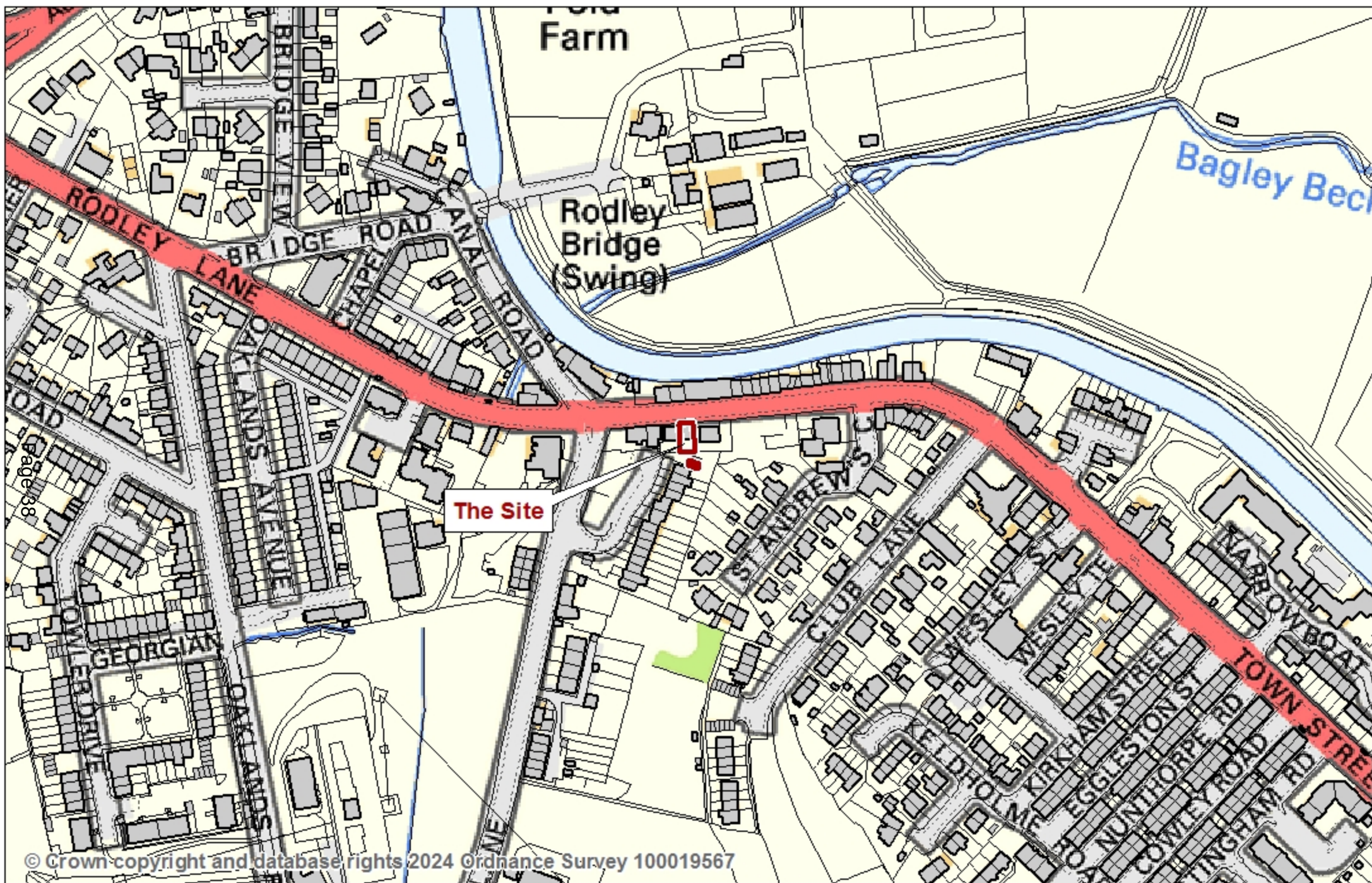
Application Files: 24/03369/FU



# SOUTH AND WEST PLANS PANEL







# PLANS PANEL PRESENTATION

SCALE 1:2500







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# PLANS PANEL PRESENTATION

SCALE 1:2500



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# Leeds

CITY COUNCIL

Originator: M Doherty

## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 28<sup>th</sup> November 2024

**Subject: 23/04830/FU Erection of a part 6 storey, part 4 storey, building comprising 19 apartments (Class C3) and commercial space (Class E) with associated parking, landscaping, and ancillary facilities at Land East Of Owlcotes Lane And South Of Woodlands Road, Stanningley, Pudsey, Leeds**

#### APPLICANT

Anlaby Office Cleaning  
Services Ltd

#### DATE VALID

14<sup>th</sup> March 2023

#### TARGET DATE

13<sup>th</sup> Feb 2024

#### Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**APPROVAL** 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 £23,511.70, towards greenspace enhancements within the Calverley & Farsley Ward to be agreed by Parks & Countryside along with ward members.**

**£30,000 towards a Traffic Management Scheme/TRO to adjacent streets to be agreed by Highways officers and ward members.**

**15% Affordable Housing provision subject to initial on-site delivery and uptake by a registered provider with a fallback of an off-site commuted sum calculated on the basis of submitted robust evidence should there be no uptake.**

**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**

**Conditions:**

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. Sample materials to be submitted
4. Vehicle spaces to be laid out, surfaced and drained prior to occupation
5. Provision for contractors and Statement of Construction Practice
6. Specified off-site highways works and S278 requirements
7. On-site gym to remain ancillary for use by residents
8. Cycle/Motorcycle facilities to be provided prior to occupation
9. Highway condition survey
10. Electrical vehicle charging points
11. Waste collection provision
12. No access from Woodlands Road
13. A drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works is to be submitted to and approved in writing by the Local Planning Authority prior to first occupation
14. Temporary drainage measures during construction
15. Full details of hard and soft landscaping scheme including boundary treatments, materials, planting specifications, species and Implementation details prior to occupation.
16. Details of a Landscape Management Plan and Objectives
17. Replacement Trees
18. Internal noise mitigation measures and validation confirmation to be provided
19. Submission of phase II site investigation and remediation strategy
20. Details of any amended remediation or unexpected contamination
21. Submission of verification reports
22. Compliance with EN1 and EN2 prior to occupation

**INTRODUCTION:**

1. The application is submitted seeking consent for a new residential development of nineteen dwellings. The application is brought before Plans Panel at the request of Cllr Andrew Carter who raises concerns regarding design in relation to the massing and bulk of the proposed block, a lack of external amenity space and highway safety concerns in relation to additional vehicle movements, congestion, insufficient parking and rat-running. The request meets the scheme of delegation criteria as outlined within the Plans Panel Protocol and thus is reported to South & West Plans Panel.
2. A letter of support has been received from Cllr Peter Carlill which outlines he supports the re-development of a brownfield site given a demand for smaller properties within the ward along with the development creating local employment opportunities through the coffee takeaway, subject to ward members being involved in further discussions surrounding the S106 monies for traffic management in the vicinity.

**PROPOSAL:**

3. This application seeks to create a new residential development of 19 apartments (C3) comprising of the following schedule of accommodation,
  - 9 x 1-bedroom apartments (2 person)
  - 8 x 2-bedroom apartments (4 person)
  - 2 x 3-bedroom apartments (5 person)
4. The building will create a part six storey part four storey structure with integral parking accessed via an undercroft from the highway along with an internal area of amenity space. The six-storey element will be located to the southern portion of the site, closest to New Pudsey Station, with the four-storey element to the northern portion, closest to existing residential properties.
5. The development incorporates a coffee shop takeaway (Class E) outlet to the ground floor, adjacent Owlcotes Lane, along with a gym area serving the development.
6. The development sees the creation of associated parking facilities providing 10 vehicle spaces, including a disabled parking bay, with access taken from Owlcotes Lane and new footways proposed along the site frontage. Cycle parking will also be provided for residents and visitors within both blocks.

#### **SITE AND SURROUNDINGS:**

7. The site is 0.38 of an acre in size and consists of a brownfield area of land formerly used for car parking, un-allocated within the Site Allocations Plan (SAP). New Pudsey Station lies to the south, separated by the railway line itself, with vehicular and pedestrian access taken from Owlcotes Lane existing bridges with wider links from Owlcotes Road to the main Ring Road (A647).
8. Woodlands Road abuts the northern boundary with residential terrace properties beyond consisting of liner rows of two storey housing with on-street parking. Dawsons Corner is located beyond with the main roundabout connecting Bradford Road, Ring Road Pudsey (A647) and Ring Road Farsley (A6120).
9. Commercial properties are located to the east of the site including the Pure Agency offices (marketing) and Woodland Spares (vehicle parts) with other large commercial buildings beyond housing other manufacturing and industrial uses.

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

Planning applications:

10. None

Pre-applications:

11. None

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

12. The application has been the subject of negotiation since initial submission given the concerns raised by local residents and ward members. Initially consent was sought for a 6-storey development of 34 apartments and a coffee shop. This raised significant concerns given officers considered the overall size, scale and massing of the building created visual harm and an overly dominant impact both within the street scene and upon neighbouring residential properties. In addition, the quantum of apartments was considered excessive given the constrained nature and limited

size of the site thus highway safety concerns were raised regarding vehicle movements and parking.

13. Meetings have been held with the agents and ward members to discuss general concerns raised regarding design concerns, highway safety impacts, traffic generation and vehicle movements along with landscaping measures and access rights. Further meetings were then held with the agents and the LPA Design Team to discuss amendments and changes to the overall layout, size, scale and finishes of the building. This has resulted in the amended proposals before members thus now create a scheme of 19 apartments, coffee takeaway outlet, undercroft parking, landscaping and ancillary gym set over a split height of 4 to 6 storeys.

#### **PUBLIC/LOCAL RESPONSES:**

14. The application was advertised as a major development. Site notices were posted around the vicinity of the application site and to neighbouring streets on 29<sup>th</sup> November 2023 and the application has been publicised via newspaper advertisement within the Yorkshire Evening Post on 5<sup>th</sup> December 2023.
15. A total 64 representations have been received which consist of 60 objections, 2 letters of support and 2 general comments including an objection from Cllr Andrew Carter and a letter of support from Cllr Peter Carlill.
16. The received objection comments raise the following concerns with the proposed development,  
Highway Safety
- Adverse highway safety impacts through additional vehicle movements and traffic generation
  - Adverse highway safety impacts given the existing surrounding highway is constrained with issues of queuing during peak times associated with New Pudsey Station.
  - Limited parking provided for the development.
  - Issues with “rat running”.
  - Increased activity during construction, movement of HGVs and construction traffic along with access for such vehicles.
  - Refuse collection leading to further congestion and issues.
  - Issues regarding ownership, private access and access rights.
- Design, Scale and Mass
- Concerns with the height, bulk and mass of the proposed development within the context of the area.
  - Overshadowing created by the height of the development.
  - Development appears out of place.
- Privacy
- Proposals will lead to issues of overlooking.
  - Overlooking from proposed balcony areas
- Amenity Space & Landscaping
- Limited external amenity space for residents

#### **CONSULTATION RESPONSES:**

14. Statutory Consultees:  
None
15. Non-Statutory Consultees:  
Environmental Health (Noise) – No objections subject to conditions

Environmental Health (Pollution) No objections subject to conditions  
Yorkshire Water – No objections  
West Yorkshire Archaeology Archives– No objections  
Contaminated Land – No objections subject to conditions  
Flood Risk Management – No objections subject to conditions  
West Yorkshire Police – No objections  
Influencing Travel Behaviour – No objections  
Design Team – No objections subject to conditions  
Highways – No objections subject to conditions and S106 Agreement

## **RELEVANT PLANNING POLICIES:**

### 16. Relevant Legislation

Section 38(6) 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 currently comprises of the Core Strategy as amended by the Core Strategy Selective Review (2019), Site Allocations Plan, as amended (2024), Natural Resources and Waste Local Plan (NRWLP) (2013) including revised policies Minerals 13 and 14 (2015), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan.

## **NATIONAL PLANNING POLICY & GUIDANCE**

### 17. National Planning Policy Framework (NPPF) – 2023

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The most relevant chapters of the NPPF in relation to the proposed development are considered to be:

2. Achieving sustainable development
4. Decision Making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment.

### 18. National Planning Policy Guidance (PPG)

The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

## LOCAL PLANNING POLICY & GUIDANCE

### 19. Core Strategy as amended (2019)

The following Core Strategy (CS) policies are relevant:

**Spatial Policy 1** - Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context,

**H2** - New housing development on non-allocated sites

**H3** – Housing density

**H4** - Housing Mix

**H5** – Affordable Housing

**H9** - Minimum Space Standards for new dwellings

**H10** - Accessible Housing Standards

**P10** - Seeks to ensure that new development is well designed and respects its context

**P12** – Landscape

**T2** - Seeks to ensure that new development does not harm highway safety.

**G1** - Enhancing and extending green infrastructure

**G4** – Green space provision

**G8** - Protection of important species and habitats

**G9** - Biodiversity improvements

**EN1** - Climate change – Carbon Dioxide reduction

**EN2** - Sustainable Design and Construction

**EN5** - Managing Flood Risk

**EN8** – Provision of electric vehicle charging points

**ID2** – Planning obligations and developer contributions

### 20. Unitary Development Plan Review (2006)

Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

**GP5** - General planning considerations

**N25** – Development and site boundaries

**BD4** – Plant equipment and service areas

**BD5** - Design considerations for new builds.

**LD1** - Landscape design

### 21. Natural Resources and Waste DPD

The Natural Resources and Waste Local Plan (NRWLP) sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies are as follows:

**General Policy 1** - General planning considerations

**Water 6** - Flood Risk Assessments

**Water 7** - Surface Water Run Off

**Land 1** - Land contamination

**Land 2** - Development and trees

### 22. Supplementary Planning Guidance / Documents:

- Transport SPD (2023)
- Neighbourhoods for Living SPG (2003)
- Neighbourhoods For Living Memoranda to 3rd Edition (2015)
- Guideline Distances from Development to Trees (2011)

- Accessible Leeds SPD (2016)

## **OTHER RELEVANT MATTERS:**

### 23. Climate Change

The Council declared a climate change emergency on 27th of March 2019 in response to the UN's report on Climate Change. The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

### 24. Public Sector Equality Duty

The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

### 25. **MAIN ISSUES:**

- The principle of the development
- Character and appearance
- Housing Mix
- Affordable Housing / Viability
- Green Space
- Residential amenity
- Ecology and Landscaping
- Highways considerations
- Climate Change Mitigation
- Accessible housing / Access for all
- Other Matters
- Representations
- Conclusions

## **APPRAISAL:**

Principle of development

26. The site is not allocated for any particular form of development within the Site Allocation Plan and thus is not protected nor earmarked for a specific form of development.
27. The site is considered to constitute previously developed land and is located within the main urban area of Leeds which is situated at the top of the defined settlement hierarchy within the Core Strategy (Policy SP1) and is considered to be the main focus for housing delivery within the city.
28. Policy H2 of the Core Strategy states that new housing development on non-allocated land is acceptable in principle providing that specific criteria are met. It is not considered the proposals for 19 residential units, coffee shop takeaway and ancillary uses exceed the capacity for transport as required by Policy H2. Furthermore, the site is located within a highly sustainable location close to New Pudsey Station and benefits from good accessibility to a range of local community facilities and services. The site is also situated close to good bus links into Farsley, Stanningley and Pudsey Town Centres along with direct bus services into the City Centre along B6157 and Ring Road.
29. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.

#### Character and Appearance

30. Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF (Paragraph 139) goes on to state that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...' However significant weight should be attributed to development which reflects local design policies and government guidance on design and well as outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.
31. Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
32. The development has been significantly amended after advice provided to the applicant by design officers the initial scheme was considered of an excessive size, scale and massing in relation to the context of the area which sees predominately



two to three storey linear forms of terrace housing along with two to three storey commercial buildings. The amended scheme reduces the overall internal gross floor area from approximately 3500sqm to 2400sqm.

33. The proposals create a residential block which is set over a split level consisting of part 4 part 6 storey when including the integral parking and undercroft area within the site. The building appears as five storey structure to the frontage on Owlcotes Lane with the rear element to the east sloping downward hence being 6 storey overall. The buildings height responds to the topography of the site, considered visually graded, and its existing surroundings in that the larger six storey element is set to the southern portion of the site, closest to New Pudsey Station, stepping down to four storeys at the northern portion closest to Woodlands Road and the terrace properties adjacent.
34. This stepped approach and amended, lower, height is supported by design officers in that it is considered to respond to the site's context addressing previous concerns of an overly dominant form of development. The site itself lies within a basin at a lower level to the A647 Pudsey Ring Road to the east along with that of Woodlands Avenue, Back Woodlands Avenue, Woodlands Terrace and Back Woodlands Terrace to the north which slope upwards toward the B6157 Bradford Road, as does the upper extent of Owlcotes Lane. This change in topography is considered to provide a degree of natural screening from the higher elements with the majority of properties to the north having ground levels which are elevated compared to the application site.
35. The proposals adopt a contemporary design whilst utilising materials which are considered sympathetic to the existing street scene and wider area. The width of the building has been significantly reduced through design advice now elongated to draw views down Owlcotes Lane. The mass of the building is broken by the application of a mixed palette of materials which are considered to create visual interest. The building features a red and buff facing brick which will be installed in a mix of alternate courses including vertical soldier coursing between each window level. The upper floor of the larger 6 storey element features a standing seam roof finished in an anthracite grey which provides a contrasting element to further break up massing.
36. The proposed windows feature a vertical emphasis which is supported by design officers with the proposals seeking to utilise a high quality, thin, aluminium frame set in to provide a shadow line and further visual break. Each apartment features a contemporary private balcony to provide an external space for occupants finished with a high level glass façade. The proposed large windows and balconies provide natural surveillance of the surrounding areas and an active frontage which includes the ground floor coffee takeaway unit whilst the proposed external brick, railing topped, retaining wall to Owlcotes Road provides defensible space set back from the footpath.
37. Conditions are attached which require samples and details of the proposed external walling and roofing materials including window specifications and finishes to be submitted and approved by the LPA prior to installation on site to ensure a high quality finish.
38. Overall, the proposed scheme is considered to be acceptable. Whilst the scale and height of the scheme, in part, is greater than the surrounding development, it is not considered to result in any visual harm. Consequently, the proposal is not considered to be detrimental to the character and appearance of the locality in line

with the requirements of Policy P10 of the Core Strategy, Policies GP5 and BD5 of the UDPR, and guidance contained within Councils Neighbourhoods for Living and the NPPF.

### Housing Mix

39. Policy H4 of the Core Strategy sets out the housing mix (number of beds) requirements for new housing developments within Leeds. The policy seeks to ensure that new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the Plan Period (i.e. it meets the needs of Leeds). The proposed housing mix has been compared against the preferred housing mix of Policy H4 below:

Type of Dwelling	Number of dwellings proposed	Proposed Mix	H4 Target	H4 Min	H4 Max	Meets H4
1 Bed	6	31.5%	10%	0%	50%	YES
2 Bed	11	57%	50%	30%	80%	YES
3 Bed	2	10.5%	30%	20%	70%	NO
4 + Bed	0	0%	10%	0%	50%	NO
<b>Total</b>	<b>19</b>					

40. The table above indicates that the proposed housing mix for 1 and 2 bedroom units comply with the requirements. However, 3-bedroom provision is below the policy requirement as is 4 bedroom provision. Given the scheme has been significantly amended to reduce numbers in order to address design issues and highway safety concerns the proposed mix reflects smaller 1, 2 and 3 bedroom properties with capacity for larger 4 bedroom units limited due to the physical size and constraints of the site. In addition, the number of units has been proposed to ensure the development is financially viable whilst balancing parking demand and thus is, on balance, considered acceptable in this regard.
41. Policy H2 of the emerging Neighbourhood Plan also requires residential developments to provide a mix of dwelling types and sizes, in particular reflecting local need. As noted above the scheme seeks to provide a mix of 1, 2 and 3 bedroom units. It is noted that all the units can be rented or sold privately which is considered to be acceptable in this instance.
42. For these reasons the proposals are, although strictly not compliant with housing mix requirements, on balance considered to provide a good mix of unit sizes with the delivery of additional housing within the Calverley & Farsley ward considered to contribute towards wider housing supply as required by the LPA housing delivery targets.

### Affordable Housing

43. Policy H5 of the Core Strategy requires residential developments to deliver affordable housing provision, commensurate to the scale of the development. The site is situated within Affordable Housing Market Zone 2 which requires a 15% provision.
44. Given the 15% requirement on the basis of 19 units the scheme is expected to deliver 2.85 units on the basis of 1.71 units at intermediate and 1.14 social rented. This provision is to be rounded up to 3 units in total.

45. The above delivery is subject to a section 106 agreement with requirements that, given the limited total number of affordable units (3), if no uptake is demonstrated by the applicants after the required robust evidential test set out in Policy H5 an off-site commuted sum will be provided in lieu.

### Green Space

46. Policy G4 of the Core Strategy requires residential developments to provide new green space commensurate to the number and units size of the residential development proposed. It usually expected that this new green space is provided on site.
47. The development seeks to create 19 new apartments consisting of 1, 2 and 3 bedroom dwellings equating to a requirement of 559sqm of new green space. Given the constrained nature of the site and limited developable area delivery of 19 units would not be possible if on-site provision was provided with the Core Strategy (G4) outlining that off-site delivery is possible in lieu of the form of a commuted sum.
48. On the basis of the proposed development this equates to an off-site contribution totalling £23,511.70 which will be secured via a section 106 agreement. The sum is to be spent on greenspace enhancements within the Calverley & Farsley Ward subject to consultation with Parks & Countryside and ward members.
49. A small external area of private amenity space will be delivered as part of the design for use by residents of the development with provision for soft landscaping, seating and interactive features secured by way of the landscaping conditions suggested.
50. Overall, the delivery of 19 units along with the area of on site amenity space and off-site commuted sum is considered to provide an adequate level of green space provision and mitigation for the development in quantitative terms. As such the proposed development is considered to comply with the requirement of Policies G4 and P10 of the Core Strategy, subject to the completion of the section 106 agreement.

### Residential amenity

51. Core Strategy Policy P10 and saved UDP policy GP5 note that development should protect amenity whilst policy BD5 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”. The NPPF (paragraph 135), states decisions should ensure that developments create a “high standard of amenity for existing and future users”.
52. The residential terrace properties located to the north of the site to Woodlands Avenue and Woodlands Terrace are orientated from west to east, with their main aspects facing east. This orientation addresses each highway and thus does not directly overlook nor face the application site to the south which is further separated by Woodlands Road thus any views of the site and the proposed development would be limited preserving existing outlook.
53. Given the development site is separated from any residential properties to the north any impacts of overshadowing are considered limited. Woodlands Road provides a physical gap of approximately 10 meters from the side gables of the nearest properties on Woodlands Avenue, Back Woodlands Avenue and Woodlands

Terrace again with each property either featuring a solid side gable or having a small secondary window facing the application site.

54. Properties to Woodlands Grove and Back Woodlands Grove are orientated north to south and thus opposite to the neighbouring streets. The properties to Back Woodlands Grove are situated approximately 30 meters from the northern boundary of the site with properties on Woodlands Grove approximately 50 meters away. This is considered sufficient distance to prevent any issues of over dominance or overshadowing with further screening and separation provided by the existing garages and trees to the south of Back Woodlands Grove.
55. The main aspects of the proposed building face Owlcotes Lane and Woodlands Road. These elevations provide the frontage to the development with main habitable rooms allowing outlook over the surrounding highway which provides separation from the surrounding residential properties. The building has been amended to be set back into the site from these sides and additional landscaping is to be provided in the form of street trees, planting and a brick boundary wall, providing further screening and separation thus protecting neighbouring amenity.
56. The area to the rear of the site is occupied by commercial uses including the Pure Agency with a car park providing separation from the site boundary and the frontage of the Pure Agency building, afforded little weight in terms of amenity. Landscaping will also be installed to the rear boundary to provide a buffer and screening thus softening the appearance of the development from this side. It is acknowledged the shape of the site and boundary create a pinch point within the centre of the larger six storey block in that 5.0m is retained from the rear of the block at this specific point. However, this increases to 18.0m toward the rear of the parking spaces and 12.0m toward the front of the larger block which is considered sufficient distance to mitigate issues of overlooking. Furthermore, the area beyond the rear boundary is a car park, serving the Pure Agency, afforded limited weight in terms of amenity, and given this development comes forward first, preventing the re-development of this site solely on that basis would be considered unreasonable considering the wider benefits of additional housing supply when weighed against the limited harm. It is also noted that the northern, four storey, block located closest to the eastern boundary with the Pure Agency is orientated from north to south and thus the main aspects do not directly overlook the site.
57. All of the proposed 19 residential units would meet the minimum space standard requirements set out within Policy H9 of the Core Strategy. The ceiling heights will also be above the minimum standard to improve natural light, ventilation and thermal comfort. Each of the residential units has an external balcony area and as such the proposal will provide a good level of amenity for the future residents.
58. Overall, the proposal is not considered to result in any undue amenity concerns for neighbouring occupants whilst providing compliant internal space requirement for future residents in line with the requirements of Policies H9 and P10 of the Core Strategy, Policy GP5 of the UDPR and guidance contained within the NPPF.

#### Ecology and Landscaping

59. Policy G9 seeks to ensure development will demonstrate that there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection along with the creation and enhancement of habitat.

60. The development site is currently a vacant parcel of land with little value consisting of an area of hardstanding. A BEMP has been submitted by the applicant which outlines the current area, due to its nature, has a very low baseline of 0.08%, in essence zero baseline units. The development will significantly increase the baseline by 130.4% totalling a gain of 0.17 habitat units through the proposed planting and landscaping measures. For these reasons the development accords with Policy G9 of the Core Strategy.
61. New landscaping measures are proposed through an indicative landscaping scheme which sees the introduction of street trees and defensible planting to the site's boundaries through new hedgerows and heavy standard tree planting. Both soft and hard landscaping measures including planting, boundary treatments and on-going maintenance and monitoring are to be controlled by way of a suitably worded condition which seeks to ensure measures are agreed prior to first occupation of the properties. For these reasons the proposals are considered to accord with Policy P12 of the Core Strategy.

#### Highways Considerations

62. The site is within an established residential area, with access to local amenities and public transport facilities located within walking distance. New Pudsey train station is also within walking distance along with a number of bus stops to the surrounding highway network. The site meets the accessibility standards set out at appendix 3 of the Core Strategy under policy T2.
- Access
63. The revised scheme seeks to establish the proposed access via Owlcotes Lane, which is considered acceptable in principle, will remove redundant access, and dropped kerbs around the site whilst providing a full height footway. A 2.0m wide footway is proposed along the site frontage on Owlcotes Lane, which would require land to be dedicated to highways and potentially an Approval in Principle (AIP) to be established for the proposed retaining wall that would support the highway/footway. In addition, a dropped kerb pedestrian crossing with tactile paving will be required at the site access and crossing the junctions leading to Bradford Road. These works would form part of the required S278 Agreement and subject to implementation are acceptable. A condition which requires these works to be fully delivered prior to first occupation of the development is to be attached.
64. Highways officers acknowledge there are currently issues with traffic using the adjacent residential streets as a short cut to avoid the queues from Owlcotes Lane whilst signals are red. This is particularly the case for traffic exiting the A647 and New Pudsey train station. As the development will generate additional traffic, these issues are likely to be exacerbated. The adjacent streets are narrow in nature, with pinch-points due to on-street parking that would affect the free flow of traffic. Following consultation with traffic management, a point closure on Woodlands Road and the adjacent streets may be required. This would be promoted together with the use of one-way systems, build-outs, and Traffic Regulation Orders (TROs). Any traffic measures would be subject to consultation with residents, businesses and landowners along with local ward members. Therefore, a S106 contribution of £30,000 is required to develop and implement a traffic management scheme. This mitigation, as part of the proposed development, is considered to benefit existing residents, future residents of the site and users of the proposed café to ensure an improved flow of traffic and prevention of rat running.

65. Refuse collection will take place via the proposed refuse store close to the site access on the Owlcotes Lane junction. Kerbside collection in this location is considered acceptable.
- Parking
66. The revised scheme shows a total of 10 car parking spaces. When viewed in conjunction with the proposal to create 19 units this equates to a parking provision of 53% to the which is considered acceptable owing to the highly sustainable location of the site.
67. On-street parking surveys have been undertaken for the surrounding streets. It is demonstrated that whilst there is some capacity, some streets are at a high demand including Woodlands Avenue and Woodlands Terrace. The traffic scheme that is currently being developed and would be funded by the development (as part of the S106 Agreement) would include the necessary measures / TROs to manage and mitigate the impact of any parking overspill associated with the development and thus the proposed mitigation measures are considered acceptable with a view to improving the current situation.
68. Electric vehicle charge points will be delivered as part of the development which are acceptable in principle. The details of the proposed EV points are to be secured by the suggested condition, including the power supply and charging points location.
69. The revised lower ground floor plan, as part of the amended scheme, also now shows a disabled parking space, which is acceptable.
70. Revised cycle storage details are also acceptable with provision for 2-tier racks providing the development with sufficient storage. A condition is suggested for the long-stay and short-stay (for visitors) cycle parking to ensure sufficient provision for both occupants of the development and visitors, including those to the coffee takeaway.
71. A Transport Statement has been submitted in support of the revised scheme. The presented trip rates and trip generation associated with the development are considered acceptable. It is acknowledged that the coffee takeaway would operate as a facility for passing footfall associated with the train station along with serving occupants of the development and thus is not expected to draw trips from the wider area.
72. The proposed gym would be used by residents of the development with a condition attached which ensures it remains ancillary to the use of the residential development, preventing its use as a separate standalone business thus limiting demand and separate trips.
73. As part of the development of the site any construction traffic would need to be routed via the A647 Ring Road off-slip, on to Owlcotes Lane and exit northwards toward Bradford Road. There would also be the need for a condition that requires a construction and environmental management plan to ensure works are carried out in a suitable manner to avoid adverse amenity impacts upon residents such as excessive noise, dust and mud on the highway and permitted working hours.
74. In summary, no significant highway impacts are anticipated as a result of the development, subject to the planning conditions and S106 clauses recommended by the Highways Officer. As such the proposal is considered to comply with the

requirements of Policy T2 of the Core Strategy and guidance contained within the Transport SPD and NPPF.

### Climate Change Mitigation

75. Leeds City Council has declared a Climate Change Emergency. Planning policies within the Development Plan seeks to address this issue by ensuring that developments incorporate measures to help reduce the impacts on climate change. In particular, Policy EN1 of the Core Strategy requires residential developments to achieve reduced predicted carbon dioxide emissions as well as provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. Policy EN2 requires major residential developments to meet a water standard of 110 litres per person per day, where feasible. Furthermore, Policy EN8 of the Core Strategy requires the installation of Electric Vehicle Charging Points (EVCP) commensurate to the scale of the development.
76. The applicants have provided a Sustainability Statement and Energy Statement which outlines that the development will introduce a range of measures including improved U-values of the external envelope and glazing, improved air permeability of the envelope, improved efficiency of space heating, cooling and hot water, the use of heat recovery for mechanical ventilation system and the use of energy efficient lighting to save Carbon Dioxide emissions. Conditions are attached which require details and specification of specific measures, including evidence of testing and commissioning, prior to first occupation to ensure compliance with policies EN1 and EN2 of the Core Strategy.

### Accessible Housing

77. Policy H10 of the Core Strategy relates to accessible housing standards. The policy requires new residential developments to include the following proportions of accessible dwellings:
- 30% of dwellings meet the requirements of M4(2) volume 1 of Part M of the Building Regulations 'accessible and adaptable dwellings'.
  - 2% dwellings meet the requirement of M4(3) of Part M volume 1 of the Building Regulations 'wheelchair user dwellings', wheelchair adaptable or accessible dwellings.
78. The proposal incorporates 19 apartments which meet the requirements of Policy H10.

### Other Matters

- Drainage
79. A Flood Risk Assessment and Drainage Strategy has been supplied by the applicant. The Flood Risk Management Team accept that the application site is located in Flood Zone 1 and not at risk of any critical flood risks that require specific mitigation. The proposed drainage strategy is also considered to be acceptable subject to planning conditions.
- Contamination
80. A Phase 1 Desk Top Study has been submitted by the applicants which outline further investigation is needed via a Phase II Site Investigation. Contamination details are required prior to commencement with further requirements for any remediation

measures or unexpected contamination controlled by way of appropriately worded conditions.

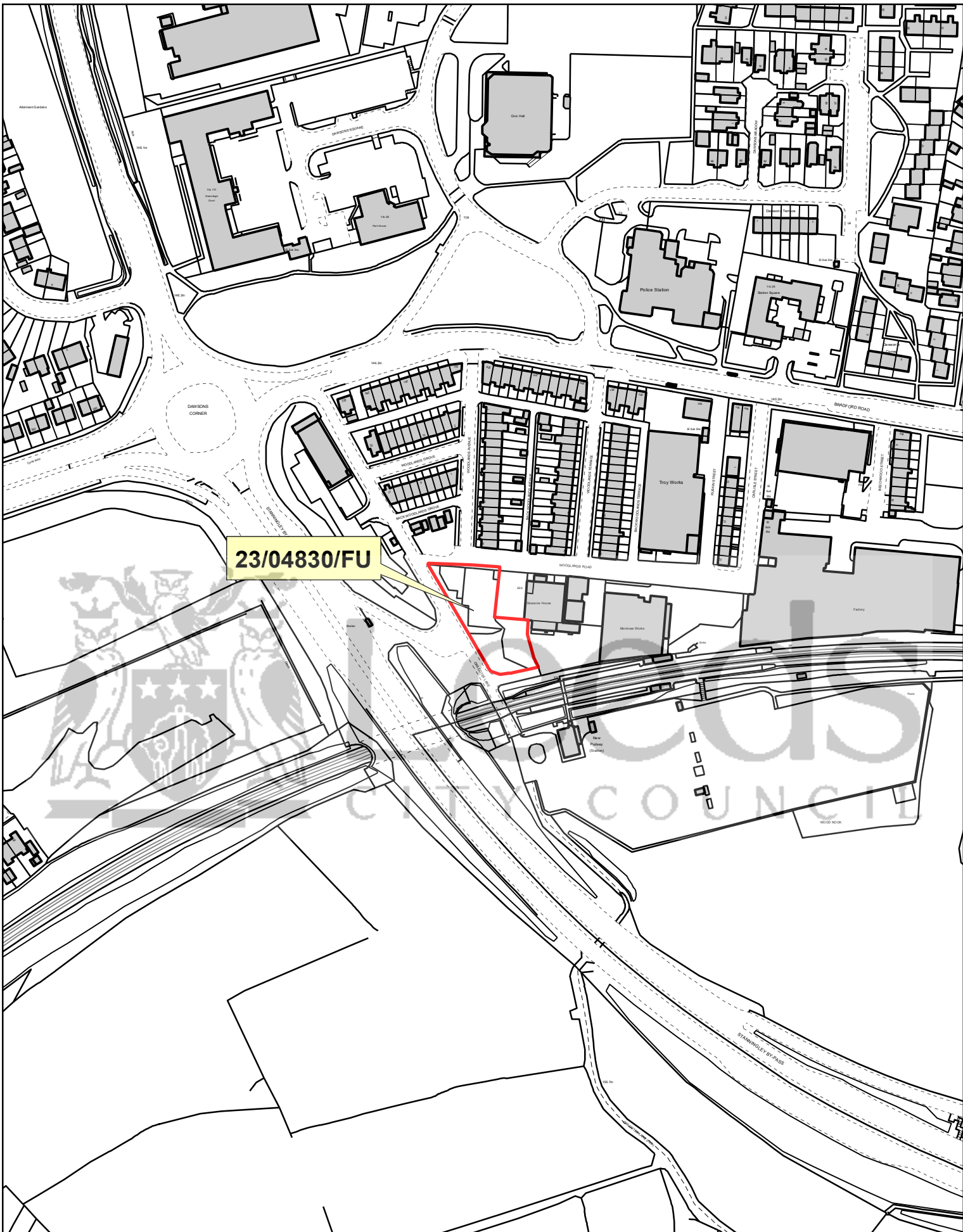
- Representations

81. A total of 64 representations have been received. The majority of issues raised include those relating to highway safety, design and amenity impacts including dominance and overshadowing. It is considered the comprehensive report above addresses these concerns whilst outlining considerations made by officers on each of the matters.

**Conclusions**

82. The proposed scheme will provide a significant number of planning benefits including the regeneration of a brownfield site, provision of 19 new homes to the housing supply, provision towards off-site greenspace, new tree planting, biodiversity net gain and a building which incorporates zero/low carbon technologies above the policy requirements. The development also gives rise to no significant concerns in relation to its impact on design and character, residential amenity for both existing and future residents, accessibility, highway safety, or ecology subject to the aforementioned conditions and section 106 agreement mitigation measures. As such the application is acceptable and is recommended for approval.

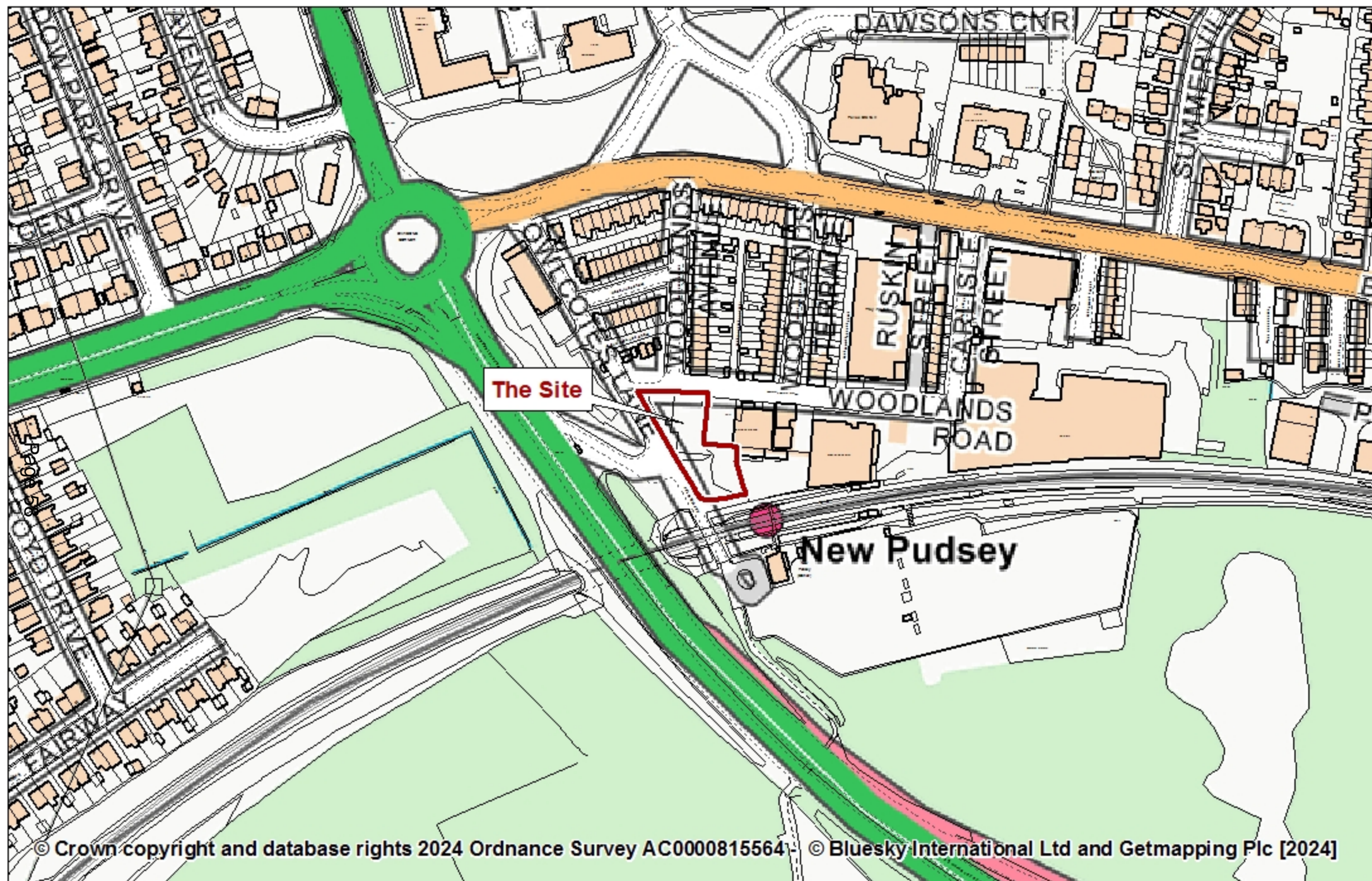




23/04830/FU

# SOUTH AND WEST PLANS PANEL





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# PLANS PANEL PRESENTATION

SCALE 1:2500







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Originator: Lydia Lloyd-Henry  
 Tel: 0113 378 5470

**Report of the Chief Planning Officer**

**SOUTH AND WEST PANEL**

**Date: 28<sup>TH</sup> November 2024**

**Subject: 22/07648/FU Application for the erection of a Wedding Venue, 33 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26**

APPLICANT	DATE VALID	TARGET DATE
The Ashcourt Group	15.11.2022	To be agreed

**Electoral Wards Affected:**

**Oulton and Rothwell**

**Ward Members have been consulted.**

Yes Ward Members notified (referred to in report)

**Specific Implications For:**

Health and Wellbeing

Inclusive Growth

Zero Carbon

**RECOMMENDATION: REFUSAL OF PLANNING PERMISSION FOR THE REASONS SET OUT BELOW:**

1. The Local Planning Authority consider that proposed development which will raise land levels significantly across parts of the site and construct a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre a fails to preserve the openness of the Green Belt through a combination of the level increase and general spread of built development across the site. As such the development falls outside the exceptions contained at section 13 of the Framework and is therefore inappropriate by definition. No other considerations sufficient to clearly outweigh the totality of identified Green Belt and non Green Belt harms have been provided, and thus the necessary very special circumstances have not been demonstrated. The application is therefore contrary to saved Unitary Development Plan Review (2006) policy N33 and section 13 of the Framework.
  
2. The Local Planning Authority consider that proposed development which will raise land levels significantly across parts of the site and construct a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre will result in flood risk. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 22 of the Flood Risk and Coastal Change section of the planning practice guidance.

The Flood Risk Assessment does not therefore adequately assess the flood risks posed by the development. In particular, the Flood Risk Assessment fails to demonstrate that the development will not increase flood risk to others. The application is therefore contrary to LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF.

3. The Local Planning Authority consider that the change in use from a protected wharf and employment site to a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre which is a more vulnerable use, is unacceptable due to flood risk and the applicant's failure to pass the sequential test. For development proposals in areas known to be at risk from flooding, the NPPF para 162 requires the application of the sequential test. The applicant has failed to pass the sequential test through not fully considering all sites available in Leeds in lower flood risk areas. The application is contrary to LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF, which expect new development to be located in areas of lowest flood risk.
4. The Local Planning Authority consider that change in use from a protected wharf and employment site to a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre does not comply with local planning policy and will result in the loss of this protected wharf site. The applicant has failed to adequately address the 4 exceptions requirements outlined in Minerals Policy 14 within part of their assessment. The application is therefore contrary to Natural Resources and Waste DPD policies Minerals 13 and Minerals 14.

## **INTRODUCTION:**

1. This scheme is returned to the South & West Plans Panel following its initial consideration as a Position Statement on 28<sup>th</sup> September 2023. The position statement set out that the proposed development for a wedding venue with holiday lodges was contrary to local and national policy. The development's principle was considered to be unacceptable due to the impact on openness of the greenbelt, flood risk, the loss of the protected wharf and employment land and due to accessibility/sustainability concerns. There were also unresolved matters surrounding highways, landscape, biodiversity and energy.
2. Members raised specific concerns regarding the highways matters, the Environment Agency objection and the impact on the openness of the greenbelt when asked 6 questions relating to the scheme which are set out in paragraph 14 below. Members also requested the item be brought back to Plans Panel following further consideration of their concerns.
3. The application is now presented for determination following a number of revisions undertaken in response to the comments made by Panel Members during the position statement. Members will however be aware from the officer recommendation to refuse, it has not been possible to fully resolve the substantive concerns raised and in the absence of further changes it is now appropriate to move the application to a formal decision.

## **PROPOSAL:**

4. The proposed development seeks to create a 120 capacity wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre. Accompanying this

would be 80 on site car parking spaces within the main development site and additional public parking added to existing parking areas off Fleet Lane. Cycle parking would also be provided on site and at the community café.

5. The change in the use of the site will redevelop what is currently a vacant industrial site into a contemporary leisure destination with increased planting, biodiversity and water features. The design of the wedding venue combines both rural and contemporary aesthetics through its use of materials and design. The floor area of the venue will be 787m<sup>2</sup>. The community hub/café is a simple contemporary design with a flat roof to lessen its impact on the wider site and a floor area of 230m<sup>2</sup>. The lodges are designed with a contemporary aesthetic with a monopitched or flat roof and floor area of between 25m<sup>2</sup> and 101m<sup>2</sup>. There are similarities in the materials proposed for both the wedding venue, lodges and community hub/café to provide continuity throughout the site.
6. The applicant has made the following alterations to the proposal since the position statement was taken to members on 28.09.2023 to address concerns raised by consultees and members.
  - The raised development platform has been reduced to accommodate the EA requirements.
  - The No. of lodges has reduced by 7 to 33 units (4 1bed and 3 2bed) reducing lodge volume by 10%
  - The Wedding Venue main roofs pitch has been reduced from 45 to 40 degrees which has reduced to overall height of the venue by 890mm, thus achieving a 5.7% reduction in volume.
  - The Landscape scheme has been updated to suit the layout changes. The no. of trees on site have increase from 189 to 233.
  - Due to a reduction in the lodges and development area / increase in trees, the overall parking has reduced by 6no spaces from 86 to 80.
  - As a result of the changes, there has been a reduction in the overall volume of development proposed to 12,262m<sup>3</sup>, which is a reduction of 22.4% of the existing volume on site that totals 15,812m<sup>3</sup>
  - The green space outside the development platform has increased from 6857.6m<sup>3</sup> to 12,306.5m<sup>3</sup>. This applicant states that the undeveloped green space has been turned over to meadow to help improve flood mitigation, providing additional biodiversity benefits as well as improving the carbon footprint of the development.

## **SITE AND SURROUNDINGS**

7. The site is a fuel depot, currently unused for that purpose, situated within the Green Belt between Woodlesford and Allerton Bywater. The site is situated on a portion of land surrounded by the River Aire and the Aire and Calder Navigation. The site is allocated in the Natural Resources and Waste DPD as a protected wharf under policy Minerals 13.
8. The River Aire runs adjacent to the east, beyond which is St Aidans Nature Reserve, managed by the RSPB. The Aire and Calder Navigation runs adjacent to the west and the site contains wharves once used for the import and export of fuel by canal. Lemonroyd Marina sits 210m to the south. The site itself contains areas of hardstanding including two storage sheds, a stone-built workshop and a brick-built office building. There are also five large metal fuel tanks, approximately 10m in height.

9. The main point of access into the site is via Fleet Lane although a number of public footpaths surround the wider site and provide pedestrian/cycle paths (Trans Pennine Way). The site is surrounded by open green space and is to the south east of Oulton and Woodlesford. The closest train station is 2.8km away and the nearest bus stop is 1.9km away.

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

##### Planning applications:

10. The following are considered to be of relevance:

PREAPP/21/00328 - Leisure hub, lodges, community cafe / sports hub, additional public car parking plus associated landscaping and ecological benefits.

12/03365/HAZ - Hazardous Substances Consent for the on-site storage of petroleum products (kerosene, diesel and gas oil). Application Withdrawn

06/01201/FU - Retrospective application for change of use of trailer and container storage site to LPG cylinder storage and distribution, with detached, single storey office unit. Application Approved

22/296/05/RE - Renewal of permission to erect detached two storey office block. Application Withdrawn

22/94/00/OT - Outline application to erect detached two storey office block. Application Approved

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

11. Initial proposals were the subject of a pre-application enquiry in 2021 (PREAPP/21/00328) a meeting was held with relevant consultees where all concerns with the application were raised.
12. The main issues highlighted through the pre application process were; flood risk, green belt, wharf use, employment use, town centre uses and waterways related leisure development.
13. Following the pre application meeting the applicant held two public consultation events with local councillors and members of the public. The applicant notes that the feedback from both public consultations were positive and supportive.
14. The application was brought to plans panel on 28.09.2023 as a position statement. Members comments in relation to the officers questions in the submitted report were relayed as follows:

**Question 1: Do Members agree that Green Belt policy is not satisfied?** Yes. Members requested that further information is required from the applicant to accept that the development of this site is acceptable in the Greenbelt.

**Question 2: Do members agree that the issue of flood risk has not been resolved?** Yes. Members requested that further information is required from the applicant to accept that the development of this site does not present a flood risk.



**Question 3: Do members consider loss of a protected wharf site is justified?** Not currently as further information is required to understand the need/ demand for the use of this wharf.

**Question 4: Do members consider the loss of an employment site is justified?** Members requested further information to be persuaded. However, they were clear that it was not necessarily a loss of employment as jobs in hospitality is employment. Members also noted that there is currently minimal opportunities for jobs onsite and the proposals seek to add additional employment in the area.

**Question 5: Do members consider the location is acceptable according to the locational policies of the plan?** Members concerns were raised about its location in sustainability and accessibility terms but did not wish the site to remain derelict for a prolonged period waiting for a form of employment that would fit within the Policy description of 'Employment' that may never happen. Members do not object to the development, but commented that highway boundaries and works need to be considered.

**Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise?** The Panel broadly supported the application and understood the policy context but considered that the proposal would be good for the area if it could be made to work in a sustainable manner.

#### **CONSULTATION RESPONSES:**

##### Statutory Consultees:

15. **The Environment Agency** – Object as model tolerance is not an appropriate justification to demonstrate that development doesn't increase flood risk to others.
16. **Yorkshire Water** – no objection.
17. **The Coal Authority** – no objection.
18. **Canal and River Trust** – Object due to insufficient information in relation to flood risk.
19. **Flood Risk Management** – FRM support the EA comments and objection

##### Non-Statutory Consultees:

20. **Highways** – No objection to revised information subject to conditions and s106
21. **Contaminated Land** – No objection, site specific conditions required.
22. **Landscape** – Concerns with the loss of tree T1.
23. **Policy** – Objections regarding flood risk sequential test, town centre sequential test, loss of wharf, impact on openness of green belt and sustainability of location.
24. **Access Officer** – Objections to lack of accessible accommodation and toilets.
25. **Climate and Energy** – No objection.

26. **Public Rights of Way** – Cycle and footway routes need to be resurfaced and improved and access barriers removed. A crossing near Woodlesford Rail Station would improve walking and cycle links.
27. **Ecology** – Further information required to fully assess the proposal.
28. **Minerals Team** – Object due to loss of the wharf.
29. **Design Team** – Supports the design and improvement the proposal would bring to the area.
30. **Transpennine Rail** – Further information required.
31. **Environmental Health** – No objection to revised information subject to conditions
32. **Environmental Studies Transport** – No objection.

**PUBLIC/LOCAL RESPONSE:**

Ward Member Comments in Support:

33. As part of the Position Statement, Cllr Golton addressed Panel Members and stated:
  - That Ward Members were supportive of the scheme
  - Officer report was unfairly weighted towards a refusal
  - The Local Plan shows the proposal will fit in with the geography and policies referred to are outdated
  - The proposals will increase leisure usage of the area and an enhanced leisure destination
  - Officers object to parking in the Greenbelt, but the proposals formalise what is already onsite
  - The Canals and Rivers Trust provides no parking or little bin facilities.
  - The adjacent RSPB St Aidan's is a major attraction, with only 1 official car park located 2.3m away
  - Comments as written by the officers in the application do not seek to deliver optimal outcomes for the locality

Comments in Support:

34.
  - The proposal would improve a derelict industrial site
  - Support the area which has become used more for leisure
  - Other sites are better for HGV traffic movements closer into the city centre
  - Community hub would improve the canal
  - Employment opportunities
  - Improvements for vehicle movements and pedestrian and cycle safety
  - Less dust and noise from HGV vehicle movements

Comments in Objection:

35.
  - Wedding venues create noise
  - Large volumes of people attend
  - Noise is generally generated at unsociable hours
  - Noise is hard to contain in the building without it spilling out
  - Potential impact on birds and wildlife through noise pollution – (RSPB St Aidan's)
  - No consideration to traffic increase from the venue
  - Would support an industrial use
  - Potential increase in footfall and litter on canal paths and woodland from customers

36. Swilington Ings Bird Group – General comment

- The ecological report underestimates the biodiversity and importance of RSPB St Aidan's
- Rare birds reside at RSPB St Aidan's
- The main threat from the development would be noise
- Species of bats have been recorded at St Aidan's and nearby
- There is evidence of otter activity in the area as well as other mammals
- The design and access statement does not make reference to planting flowering plants
- Nest boxes provide nest sites for already dominant species
- Incorporating nesting into the design of building would be beneficial

37. Leeds Civic Trust – Support

- Support removing a local eyesore
- Welcome the provision of a community facility
- Consideration should be given to a walking and cycling route on Fleet Lane
- Welcome the idea of a water taxi for the public
- PVs should be incorporated
- Works to footpaths should be clarified
- Error on plans showing woodland into the River Aire
- Access to RSPB St Aidans not shown

38. Commercial Boat Operators Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- The Fleet Lane site is strategically important
- A wharf access must be maintained
- The economic plan misses out the increase in road haulage costs which would close the viability gap
- Modal shift revenue support should be provided
- Vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions
- Barges can carry more loads than HGVs
- Barges generate less noise

39. West Riding Branch of Inland Waterways Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- Shortage in freight capacity
- The Fleet Lane site is an energy efficient transport route linking the Humber ports to WY
- The economic plan misses out green economy and CO2 reduction benefits
- Modal shift revenue support should be provided
- Greater vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions

40. Oulton and Woodlesford Neighbourhood Forum - Support

Complies with following policies from the Neighbourhood Plan

- GE2b green infrastructure
- GE4 Improve on-motorised access
- BE1 New business and employment development
- A new eco leisure hub
- Regenerating a brownfield site
- BREEAM excellent rating for the central building
- New parking areas for residents
- Jobs for local people
- Public access to facilities

- Better pedestrian links
- At its Meeting on 13 May 2024 the Steering Committee of the Oulton and Woodlesford Neighbourhood Forum resolved to STRONGLY SUPPORT this application on the grounds that it complies with the provisions of the Oulton the Woodlesford Neighbourhood Plan ("Made" December 2021).
- Greatly enhancing the local area, not only removing substantial blight, the proposed development significantly improves the green environment, brings considerable new employment, new economic opportunities and important leisure and recreational facilities.

## **PLANNING POLICIES:**

### *LOCAL PLANNING POLICY AND GUIDANCE*

#### The Development Plan

41. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019, as amended 2024), the Natural Resources and Waste Development Plan Document (2013, as amended 2015), the Aire Valley Leeds Area Action Plan (2017) and the Oulton and Woodlesford Neighbourhood Plan.

42. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

#### General Policy – Sustainable Development and the NPPF

- SP1: Location of development
- P8: Sequential and Impact Assessment for main town centre uses
- P9: Community facilities and other services
- P10: Design
- P12: Landscape
- T2: Accessibility requirements and new development
- G1: Enhancing and extending green infrastructure
- G4: New greenspace provision
- G6: Protection and redevelopment of existing green space
- G8: Nature Conservation
- G9: Biodiversity improvements
- EN1: Carbon Dioxide reductions
- EN2: Sustainable design and construction
- EN5: Managing flood risk
- EN8: Electric Vehicle Charging

43. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

- GP5: General planning considerations
- GB21: Holiday accommodation in the green belt
- N23: Landscape design
- N25: Boundary treatment
- BD2: Design and siting of new buildings
- BD3: Disabled Access in new buildings
- BD4: Plant equipment and service areas

BD5: Design considerations for new build  
BD14: Floodlighting  
LD1: Landscape schemes

44. The following policies from the Site Allocations Plan are considered to be of most relevance to this development proposal:

The entire site is identified as Green Belt in the SAP.

45. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

AIR1: Major development proposals to incorporate low emission measures.  
WATER1: Water efficiency, including incorporation of sustainable drainage.  
WATER 4: Development in flood risk areas.  
WATER 6: Flood Risk Assessments.  
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.  
MINERALS3: Coal Safeguarding Area.  
MINERALS13: Transport Modes.  
MINERALS14: Criteria for Assessing Alternative Development on Protected Wharves  
WASTE11: Landfill and landraising sites

46. The following policies from the Oulton and Woodlesford Neighbourhood Plan are of relevance:

GE2B: Green Infrastructure  
GE4: Improve on-motorised access  
BE1: New business and employment development

#### Relevant Local Supplementary Planning Guidance/Documents

47. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Transport SPD  
Travel Plans SPD  
Accessible Leeds SPD  
Building for Tomorrow Today – Sustainable Design and Construction

#### *NATIONAL PLANNING POLICY AND GUIDANCE*

#### National Planning Policy Framework

48. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

49. The following sections of the NPPF are most relevant for the purposes of determining this application:

Paragraph 11 Presumption in favour of sustainable development

Paragraph 12	Presumption in favour of sustainable development
Paragraph 92	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 110	Sustainable modes of Transport
Paragraph 112	Priority first to pedestrian and cycle movements
Paragraph 113	Requirement for Transport Assessment
Paragraph 119	Effective use of land
Paragraph 127	Need for Good design which is sympathetic to local character and history
Paragraph 134	Planning permission should be refused for poor design
Paragraph 137	Importance of the Green Belt
Paragraph 149	Exceptions to inappropriate development in the greenbelt
Paragraph 159	Inappropriate development in areas of flood risk
Paragraph 162	Aim of sequential test
Paragraph 163	Application of exception test
Paragraph 174	Planning decisions should contribute to and enhance the natural and local environment

### National Planning Practice Guidance

50. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

### **CLIMATE EMERGENCY:**

51. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
52. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
53. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

### **PUBLIC SECTOR EQUALITY DUTY:**

54. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

### **MAIN ISSUES:**

## Principle of Development

- *Green Belt and Openness*
- *Flood Risk Sequential Test*
- *Loss of Protected Wharf and Employment Site*
- *Accessibility*

## Design

### Residential and Recreational Amenity

### Highways

### Climate and Energy

### Drainage Management

### Landscaping and Biodiversity

### Community Hub

### Land Contamination/ Coal Authority

### Economic Impact

### Representations

## **APPRAISAL:**

### Principle of the Development

55. As noted the application seeks to redevelop a former fuel depot site and create a wedding venue and holiday lodge park. As will be set out below the application engages several matters which relate to the principle of development. These are, the loss of a protected wharf site, the impact upon the openness of the Green Belt, Flood Risk, and accessibility / sustainability. As will be set out below, officers consider that the application is contrary to relevant policies in all of these respects.

#### *Green Belt and Openness:*

56. As set out within national Green Belt policy, development within the Green Belt is inappropriate unless it falls within one of the exceptions within paragraphs 149 or 150 of the Framework. The application is the redevelopment of a brownfield site, involving a change of use, the raising of land levels and the construction of new buildings. The application also involves the creation of parking spaces on land which lies outside the former fuel depot, and is undeveloped Green Belt land. The redevelopment of previously developed land under paragraph 149, requires that the development does not have a greater impact upon the openness of the Green Belt, and any change of use under paragraph 150 both require that the openness of the Green Belt is preserved. On this latter point, case law has established that 'preserve' should be understood as having its ordinary dictionary definition, and where harm to openness is identified, even if this is minor, or marginal harm, then openness cannot be said to be preserved. Openness itself is well established concept, having both visual and spatial aspects, and capable of being impacted through the use and operation of land, as well as structures and new buildings.
57. Amendments have been made to the scheme. These reduce the number of lodges to 33, and the pitch of the wedding venue building adjusted to 40 degrees, lowering the ridge by some 89cm. Together, these changes are understood to reduce the overall volume of the proposed development to 12,262m<sup>3</sup>. The raised development platform has also been reduced in height and the area where levels are not proposed to be altered has increased.
58. Whilst these changes are acknowledged by officers, the overall increase in height of the site resulting from the raised development platform remains significant, being circa 3.1m in places relative to existing levels. It is also recognised that the total volume of development has reduced (and is less than the existing built volume on site) but, as

previously stated, much of the existing volume is contained in the large storage tanks, whereas the total spread of built development now sought being much greater as proposed. No changes to the extended car park which sits outside of the operational site have been identified.

59. The PPG makes clear that openness has both a spatial and visual impact, and the amendments do not address the concerns previously highlighted about the degree of activity on the site detracting from the openness of the Green Belt. As a result, the amendments do not overcome the previously raised objections to the scheme on the basis of the impact on the Green Belt.
60. The NPPF is clear that the construction of new buildings should be regarded as inappropriate, with exception (g) only allowing the redevelopment of previously developed land where it will not have greater impact on the openness of the Green Belt than the existing development. For the reasons outlined in the previous responses, it is considered that the proposal will have a greater impact on the openness of the green belt. As such, national policy is clear that there would need to be very special circumstances that justify the proposal, which outweigh the harm to the Green Belt, and it is not considered that such 'very special circumstances' have been demonstrated by this application – this is developed further below.
61. In reaching this conclusion it is noted that the government has recently consulted on potential revisions to the NPPF, which would introduce a new category of 'grey belt'. However, at the current point in time the government is considering responses to this consultation, and there is no clarity if such revisions to the NPPF will be made and/or the detail of these, so weight cannot be given to this at this stage.
62. The redevelopment of the site will remove the remaining structures and the applicant's planning statement suggests the current built form on site (including the buildings, warehouses, storage tanks etc) has a combined volume of 15,812 m<sup>3</sup>. Comparatively, the proposal would result in a total volume of 12,2626m<sup>3</sup> of built development across the site, covering an area of 2,237 m<sup>2</sup>. This suggests that there will be an improvement in openness. However, volume is only one measure by which openness can be judged, and matters such as the concentration of development and the spread across a site are also relevant. As can be seen from the comparative massing plans, the development will introduce new structures into areas of the site which are currently open and undeveloped. The new buildings will be lesser in height than the large storage tanks, but in the main new buildings are more extensive and more elevated than existing structures, and take up a far greater site area.
63. The proposed land raising across the whole of the site, which will raise the development platform, in some places by 3.1m. Some of the proposed buildings will therefore be at a greater height and have a greater visual impact on openness of the Green Belt than the existing. The comparative massing plans clearly show the spread of the buildings will result in a denser site development, with very few open sightlines through the development. The ground level increase of the development platform coupled with the dispersal of buildings across the entirety of the means that new buildings have a harmful impact upon openness, and this cannot be said to be preserved.
64. Further to the above, it is considered that the degree of activity that will occur on this site, following the proposed development, would significantly exceed that associated with the former use of the site. The Planning Statement suggests that 4,550 wedding guests will attend the venue per year, along with 31,000-42,000 lodge guests, 10,200 café/community hub visitors and 720 community visitors. This amounts to a significant



number of people visiting and staying on the site, with multiple trips to and from the venue by car on a daily basis being likely to occur, particularly at weekends. This is level of activity, which will also likely occur over a much larger period of each day relative to the previous use will have a harmful impact upon the openness of the Green Belt in this location.

65. It is therefore not possible to conclude that the development preserves openness. It is not clear that there will be an overall reduction in volume, the massing plans clearly demonstrate that the new buildings occupy a greater spread across the site, and the level of activity and movement will also negatively impact openness. The development therefore does not meet any of the exceptions and is inappropriate. The introduction of a carpark outside the existing developed area does not fall within one of the exceptions, and is therefore also inappropriate.
66. Specific policy on holiday accommodation in the Green Belt is also provided by policy GB21 of the UDP. This states that permanent holiday accommodation will not be permitted in the Green Belt. It is noted that the policy pre-dates and lacks some consistency with the NPPF which tends to be more openly worded. As such the policy is afforded reduced weight, however it nevertheless remains a saved policy within the Development Plan and its overall aims generally accord with the objectives of national policy for the Green Belt. The development would also be contrary to this policy.
67. As the application is inappropriate it is harmful by definition, and should not be approved unless there are other considerations, which clearly outweigh the totality of all identified harms, such that the necessary VSC are said to exist. As will be set out below, additional to the identified Green Belt harms, the development will result in the loss of an employment site, the loss of a protected wharf site, will likely increase the risk of off-site flooding, and is not sustainable or accessible. The development may well also cause harm to residential amenity. Other matters such as highway safety, land contamination and drainage do not raise significant policy conflicts and are neutral in the overall balance.
68. The applicant has made reference to a fall-back position, noting that a storage and distribution use could potentially commence without planning permission, and that this would have negative impacts, such as to visual amenity. The applicant considers this fall back development to be more harmful than the wedding venue proposal, and suggest this justifies their proposal. Officers disagree. The question of what weight should be given to a fall back position has been settled by the courts, and generally three tests are applied which help to judge whether there is a real prospect of an alternative development being pursued. These are the lawfulness of the development, whether there is a likelihood or real prospect of the development occurring, and the similarity of the proposals.
69. As the site is currently considered to be in a mixed use, and thus is sui-generis officers are not convinced that any such use could commence without planning permission, thus no such use would be lawful. In attempting to demonstrate that the site should not be safeguarded as a wharf, the applicant's own evidence suggests that a storage and distribution use is not viable, thus officers cannot be convinced there is a likelihood of this alternative development being proposed. Furthermore, the developments are not similar. A storage and distribution use has a very different character and impacts, than a wedding venue, and they would not be comparable in form nor function. Equally, a storage and distribution use in connection with the wharf would have far fewer policy conflicts, and flood risk concerns would be substantially lesser. Thus, it is not considered that there is a real prospect of a fall-back being

pursued should this application be refused planning permission, and this can be given very limited weight.

70. There are some benefits to the proposal. The development could result in some visual improvement through the increased landscaping, and the removal of industrial structures. The current proposal could also result in a reduction in noise, smells, dust and other operational impacts compared to the former development, albeit this can be given only very limited weight as the former use has ceased. The development would also provide a larger carpark to facilitate use of surrounding footpaths, and the café / community centre is capable of being a benefit. The proposal to provide a community space can be given some weight as the applicant has now outlined how this would work with the neighbourhood plan forum (this is outlined in more detail in the community hub section of the report), but this is not significant enough to outweigh the impact upon openness of the Greenbelt. The development will also have some economic benefit, during the build and as an ongoing employment site, albeit this same benefit would occur if it was retained in its employment use, and thus the ongoing economic benefits can be given very limited weight.

71. Thus, the application causes harm the Green Belt, to which substantial weight must be given. The application also causes harm to an employment site, causes harm to a protected wharf site, will cause harm to flood prevention through increased off-site flood risk, may cause harm to residential amenity, and is in an unsustainable location. Many of these are harms to which significant weight must be given. The improved visual appearance of the site, the possible community benefit, the economic benefit and the possible fall-back cannot be said to outweigh the identified harms. Officers therefore consider that the necessary VSC do not exist, and the application does not satisfy national Green Belt Policy.

*Flood Risk Sequential Test:*

72. The proposal site falls within the Leeds SFRA Flood Zone 3a, and thus is at the highest risk of flooding, outside land on a functional flood plane. Policy Water 4 stipulates that, within zones 2 and 3a, proposals must:

- Pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF.
- Make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment.
- Must not create an increase in flood risk elsewhere

73. The proposal also involves ground raising in flood zone 3. The FRA provided by the applicant does not adequately assess the flood risks posed by the development. Further to this it fails to demonstrate that the development will not increase flood risk to others. Although the applicant's FRA concludes there will be no increase in off-site flood risk The Environment Agency have not accepted the modelling tolerance which has been used and state that it is not considered appropriate justification to demonstrate that the proposal does not increase flood risk to others thus, they maintain their objection. Therefore, the proposal fails to meet the requirements of policy Water 4. This will be explored below.

74. For development proposals in areas known to be at risk from flooding, the NPPF requires the application of the sequential test. The aim of the test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Only if it is not possible for development to be located in areas with a lower risk of flooding should development be considered, subject to the exception test.

75. In the PPG, reasonably available sites are defined as those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
76. The PPG says that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. There is nothing in the PPG that requires smaller sites to be adjacent to one another, as suggested by the appellant. A series of separate small residential sites would still provide suitable alternative land for equivalent development at a lower risk of flooding.
77. The PPG also says that such lower-risk sites do not need to be owned by the applicant to be considered reasonably available. Reasonably available sites can include ones that have been identified by the planning authority in site allocations or land availability assessments. There are no exclusions in the PPG relating to sites with planning permission or that publicly owned land must be formally declared to be surplus.
78. NRWLP Policy Water 4 requires all developments to consider their effect on flood risk, both on-site and off-site the detail of which should be commensurate with the scale and impact of the development. Furthermore, within zones 2 and 3a proposals must pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF. As well as make space within the site for storage of flood water, the extent of which to be determined by the FRA. Further to this the development must not create an increase in flood risk elsewhere. These tests are designed to ensure that development in high-risk areas only occurs if there are no other available sites (the sequential test), and if it can be demonstrated that the site will be safe its use, and the use of adjacent land (the exception test).
79. The NPPF (para,159) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 notes that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. 163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
80. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 165. Both elements of the exception test should be satisfied for development to be allocated or permitted.
81. In accordance with Paragraph 162 of the NPPF, development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate

for the proposed development, in areas with a lower risk of flooding. This advice is echoed in Natural Resources and Waste Local Plan Policy Water 4, which, together with the Framework, should be used to consider whether this is an acceptable location for the proposed uses given the flood risk. The applicant has carried out a flood risk sequential test assessment to address this but officers are not satisfied with its content.

82. The area of search for the sequential test is the district of Leeds. The applicant's sequential test report states that for sites to 'to be reasonably available, it is considered that potential alternative sites should either be owned by the applicant, for sale or publicly owned'. This definition is not reflective of national planning policy guidance or any other agreed guidance. The ownership of the site by the applicant is not relevant to a consideration of appropriate land uses. However, a market search of sites for sale is relevant and this has been carried out by the applicant and has identified two alternative sites.
83. One site at Kirkstall Brewery has been discounted as the applicant states that groundwater and surface water issues mean that the site is at greater flood risk than the application site (the discounted site is in flood zone 1 for river flooding). The NPPF makes clear that the sequential test should apply to all sources of flooding, however it does not indicate the order of preference, it does state that 'more vulnerable' uses are not appropriate in river flood zone 3. Sites with surface water and ground water issues should not be considered as sequentially less preferable to sites in flood zone 3 for river flooding. The second alternative site is a Listed Building and the regeneration benefits of keeping a listed building in active use mean that it should not be readily discounted and more assessment should have been provided to allow officers to determine if it has potential as an alternative. Thus officers consider the discounted sites have not been adequately considered.
84. Furthermore, the applicant has not yet considered sites identified in the development plan, and these should have been considered alongside market search, to be sure that the test is robust and the criteria for the search have not been too narrowly defined. The Site Allocation Plan 2019 (SAP) does not allocate sites for leisure use therefore the most relevant plans for consideration of leisure and tourism allocations are the Leeds Unitary Development Plan Review 2006 and the Aire Valley Leeds Area Action Plan 2015. Leisure and tourism sites in the UDP that have not subsequently been allocated for housing or employment uses in the SAP should be considered. The applicant will also need to consider potential sites within the Strategic Housing Land Availability Assessment that are within town centres. Thus the applicant has not considered all relevant sites.
85. In the absence of these sources of potential sites and given the inadequate reasons for discounting the two alternative sites that have been identified, officers do not consider that the sequential test has been passed. Furthermore, even if the applicant is able to pass the sequential test, and demonstrate there are no other suitable site, they will then be required to demonstrate that the exception test can be passed. However, the PPG is clear that the exception test should only be applied following application of the sequential test. As the proposal does not pass the sequential test, it matters not whether it would pass the exception test, as this alone would not satisfy the requirements of the Framework or PPG.
86. Nonetheless, there are two parts to the exception tests, both of which would need to be passed. The first part requires that the application should provide wider sustainability benefits to the community that would outweigh the flood risk, however in the case of this application, it is unlikely that the it would be considered to provide

wider community benefits that outweigh the flood risk because there are a number of other Local Plan policies (which seek to ensure that development is in the public interest) that apply to this site which have not been met. The site is an unsustainable location for a wedding venue, café and holiday lodges as a large proportion of customers will use private cars as transport this is not consistent with Core Strategy objectives on accessibility.

87. The second part of the exception test requires for the development to be safe for its lifetime, for all users and without making flood risk worse elsewhere. A satisfactory FRA can be used to demonstrate that this part of the test has been passed, however, the Environment Agency (EA) have an objection to the submitted FRA, noting that modelling data is not agreed. Furthermore, the FRA addendum states that the flood risk is not as significant as shown on the EA flood map for planning but flooding of the site occurs when the allowance for climate change is factored in, thus the applicant's own evidence suggests the development will not be for its lifetime. In addition to this the NPPF encourages natural forms of flood risk management, the proposal to mitigate flood risk through land raising is an engineered approach and this can create other problems. The NPPF gives a steer on the elements that should be addressed in an FRA and this includes safe access and egress. We would therefore also expect to see an evacuation plan that explains how the lodges, wedding venue and café would all be evacuated safely in the event of a flood. The applicant's FRA also acknowledges that with the necessary climate change adjustment included, the development will result in an increased depth of flooding along the Navigation and surrounding fields, on fields along the Calder and north of Castleford, and also to a residential dwelling and garden off The Locks. The development therefore increases off-site flood risk, including along the waterways, adjacent fields and to a residential dwelling.
88. The applicant has provided some of the required information regarding flood risk mitigation however, the significant concerns raised regarding whether this is the right location for the proposed development have not yet been addressed. There is a conflict with LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF, which expect new development to be located in areas of lowest flood risk. The application has not met the sequential test, and the applicant's own evidence suggests the exception test cannot be met. There is also an objection from the EA as a statutory consultee.
89. Irrespective of the degree of risk of flooding occurring or measures that could be taken to make the development resilient to flooding during its lifetime, the Framework is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This weighs heavily against the proposal.

*Loss of Protected Wharf and Employment Site:*

90. The site is identified under policy Minerals 13 as one of three safeguarded wharf sites, intended to be part of the council's ongoing commitment to sustainable transport. The policy protects the wharf site from development that would prejudice its long-term availability for canal freight. Policy Minerals 14 states that those sites listed in Minerals 13 are protected from other development unless the applicant can demonstrate compliance with one of the following criteria:
- The development is of a temporary nature and would not prejudice the longer term ability of the site to utilise movements of freight by canal or rail, or
  - The applicant is able to demonstrate that in the case of a safeguarded wharf/rail siding that an adequate replacement wharf/rail siding has been provided or

- A sufficient supply of sites will remain in the district, readily available and of at least the same functional capability (including proximity to relevant economic centres), so as not to prejudice the objective of encouraging a shift from road freight, or
- The applicant is able to conclusively demonstrate, through the provision of current and forecast marketing evidence, that the site is unlikely to be used for freight purposes.

91. Regarding point 1 the construction of raised land for the development of the site into a leisure destination is considered to be a permanent development and cannot be considered temporary. The applicant states that they respect the wharf protection policy and confirm that no development would take place within 10 metres, recognising its historical importance and need to protect for future use. However, the wharf designation includes the rest of the site itself and not just the wharf, because space is needed for activities in connection with the wharf eg storage space for unloaded products, therefore use as a wedding venue and lodges would hamper the wharf being used to its full potential.
92. In relation to point 2, the applicant has not provided a replacement wharf. In response to point 3, there are limited opportunities for wharf facilities in Leeds, the NRWLP safeguards 3 existing wharves and only 1 other is in use. The applicant states that there are other sites available which are more suitable, however this is not the case. Including this site there are only 3 existing wharves safeguarded in the District and one of these is in the process of being let to a shipping company for the unloading of cement from Lisbon and the other one at Knostrop Wharf has limited space because the Canal and River Trust have commitments to existing tenants. A further site is allocated for construction of a new wharf but this is not yet constructed and the planning permission has expired. Earlier this year Leeds City Council received a request for help finding a wharf site in the district. There is a demand for such sites and opportunities are limited. Therefore point 3 of Policy Minerals 14 has not been met. The demand to transport goods by water is already outstripping the current capacity within Leeds, therefore the loss of this wharf would further compound the issue.
93. Regarding point 4, the Wharf Assessment Report provided by the applicant only considers the potential for Fleet Lane wharf (the transportation of aggregate) but there are other products which can be moved by barge and these have not been considered in the report. Policy Minerals 13 does not specify that the site is safeguarded for aggregate freight only. The policy looks at the long term strategic objective for the Council and the Canal and Rivers Trust to increase movements of freight on the canal. This route has also been designated as a Priority Freight Route which means it has a potential for greater use for freight movements. The use of the wharf can also help to reduce vehicle movements on local roads.
94. The applicant state that they do not consider the use of the wharf to be viable for aggregate use, citing the cost of infrastructure required to protect the site from flooding for what is considered to be a low value product. This would have been the case when the applicant purchased the site from the Canal and River Trust. They have not provided any evidence to back up their viability assumptions. A wharf is considered to be a water compatible use, unlike the proposed lodges which are a 'more vulnerable use', therefore flood mitigation for a use that involves people sleeping overnight must be to a much greater standard and be supported by an emergency evacuation plan. The applicant quotes operational constraints for a wharf use however they have not provided evidence of discussions with the Canal and River

Trust regarding the use of the canal for moving freight. In any case, this is not an opportunity to discuss whether or not the wharf should be safeguarded, that has already been examined by an independent inspector and the safeguarding of this wharf was found sound. The Canal and River Trust were fully supportive of the designation and share the Council's ambitions for the Aire and Calder Navigation to be used for moving freight. They have told us that they sold the wharf to Ashcourts expecting that they would use it as an aggregate wharf.

95. Since the 3 wharves in Leeds were safeguarded in 2015, Knostrop Wharf has been used for movement of marine aggregate from the Humber Ports to Leeds demonstrating that the Navigation can be used successfully for freight purposes. Movements of marine aggregate by barge only came to a halt in 2023 because demand for the product outstripped the space available at Knostrop Wharf meaning that the operator would have had to split operations between barge and lorry. Ashcourt's statements made about the capability of the Navigation for freight purposes are therefore unfounded and incorrect. The applicant acknowledge that there are other products that can be moved by barge such as wood or steel, however they state that 'this is not Ashcourt's core business and not within the scope of its future plans'. They have not provided any evidence that they have marketed the wharf. They simply state that it's not what they do and quote extracts from a high level study about the potential for marine aggregate to be moved into West Yorkshire. They have focused on aggregate activity alongside a mineral processing use, providing images of such use to help muster support for their application, however this site is not allocated for mineral processing use and there is no requirement for that to take place. The applicant has only looked at their own business use and has not provided current and forecast marketing evidence to demonstrate that there is no likelihood of the wharf being used by others. Therefore, they have not met the criteria under Point 4 of Policy Minerals 14.
96. Thus is clear and direct conflict with the development plan. The application would result in the loss of one of only three wharf sites in the city, and thus would cut capacity in the city by a third. This is a substantial loss, and the applicant has failed to satisfy any of the requirements of the policy which would allow redevelopment. Officers consider the permanent loss of a wharf site, with no replacement provision, no evidence that the provision is not needed, and no justification to demonstrate that the wharf use is not viable, means the loss of the wharf is wholly unacceptable.
97. The Council has a commitment to deliver an appropriate local balance between potentially competing uses of land. The application site was formerly in an employment use, and thus policy EC3 applies to proposals on sites, such as this, which are currently or last in use for employment purposes. The issue to be determined is whether there is a planning need for the site to remain in employment uses. Whilst it is recognised that the proposal will provide employment (largely within the service sector) this is not an 'employment use' in planning terms.
98. As the site is not within the area identified by the Employment Land Review as being an areas of specific shortfall, and in previously used for employment uses (but not allocated) it is part A(ii) of the policy that applies. This allows the change of use of a site to non-employment uses only where the "Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or computability with adjacent uses". The supporting text to this policy (paragraph 5.2.57) defines non-viable as;

- property or land has remained empty or vacant for a period of time despite being marketed (for a minimum of 12 months), or
- the employment space no longer serves the needs of businesses, and may be incompatible with neighbouring uses through noise and amenity issues.

99. The applicant has provided some justification within their planning statement regarding the concerns raised by officers at the loss of the employment use. This includes the information set out within the Wharf Assessment that states the use of the site as a wharf is unviable. Further to this within the planning statement it notes the quantitative economics of developing the site into a leisure destination. The assessment suggests that during the construction phase 127 full time equivalent construction job years will be generated and once operational the development will create an estimated 55 jobs (21 full time and 34 part time roles) with 80% being held by Leeds residents and 100% by Yorkshire residents. This commitment to local employment and skill development could be secured by way of a s106 obligation. The supply chain spend is anticipated to be £2.7m per year 56% of which is expected to be spent on Leeds based suppliers. The assessment sets out what the site could achieve and highlights the benefits to the local economy. However, although the applicant has provided some evidence that the use of the wharf to transport aggregate would be unviable and has set out the wider quantified benefits of the construction of a wedding venue on the site, no consideration has been made of the potential for employment use more generally.
100. However, officers have raised concerns about the applicant's evidence, noting that only alternative use which has been assessed is the provision of aggregate storage and distribution, and that no consideration has been made of the potential for employment use more generally. In relation to this, it is also noted that when considering the Green Belt impacts of the proposals, the applicant's state that that the existing B8 consent on the site creates a 'fallback position' whereby unlimited storage could take place on the site, which may suggest that continued use of the site for employment use is seen to be viable.
101. Since the application was taken to Plans Panel in September 2023 comments have been provided separately in relation to the protected wharf on the site, which seeks to maintain this important (and unique) feature to recognising the potential it holds to support and facilitate sustainable economic growth. The sustainability and employment addendum states that Policy EC3 is addressed in the planning statement and socio-economic benefits report submitted with the application. It considers that exploring the viability of storage use on the site would be speculative and that 'exploring further options' would be unrealistic when there is a project and investment ready to be introduced to the site.
102. It is recognised that the planning statement and socio-economic benefits assessment do consider the benefits that the proposal could bring to the local economy, including job creation through the construction and operation phase and through the offsite-spend of visitors to the venue. However, it remains that this does not address the requirements of Policy EC3 which requires it to be evidenced that alternative employment uses could not take place from the site.
103. The addendum refers to alternative options having already been explored already over a number of years. However, details of the options that have been considered, and the reasons that they have been discounted to demonstrate that alternative employment uses are not viable, have not been provided to the LPA. Therefore, it is not possible to conclude that this policy has been satisfied.



104. Thus, there is insufficient evidence that the loss of an employment site is justified and will not cause harm to the economic growth and sustainability of the Leeds district. In the absence of adequate justification, the loss of an employment site is contrary to policy and should not be accepted in principle.

*Sustainability of Location:*

105. Spatial Policy 1 (Location of Development) of the Core Strategy sets out that the majority of new development in Leeds will take place within and adjacent to urban areas. It identifies a series of key principles for the location of development across the Leeds district, with (iv) confirming that new leisure facilities will be prioritised in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development, whilst (ix) seeks to encourage potential users of rail or water for freight movements to locate at suitable sites. The development draws limited support from SP1, being located outside the Main Urban Area (MUA), and in an area which carries the lowest priority for development. The development also restricts opportunities for water freight movements.
106. Policy T2 of the Core Strategy states that 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. Specific accessibility standards to be used across Leeds are set out in Appendix 3 to the Plan and, as noted in the consultation response from highway officers, this site does not meet with these requirements.
107. Policy P8(D) of the Core Strategy sets out the requirements for sequential (and where relevant impact) assessments to accompany planning applications for main town centre uses.
108. The proposed wedding venue, café, community hub and holiday lodge elements of the proposal all fall under the definition of 'main town centre uses' set out in the NPPF. Both local and national planning policy require a 'town centres first' approach to the siting of such uses, looking to in-centre sites in the first instance, followed by edge-of-centre sites, and only out of centre sites when there are not suitable sequentially preferable alternatives.
109. A sequential and impact assessment have been submitted with the application in accordance with Policy P8. It considers the existing provision of 'waterside venues with onsite accommodation' in proximity of Leeds, and finds no comparable offer in the local area. On this basis, it is considered that this provides evidence of a 'lack of provision; for a waterside wedding venue with on-site accommodation in this location and to serve the wider 'south-east Leeds region'. The applicant has also reviewed city centre sites through an updated addendum. They have noted that there are a number of sites/buildings which are for sale within the City Centre Boundary, but all have been discounted as sequentially preferable. The vast majority are not comparable with the application site or the intended development type, in particular the rural/semi-rural nature of the waterside venue. There are no other comparable sites within the City Centre that would be considered appropriate for the proposed development and none are 'reasonably available'. Whilst the finding that there is not comparable provision in the local area is accepted, it is not considered that there is an established 'need' for such a facility and a wedding venue can also operate without being adjacent to water.
110. As part of the sequential assessment a site search has been undertaken for alternative sites of c.3.4ha which are suitable for a wedding venue with holiday accommodation (though smaller sites are also considered, recognising that uses

could potentially be combined into a single taller building). In accordance with the requirements of P8, this considers sites within and on the edge of the local centres within a 15 minute drive time of the site. The conclusion that there are no sequentially preferable sites in or on the edge of these centres is accepted.

111. An Impact Assessment has also been undertaken of the proposal. This concludes that there are no comparable wedding venue or tourism accommodation developments within the vicinity of the site that would be adversely impacted by the proposal. The scale and nature of the proposed café/community hub is also not considered to be likely to adversely impact on existing nearby café businesses. Officers consider that this conclusion is accepted.
112. Paragraph 84(c) of the NPPF supports 'sustainable rural tourism and leisure developments which respect the character of the countryside'. Paragraph 85 states that "sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport".
113. However, it is not considered that this proposal relates to local businesses or community needs, but instead is a speculative new enterprise in a rural location. Whilst it is recognised that a small café / hub building does form part of the proposal, the substantive development (wedding venue and holiday accommodation) is not likely to serve community needs and so it is not considered that the development would fall under this exception. The applicant has also noted within their design and access statement that public transport links to the site are limited given the nature of the site's location as it's surrounded by the river/canal. This raises the question of whether this is the appropriate location for such a development to be constructed.
114. Ultimately the development is in a remote location, isolated from existing services and public transport links, has some conflict with the centre's first approach of the Core Strategy, and is in an area which carries the lowest priority for development. Officers therefore consider the site is locationally unsustainable and contrary to the development plan.
115. The applicant provided updated information following Plans Panel in September 2023. They are offering to provide mini-bus services to/from Leeds station and have explored the option of water taxis which was a query raised by panel members. The current taxi operator has stated that due to the time taken through the canal lock system, costs and working hours, LWT are unable to provide a commercially viable offering. However, the applicant is committed to continue to explore this avenue and have discussed the option of a charter service that could coincide with their scheduled events. This would potentially pick up from Leeds Dock or Granary Wharf delivering guests safely to the venue via our purpose-built landing jetty or the historical wharf at Fleet Lane. The proposal has also overcome the Highways concerns and is considered acceptable by the development management Highways Team.
116. Whilst these comments are noted, they do not overcome the policy concerns regarding the sustainability of the location. This takes into account that (as previously highlighted) that Spatial Policy 1 (iv) confirms that new leisure facilities will be prioritised in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development, whilst (ix) seeks to encourage potential users of rail or water for freight movements to locate at suitable sites. Whilst Highways officers may not object to the principle of the development, this does not mean that the

development should be considered to be sustainably located, in accordance with wider local (and national) policies.

117. Considering the above the principle of the development is not acceptable and is contrary to the LPAs development plan as well as NPPF. This is through the developments impact upon the openness of the greenbelt, the risk of flooding and failure to pass the sequential test, the loss of a protected wharf and employment site and the accessibility and sustainability of the site in policy terms, as outlined above. The LPA acknowledge the applicants attempt to lessen the developments impact upon the openness of the greenbelt through reducing the scale and volume of the development and development platform. However, the proposal is still considered to impact the openness of the greenbelt due to its spread across the site and raising of land levels. In addition to this the applicant failed to address the flood risk sequential test, loss of the protected wharf and employment policies as well as the sustainability of the location of the development.
118. The Oulton and Woodlesford Neighbourhood forum consider that the application complies with their neighbourhood plan policies GE2b green infrastructure, GE4 Improve on-motorised access and BE1 New business and employment development. Officers recognise that elements of the proposal would support policies outlined in the neighbourhood plan. However, the reasons for refusal are a combination of technical matters that have not been resolved or formal policy designations, which when combined take priority and attract more significant weight than the none, site specific policies referenced in the Neighbourhood Plan.

#### Design and Character

119. Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Moreover, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is fundamental that the new development should generate good design and respond to the local character.
120. Policy P10 states inter alia that all new development for buildings and spaces should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
121. The application proposes the construction of a large wedding venue with a capacity of 120 persons. The venue has been designed through respecting the local context by using materials of a rural appearance. The use of a stone plinth and Marley Eternit Rainscreen Cladding to give the appearance of timber, allows the proposal to reflect surrounding materials while incorporating a contemporary design. The building has large expanses of glazing and an angular roof scape which contributes to the contemporary style of the development. The design of the wedding venue and the concept of a main feature building surrounded by single storey ancillary buildings, set out in a resort style setting works in this island location. However, the design of some of the single storey ancillary buildings impact the appearance of the scheme.
122. The flat roofed and shallow mono pitched roofs of type 5 - 4 bedroom lodges, type 1 - 1 bedroom lodges and type 3 – 2 bedroom lodges, let down the design of the scheme due to their block design and lack of a desirable roof scape. The use of materials, stone and Marley Eternit Rainscreen Cladding, matches the proposed wedding venue and this shows continuity across the site.

123. Officers and the design team note that the proposal could be said to improve the appearance of what is currently a disused fuel depot with open hard standing and large storage tanks. The proposal would improve the site through increased landscaping and ecological enhancements, while reducing the HGV use on the site. However, the current site, as shown on the applicant's design statement, is set down with a buffer which screens a significant amount of the site. The proposed development would raise the land levels by up to 3.1m in height. The entirety of the massing of the development would be visible from the surrounding areas and the proposed use would not be in keeping within the rural character of the area. This massing is shown through drawings 'proposed site massing sections'.

#### Residential and Recreational Amenity

124. In relation to the amenity of the local residents, there are a number of moorings close by at Lemonroyd Waterside & Marina. This is approximately 200m from the proposed development. Following the application being presented as a position statement to plans panel in September 2023 the applicant provided a noise assessment by consultants ENS which details existing sound levels at the site due to general environmental noise and makes predictions of operational noise at nearby sensitive receptors.
125. The existing soundscape primarily consists of distant road traffic and birdsong and as would be expected in this location, at relatively low decibel levels. Predictions of music breakout and patrons in the main external area demonstrate that our criteria for virtual inaudibility can be met and therefore the LPA's environmental health team raised no objection to the proposal subject to conditions being attached.
126. The proposed wedding venue will have level thresholds and lift access to the mezzanine floor as well as the roof terrace. Accessible WC's are provided within the venue and café. The scheme provides 3 accessible bedrooms with ensembles in 3 lodges within the site and the living spaces are wheelchair accessible. The site provides 10 disabled car parking spaces and two in the extended public car park to the north of the site.

#### Highways

127. Policy T2 of the Core Strategy states that 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. Specific accessibility standards to be used across Leeds are set out in Appendix 3 to the Plan and, as noted in the consultation response from Highways Colleagues, this site does not meet with these requirements.
128. The site does not meet the Core Strategy accessibility standards, which require that the site be located within a 5 minutes' walk (400m) to a bus stop offering a direct service to the city centres of Leeds, Bradford and Wakefield at a 15 minutes frequency. The nearest bus stops to the site are located at A642 Aberford Road, circa 2km away and offering an hourly service frequency to Leeds. Part of Fleet Lane has footways and the road is indicated as an advisory cycle route on the Leeds Cycling Map, with cycle lanes indicated between Aberford Road and Eshald Lane. The road is governed by the national speed limit after its junction with the access to West Riding County FA. The proposed development is surrounded by walking and cycling routes for leisure including the signed Trans Pennine Trail and un-signed traffic free cycle paths/bridleway. The applicant has proposed a non-motorised user access to the east

of the site which will provide an off-road connection between the leisure hub and the footpaths/cycle paths on the River Aire.

129. Since the application was taken to Plans Panel in September 2023 further discussions have taken place with the cycling officer and the PROW team. It was suggested that some of the existing A-frame barriers on the permissive TransPennine trail or the definitive Footpath Rothwell 80 could be replaced with quadruple chicane crossings. Implementing the latter would improve access to the site for cyclists, pedestrians and disabled users, thereby improve and allowing access for all. Whilst the developer would not be able to implement these directly, it was agreed that a S106 contribution would be better suited for the Council to implement such improvements directly on behalf of the developer. A contribution of £20,250 has therefore been agreed.
130. The proposal includes parking for 80 vehicles which will serve the 33 lodges on site. Additional parking spaces provide 56 spaces in the public car park accessed off Fleet Lane. Two additional egress points will be created on Fleet Lane, this is in addition to the eastern entrance. There are also existing accesses around the site frontage that will become redundant, hence full kerbs will need to be reinstated. These works can be secured by condition and will require a S278 Agreement. All three points into the development site will be operated by an electronic system.
131. The applicant has proposed that organised communal transport options would be suitable for those unable to drive and to reduce private car use. This would operate as a mini-bus service which picks-up / drops off staff before and after their shifts at key destinations within the surrounding area where staff reside. Further details would be organised by the individual companies however, for reference these destinations may include Woodlesford Station, outside the Aberford Road Lidl, Rothwell Shopping Centre. In addition to the mini-buses for staff, it is proposed that guests attending the wedding venue will be given the option for organised transport in the form of hiring mini-buses / coaches to enable people to travel in groups by sustainable modes of transport, from key destinations and transport hubs such as Leeds Train Station.
132. The sites waste will be serviced by a private contractor, the waste collection route will take access from Fleet Lane to the south of the site using the internal loop road through the centre of the site to the main wedding reception. It is indicated that the refuse and large vehicles would enter and exit the site via the altered existing access to the site. Swept path analysis has been undertaken and is acceptable. Secure cycle parking within the site for staff and guests has been provided as well as a cycle hire hub to encourage any trips off site to be made by sustainable modes of transport during stays.
133. Further review of the TRICS data was undertaken and it was noted that the selection in the TS includes sites with very old surveys, which when removed results in an even more limited selection of only one site. However, this indicates that for the weekday two-way trips in the AM and PM peak is 6 and 22 respectively. On this basis there is a likely underestimation of trips during the weekday PM peak as a result of older data used in the selection in the TS. Accordingly, the daily trip generation for the eco-lodges based on TRICS is likely to be 115 two-way trips. Using the assumption that has been made for wedding venue guests arriving in vehicles with at least two guests per vehicle would result in 60 one-way trips and therefore a possible 120 two-way trips could be generated. The above indicates circa 235 two-way trips likely to be generated by the site, which is more trips than indicated as the total trip generation in the TN. It is noted the extant trips generation would need to be netted off, however, there is still a likelihood that circa 100 two-way vehicle movements per day would be

generated by the proposed development. Nonetheless, it is accepted that most of these trips would occur outside the weekday peak hours of the highway network.

134. Accordingly, the development would not result in a severe impact as per the NPPF. It is noted limitations to highway land imply improvements for pedestrians and cyclists along Fleet Lane cannot be delivered to LTN 1/20 standard. Nonetheless, the S106 contribution to improve permissive TransPennine trail and/or the definitive Footpath Rothwell 80 would provide for better disabled access, pedestrian and cycling access.

### Climate and Energy

135. In March 2019 Leeds City Council declared a climate emergency and have committed to action to reduce carbon emissions, mitigate damage to the environment and help communities to adapt to the effects of climate change. The following climate change policies are designed to help new development contribute to LCC's carbon reduction targets.
136. Policy EN1 requires development over 1000sqm of floorspace to (i) *reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate* until 2016 when all developments should be zero carbon (BRTER) and (ii) *provide a minimum of 10% of the predicted energy needs from low carbon energy.*
137. Policy EN2 requires where feasible non-residential development over 1000sqm of floorspace to meet the BREEAM standard of excellent.
138. Policy EN4 requires *where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm to attempt to connect to existing or potential future district heating networks or construct a heating network within the existing site using a low carbon heat source.*
139. The applicant has submitted a sustainability statement which details that policy EN1 can be met through the construction of the development. With reference to LCS Policy EN1, these targets are demonstrated in Appendices A & B within the sustainability strategy in the form of outputs from approved modelling software by an accredited energy assessor. Central to the development's sustainability strategy is the globally recognised BREEAM standard, of which a BREEAM rating of 'Excellent' has been identified - aligning with LCS Policy EN2. The applicant has stated that the BREEAM certification will demonstrate this scheme will sit in the top 10% of UK building projects addressing through an audited certification process responses to a wide range of sustainable design principles such as Energy, Water Use, Materials, Waste and Ecology.
140. Within the sustainability statement the applicant has detailed how the development will meet the sustainability requirements. Such as the balancing of solar gains, how energy usage can be reduced and the use of sustainable construction practices.
141. Solar gains are heating from the Sun's radiation, as the main building has a significant amount of glazing this must be mitigated. They can be beneficial in colder months, as they can provide heat and therefore reduce energy requirements. However, in warmer months, the solar gains can be significant, and need to be controlled, to reduce any risk of overheating. This mitigation can come in the form of shading and solar controlled glazing. In communal spaces that are comfort cooled, solar gains will increase the energy used to maintain the desired temperatures during warm weather. In addition, sufficient daylight will reduce the need for artificial lighting and therefore

reduce energy usage and CO2 emissions. The building orientation, glazing dimensions and shading strategy have all been considered to maximise daylight and limit solar gains.

142. Efficient building fabric greatly reduces the space heating and cooling loads in a development, as transmittance of heat through the thermal elements is reduced. In addition, improving the air permeability also reduces these loads, as significantly less outside air can travel into the building. All building fabric for the Fleet Lane Wedding Venue building exceeds Building Regulations minimum requirements, as detailed in section 3.3. The sustainability statement notes that thermal bridges will be carefully considered in order to improve on typical construction detailing, eliminating cold bridges and keeping thermal line integrity. Post completion thermographic survey of the buildings thermal efficiency will be undertaken.
143. With reference to Policy EN4 the applicant has noted that due to the relatively isolated site location, investigations into connecting to existing low carbon or CHP led district heating networks proved unfeasible. However, flexibility been considered for connection to potential future networks.
144. The sustainability statement notes that the proposed wedding venue will avoid the combustion of fossil fuels as a primary or secondary energy source - there will be no reliance on natural gas and no emissions associated with the burning of fuel to operate the building. The overall operational energy demand for the Wedding venue building of 26.8kgCO<sub>2</sub>/sqm/yr will be offset entirely by the onsite production of electrical energy from solar PV - a 100% carbon reduction and making the building Net Zero Carbon.
145. The Council's energy officer is satisfied that the commercial wedding building will satisfy policy EN1 part (i). EN1 part (ii) can be considered to be met as the applicant has updated the plans to show the photovoltaics (PVs). Policy EN2 has been satisfied by the submission provided by the applicant. The applicant has now provided sufficient justification for lack of compliance with Policy EN4.
146. The applicant has shown that Leeds City Council's Core Strategy of reducing carbon emissions by a minimum of 20% and a minimum of 10% of the predicted energy demand through renewable technologies will be met.
147. The strategy to meet Net Zero Carbon performance standards in operation effectively means the amount of carbon emissions created by the building's operation i.e., Heating, hot water, lighting, ventilation etc. is less than the amount of energy that is created by renewable energy technologies provided by the development.

#### Drainage Management

148. The applicant has detailed how foul water drainage will be managed at the site. The anticipated domestic foul loading from the site has been calculated in accordance with British Flows and Loads. The expected peak flow rate from the development would be 3.1 l/s. Yorkshire Water has advised the applicant, by way of a pre-planning sewerage enquiry response, that foul water may be discharged to the 381 / 375 mm diameter public combined sewer located near Fleet Lane / Fleet Bridge, at a point to the south-west of the site. Due to ground levels and Fleet Bridge, foul flows will need to be pumped to the public combined sewer. The Council's Flood Risk Management Team are content with the proposed foul water drainage.

149. The applicant has detailed how surface water drainage will be managed at the site. In accordance with the PPG6, surface water runoff should be disposed of according to the following hierarchy: Into the ground (infiltration); To a surface water body; To a surface water sewer, highway drain, or another drainage system; To a combined sewer. Based on ground conditions at the site (as detailed in Section 2.4), the disposal of surface water via infiltration is unlikely to be feasible. Infiltration tests may be undertaken at the detailed design stage in accordance with BRE3657 to confirm this. It is subsequently proposed to direct all runoff from the developed site to the River Aire. Attenuation storage will be provided to store surface water runoff generated across roofs and hardstanding. The Council's Flood Risk Management Team are content with the proposed surface water drainage, however they support the Environment Agency comments and objection.
150. The applicant set out their proposal to prevent pollutants entering the drainage system within their drainage assessment. Permeable pavements provide treatment processes that occur within the surface structure, including filtration, adsorption, biodegradation and sedimentation. Filter drains can help reduce pollutant levels in runoff by filtering out fine sediments, metals, hydrocarbons and other pollutants. They can also encourage adsorption and biodegradation processes. Retention ponds can provide water quality benefits via the settlement of pollutants in still or slow moving water, adsorption by the soil, and biological activity. The Council's Flood Risk Management Team are content with the proposal however as noted above they support the Environment Agency comments and objection.
151. The surface water drainage system, including the retention ponds and any other SuDS features, will remain private and would be the responsibility of the site owner which may be maintained by a management company.

#### Landscaping and Biodiversity

152. Policy P12 notes that *"the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process."*
153. Policy G8 states that development will not be permitted which would seriously harm sites of local importance for biodiversity. LCS Policy G9 requires development to make improvements to biodiversity and wildlife habitats through protection and enhancement.
154. The landscape team have requested that Tree T1 (category B1) is retained all other trees on site are category C as such they are less desirable to retain. The request for the retention of Tree T1 has not been met. Nonetheless, to compensate for the tree loss on site, planting is proposed elsewhere within the site, this has been increased from 189 to 233. Replacement tree planting will further exceed the minimum policy requirement of 3 for 1. The landscape masterplan shows mixture of extra heavy standard trees and heavy standard trees. In addition to this a mixture of light woodland planting, native shrub planting, ornamental shrub planting, amenity close mown grass and wildflower grass would be planted. The increased planting at the site would be welcomed, however it does not outweigh the balance of harm from significant issues raised across the site.
155. The applicant has also provided some CGIs which show the tree growth at year 1 vs year 10. The trees will help screen some parts of the development from the canal



footpath, but the majority of the development would still be visible through and above the tree cover proposed.

156. Further to the above the Council's ecology officer has been unable to fully consider the biodiversity net gain on site as the Biodiversity Metric has not been updated. The Metric shows the scheme results in a loss of 0.96 Hedgerow Units (100% loss). A Biodiversity Net Gain cannot be achieved if there is a loss in one type of Biodiversity Unit and the loss of Hedgerow Units cannot be offset by the gain in Habitat Units. Therefore the scheme does not achieve a measurable net gain and is not compliant with policy G9. To achieve a measurable BNG in Hedgerow Units, an uplift of 0.97 Hedgerow Units are required.
157. The applicant states that A new Landscape plan, together with a revised metric will be submitted complying with policy G9, confirming the development will achieve well over 100% in habitat and hedgerow units. This also addresses the EA comment regarding the masterplan.
158. The LPA is satisfied that the applicant could comply with the policy once the metric and landscape plan have been revised as such this is not considered to be a reason for refusal. The LPA also accept the applicant's assurance that firework displays will not take place at the development and guests will be prohibited from using fireworks, and that this could have been covered by an appropriate condition along with other relevant noise conditions.

#### Community Hub

159. Following the September 2023 Plans Panel the LPA requested that the applicant set out how the community hub would work, who would run the hub and how it would be handed to the community to ensure it retained in its use as a 'community hub'.
160. As part of the extensive research into the local needs of Woodlesford and Oulton, together with a number of local consultation meetings and recommendations, Ashcourt was asked to provide a much-needed Community Hub that potentially could be run "by the community, for the community" consisting of:
  - A community meeting space
  - Local Café
  - Public conveniences with full disabled access
  - Store/Shop facilities which could facilitate a retail outlet for visitors to the area
  - Cycle hub repair facilities and external secure cycle storage
  - Wash down facilities (dogs, bikes etc)
  - Extended car park facilities with appropriate accessibility and EV provision
  - Better lighting, rubbish bins and improved security
161. The Community Hub facilities will be delivered by Ashcourt along with the wider scheme. Once constructed, it will be made available concurrently with the opening of the wedding venue where it, in its various parts, will be handed to the community subject to commercial agreements in line with the community use agreement and relevant permits. As a goodwill gesture from Ashcourt, the café will be offered to the community at a peppercorn rent for 6 months to enable a business to establish itself. After this period, the cafe and shop will be run as a commercially viable business and pay market rent.

162. In the event that a commercial agreement cannot be reached with a potential tenant for the café or retail space, Ashcourt, together with owners of the wedding venue, would run them as a part of their wider business, thus ensuring continuity of services are maintained for the benefit of the community and visitors to the area. An agreement in principle has been made with the Neighbourhood Forum and will form the basis of a community use agreement. This will be formally documented and would form part of the S106 once planning permission has been granted.

#### Land Contamination/ Coal Authority

163. The proposal site is also safeguarded under policy Minerals 3, for extraction of surface coal. The Coal Authority consider that the information submitted in support of the application is sufficient to address any coal mining risk and the site falls outside of the scope of the former extraction area.
164. Regarding land contamination the scope of works proposed by the applicant has been determined as acceptable in principle. Some minor amendments have been requested to be undertaken relating to the Groundwater Vapour report and the Phase 2 Site Investigation. This can be covered by site specific pre-commencement condition.

#### Economic Impact

165. To help understand the anticipated impact, Ashcourt engaged Ekosgen to conduct an extensive social-economic benefits assessment, highlighting the combined economic and employment benefits to Leeds across the whole development project. This included: The wedding venue, accommodation, community hub, cycle facility, café, construction phase and supply chain. They also asked them to calculate what this would mean to the local and wider community in Leeds.
166. The report concluded a significant benefit both in term of full and part-time jobs together with wider measurable economic benefits, albeit most of the benefits listed below would occur if it was retained in its employment use, and thus the economic benefits outlined below can be given very limited weight.
- Temporary economic uplift during construction stage
    - £12.2m construction spend will support 127 direct construction job years.
    - A further 235 indirect and induced jobs are anticipated supporting GVA contribution of circa £24.3m through the direct, indirect and induced construction effects
  - Securing local benefits through construction
    - Around 40 construction jobs to be taken by Leeds residents and a number of apprenticeships will be directly supported
    - An estimated £3.5m of construction spend (29%) will go to Leeds based suppliers.
    - Opportunities to use eco-friendly, locally sourced materials from sustainable supply chains will be explored.
  - Generating economic benefits for the Leeds economy through operation
    - 55 direct jobs to be created, equivalent to 38FTE's, 81% of which will go to Leeds residents, generating a GVA impact of £2.0m per annum for the local economy
    - Induced and indirect impacts through expenditure on wages and suppliers will support 13.3 FTE's and an annual GVA of £890,000

- Benefits to the public purse
  - £150,000 of national insurance and income tax each year and business rates of £300,000 over 10 years will be generated
- Supporting wider benefits for the visitor economy
  - Additional offsite spend of £1.5m to £2.0m is estimated by staying visitors from outside the area, including visitors shopping and/or eating out elsewhere in Leeds as part of their stay.
  - This will support 17 to 24 FTE's and annual GVA of £0.7m to £1.0m in local economy
- Capturing on going local economic benefits
  - An apprenticeship will be supported during the venue's ongoing operation, which will deliver £2,195 of social value each year.
  - 56% of supply chain spend to go to Leeds based businesses
- Generating ongoing social benefits
  - Health and wellbeing benefits will be supported by encouraging physical activity, with onsite bike hire and walking/ cycle access to the Trans Pennine Trail generating social value of £230,000 a year

#### Representations

167. A total of 27 representations in support, objection and general comments were received in relation to the above application. It is considered that all material considerations have been addressed in the report above. Ward Members support for the application is also acknowledged following Councillor Golton's comment during public speaking as part of the position statement.

#### **CONCLUSION:**

##### Planning Balance

168. The principle of development is considered wholly inappropriate on four main points.
169. The development is contrary to national Green Belt policy through its impact on openness due to the spread of development and raising the land levels throughout the development platform.
170. The development has not passed the sequential test, and if required to would not be able to pass the exception test. This is national planning policy which is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In addition to this the Environment Agency which is a Statutory consultee objects to the proposal due to the developments risk to increase flooding off site.
171. The application would result in the loss of one of only three protected wharf sites in the city, and thus would seriously comprise future options and capacity in the future. Proportionally this represents a substantial loss, and the applicant has failed to satisfy any of the requirements of the policy which would allow redevelopment for an alternative use. The applicant has also failed to address the requirements of Policy EC3 which requires it to be evidenced that alternative employment uses could not take place from the site.

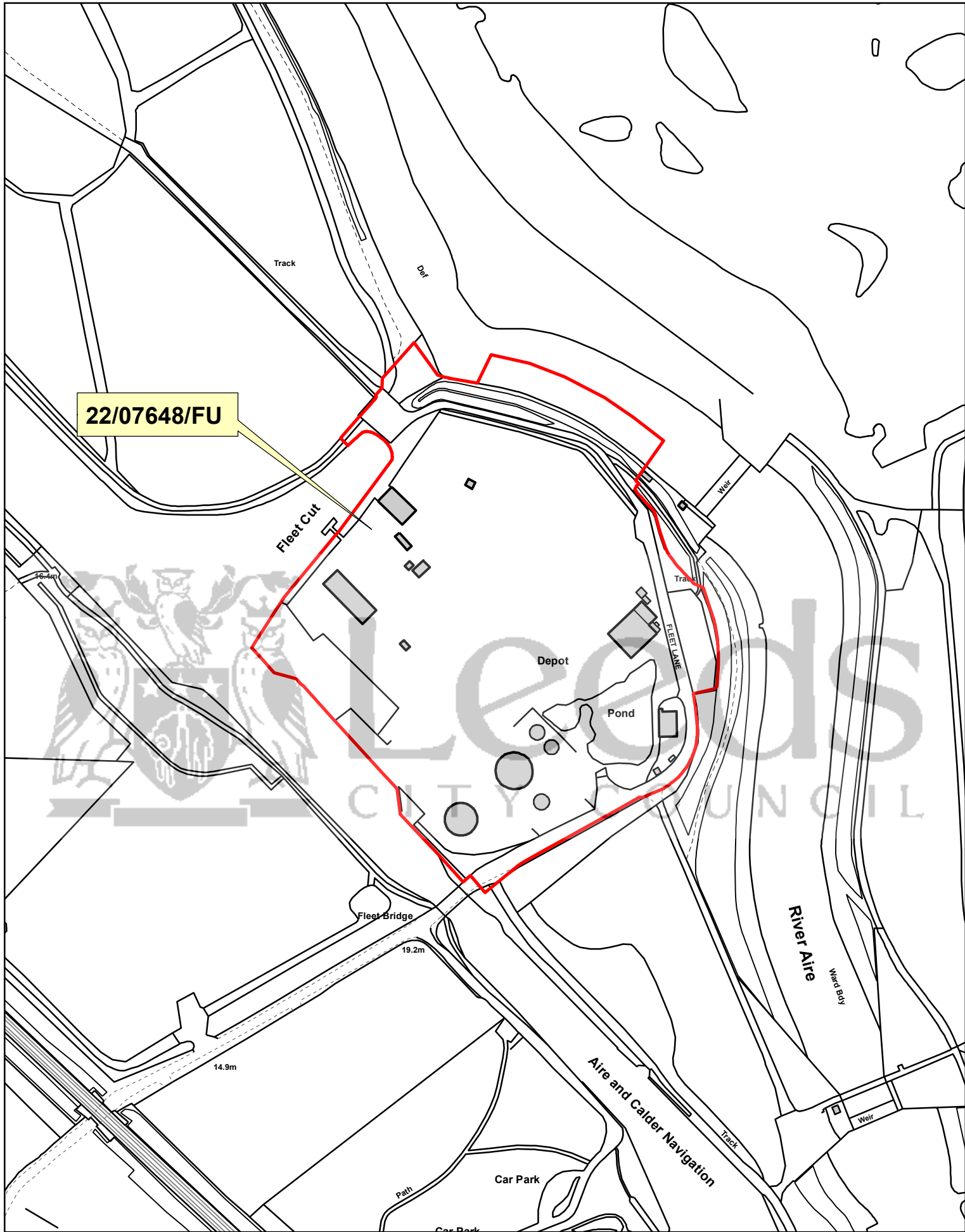
172. The development is in a remote location, isolated from existing services and public transport links, has conflict with the centre's first approach of the Core Strategy, and is in an area which carries the lowest priority for development.
173. The LPA also acknowledges the benefits that the proposal would bring to the area.
174. The generation of employment pre and post construction and the economic impact the proposal could have through tourism and wages.
175. The provision of a community hub for the local area and residents.
176. The improved appearance of what is currently a disused fuel depot with open hard standing and large storage tanks. The proposal would improve the site through increased landscaping and ecological enhancements, while reducing the HGV use on the site.
177. The improvement to the permissive TransPennine trail and/or the definitive Footpath Rothwell 80 would provide for better disabled access, pedestrian and cycling access.

### Conclusion

178. Considering the above the proposed development is contrary to national planning policy and the LPA's development plan. As outline above the proposal impacts upon the openness of the greenbelt, creates flood risk off site as noted by the Environment Agency and the applicant fails to pass the NPPF flood risk sequential test. Further to this, the proposal will result in the loss of a protected wharf and employment site which is contrary to the LPA's Development Plan. These points weigh heavily against the development and are not outweighed by the economic benefits outlined by the applicant, including the improvement to the appearance of the site, increase landscaping and biodiversity or the provision of a community hub. The application is therefore recommended for refusal for the reasons set out above.

### **BACKGROUND PAPERS:**

Application file reference: 22/07648/FU



# SOUTH AND WEST PLANS PANEL







# PLANS PANEL PRESENTATION

SCALE 1:2500





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