

Public Document Pack

**LAY OUT PLANS TO ACCOMPANY REPORTS CONSIDERED AT PLANS PANEL
EAST MEETING 17TH MARCH 2011**

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Originator: Laurence Hill
Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

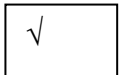
Date: 17 March 2011

Subject: APPLICATION 10/05639/FU – Alterations to roof including increase in overall height and addition of three dormer windows to front and two dormer windows to rear, 36 Victoria Road, Morley

APPLICANT	DATE VALID	TARGET DATE
Ms C Greenhalgh	17.12.2010	11.02.2011

Electoral Wards Affected:

Morley North



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE for the following reason:

The Local Planning Authority considers that, by reason of the inappropriate design and scale of the roof extension and dormer windows, the proposed development would result in an incongruous form of development detrimental to the character of the host dwelling and the wider street scene. As such, the application is contrary to policies GP5 and BD6 of the Unitary Development Plan Review 2006 and 'Neighbourhoods for Living' supplementary planning guidance.

1.0 INTRODUCTION

1.1 The application is brought to Plans Panel by request of Councillor Tom Leadley to allow a site visit to be undertaken to enable Members to fully assess the impact the proposal would have on the existing house and the wider streetscape.

2.0 PROPOSAL

- 2.1 The application is for alterations to the roof of a double fronted Victorian property to create additional accommodation within the roof space. The alteration involves the raising of the overall ridge height by 1.2 metres and changing the existing hipped roof design to a gable design. The proposed materials of these alterations include brick and roof tiles to match the existing. In addition the proposal includes 3 front facing and 2 rear facing dormer windows. The dormer windows have a width of 1.1 metres and have a pitched roof design. The cheeks are to be clad in vertically hung roof tiles to match the existing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a double fronted Victorian property. The property is brick built with its original fenestration detailing, including large Georgian style windows though these are uPVC replacements. The roof form is hipped with a shallow gradient. The original chimney forms have been retained. There is a single storey extension to the property located to the side and rear abutting Victoria Road. The front garden is enclosed by hedge boundary treatment. To the rear is a small garden enclosed by a brick wall. The site is surrounded by fairly modern residential development and is one of the few remaining historical buildings within the locality. The site is located in the proposed extension to Morley Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

Planning Applications

- 4.1 None

Pre application

- 4.2 Pre application 10/00635 - Three storey extension to rear – applicant advised that not likely to be supported due to design, character and amenity concerns. Further discussions then took place regarding a possible roof extension. Initial advice was that this may be a possibility subject to further discussion.

5.0 HISTORY OF NEGOTIATIONS:

See above

6.0 PUBLIC/LOCAL RESPONSE:

Morley Town Council has commented on the application, providing the following:

1. The property is a red brick and blue slate property dating from around 1850 and appears to have been the manager's house of the now demolished Prospect Mills.
2. Proposals likely to be confirmed this year would bring it within the Morley Conservation Area, it is quite clear that the boundary of this has been extended to make a finger to include the house, probably because of its age, character and prominence, it is not Listed.
3. The raising of the roof and inclusion of dormer windows would affect the proportions of a prominent building in a likely Conservation Area extension.
4. The rear dormers would overlook back gardens in Victoria Grange Drive.

The applicant has responded to the comments of Morley Town Council with the following:

1. The house is not the manager's house for Prospect Mills. Prospect Mills was demolished relatively recently with Bellway Homes replacing it with properties with the significantly higher ridgeline than is proposed through this application.
2. The 'extension' is part of the original property and has been extensively and sympathetically restored by the current owners.
3. The site is not in a conservation area and there is no guarantee it will be in the future.
4. Independent expert opinion indicates that by increasing the ridge height of the roof the house would be more in proportion. Most properties within Morley of this date have much higher ridges so currently it looks out of proportion, the roof looks too small for the size of the property. The alterations will therefore improve the appearance of the property.
5. All neighbours to the rear of the property are happy with the proposals. Overlooking is not considered to be an issue.
6. Since 2001 the applicant has invested time and money into renovating the once dilapidated building, in doing so restoring many of the original features. All proposed works will use the existing roof slates and done in a way that will only enhance its character.
7. Prior to the planning application, discussion was undertaken with the planning department to ensure that an acceptable scheme was achieved – the submitted plans reflect these discussions.

Councillor Tom Leadley has provided an historic record dating from 1866. This shows the property has remained largely unaltered over the intervening years and that it related to Providence Mills rather than Prospect Mill.

7.0 CONSULTATIONS RESPONSES:

None

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

Policy GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Planning Policy Statement 1

Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

SPG 13 – ‘Neighbourhoods for Living’

Supplementary planning guidance related to residential design in Leeds.

The site is located within the extended Conservation Area boundary as proposed in the Morley Conservation Area Appraisal and Management Plan. This document has been out to consultation but has, as yet, not been adopted. This document and proposed designation therefore can only be afforded limited weight at this time.

9.0 MAIN ISSUES

- Streetscene/design and character
- Privacy

10.0 APPRAISAL

Streetscene / design and character

- 10.1 There is concern regarding the impact the development will have on the character and appearance of both the host dwelling and the wider street scene. The proportion and much of the design detailing of the property remain in its original Victorian form, including the shallow hipped roof. This style of roof contributes to the overall attractive design and proportions of the property and its historical context. Furthermore, the property is prominent within the street scene and is located within the proposed extension to Morley Conservation Area.
- 10.2 The proposal to raise the roof line by 1.2 metres together with the change of the roof design from a hipped design to a gable adversely impacts on the design and proportions of the property. The impact is exacerbated by the steep roof pitch, which is required to achieve sufficient headroom, and the dormer windows. These elements of the design are considered to be incongruous to the simple roof design of the host property. Overall, the alterations result in a disproportionate roof form which would be an incongruous addition to the property therefore detracting from the character of the property and the wider street scene.

Privacy

- 10.3 Consideration has been given to the impact the rear facing dormer windows will have on the privacy of the properties to the rear. However, the windows are at least 9 metres from the rear boundary; this is considered to be a sufficient distance to prevent any significant overlooking or loss of privacy of the properties to the rear.

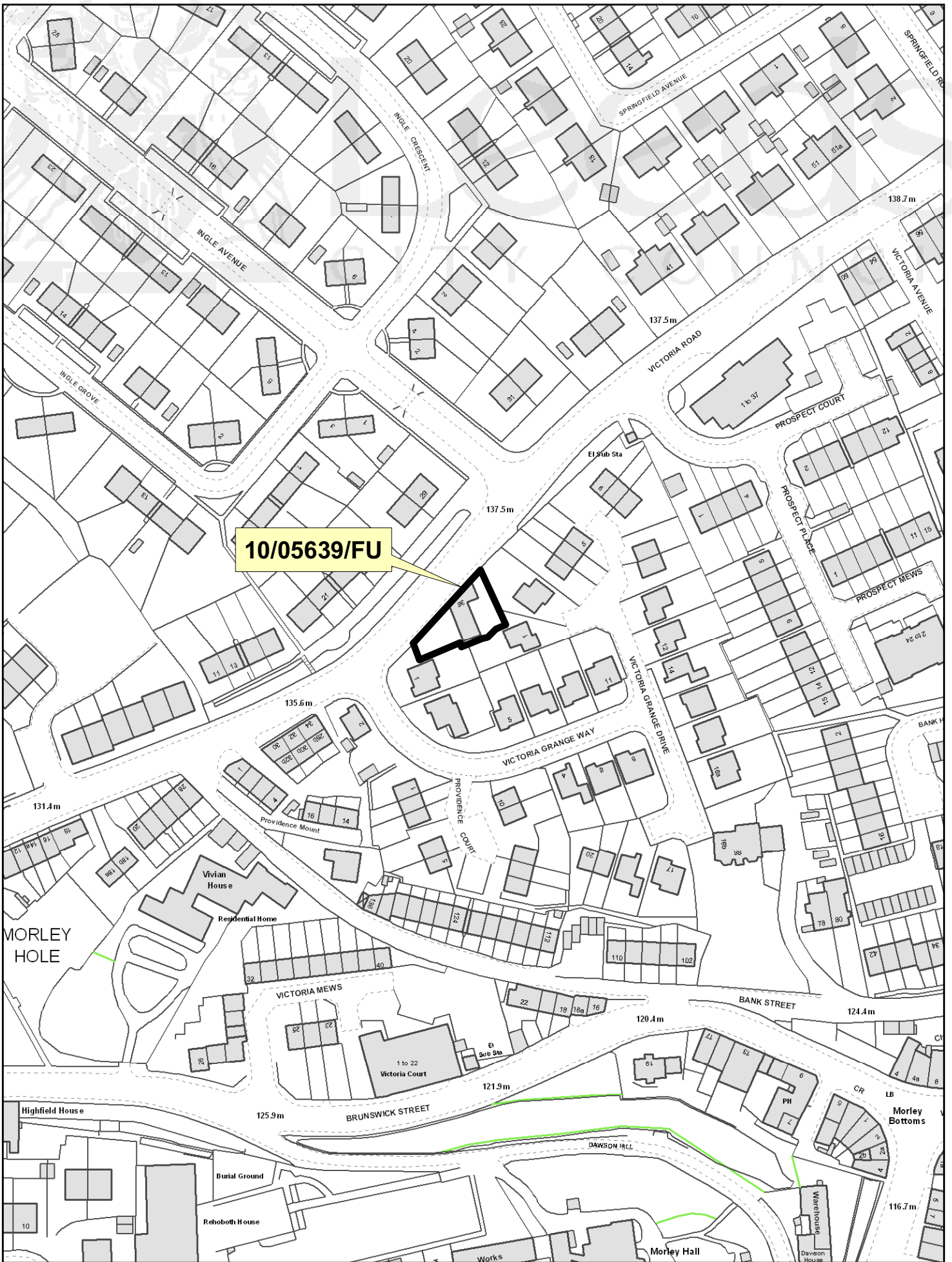
11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be refused.

Background Papers:

Application files 10/05639/FU

Certificate of ownership: Signed by applicant



EAST PLANS PANEL

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Originator: David Jones
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th March 2011

Subject: APPLICATION: 10/04987/FU - DEMOLITION OF EXISTING BUILDINGS, AND CONSTRUCTION OF NEW VEHICLE SERVICING BUILDING, CAR SALES AREA AND PARKING, PROSPECT GARAGE, CHURCH STREET, MORLEY

APPLICANT	DATE VALID	TARGET DATE
Archbold Car shop Ltd	4 November 2010	3 February 2011

<p>Electoral Wards Affected: Morley North</p> <p><input checked="" type="checkbox"/> Ward Members consulted (referred to in report)</p>
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<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
GRANT PERMISSION subject to the following conditions:

Conditions

1. Time Limits
2. Approved plans
3. Sample of wall and roofing materials
4. Area to be used by vehicles to be laid out
5. Details of hard surfaces
6. Details of any boundary treatment to be submitted
7. Submit landscaping details
8. Implement approved landscaping
9. Replacement of any dead trees within five years
10. Development in accordance with approved drainage scheme
11. Oil interceptor incorporated.
12. Infiltration drainage methods
13. Details of on-site water storage
14. Refuse disposal details
15. Hours of delivery (0700 to 1900 hours Monday to Saturdays and no deliveries/collections on Sundays and Bank holidays)

16. Lighting restrictions
17. Opening hours (Monday to Fridays 07.30 to 18.30 hours, Saturdays 0900 to 17.00 hours and no opening on Sundays or Bank Holidays.
18. Service bay doors be kept closed during normal working hours (only opened for vehicle access)
19. Boundary fencing to bungalows to be close boarded, details to be agreed.
20. Site investigation report
21. Remediation statement
22. Unexpected remediation to be dealt with.
23. Details of cycle parking
24. Details of removable bollards to be submitted.
25. Details of a Delivery Management Strategy.
26. Details of a Traffic Regulation Order to the site frontage.
27. No outdoor storage.
28. Drainage details to be submitted.
29. Discharged flows to be restricted to 5 litres/second per hectare.
30. Filtration drainage.
31. Details of attenuating storage feature/installation.

Reason for Approval – The redevelopment of existing industrial premises for car sales and vehicle repair is acceptable in principle subject to resolution of detailed planning and highways considerations. The application is considered to enhance the setting of the proposed enlarged Conservation Area, to respect the setting of the adjacent listed building (Croft House), without adversely impacting on local residents or highway safety. The application is considered to comply with policies SA7, SP3, GP5, N12, N13, N19, N25, BD5, BD6, T2 and T24 of the adopted UDP Review, as well as guidance contained within PPS1, having regard to all other material considerations, including amenity , is considered acceptable.

1 INTRODUCTION:

- 1.1 Councillor Tom Leadley has requested the application be determined by Plans Panel after a Members' site visit. The purpose would be to allow Members to see for themselves the relationship between the proposed fencing and planting on the north-eastern and south-eastern boundaries, and the adjoining dwellings and gardens on Croft House Road, Croft House View and at Croft House (Grade II listed building).

2 PROPOSAL:

- 2.1 The application is to demolish the existing industrial buildings and erect a new car service workshop and sales area.
- 2.2 The existing garage/showroom at the junction of Church Street and Croft House Road is to be retained. The car repair/MOT bays to the rear, facing onto Croft House Road are also to be retained. These buildings are constructed in plasticoated sheeting and glazing.
- 2.3 It is proposed to demolish the remaining buildings on the site and erect a new car service workshop and sales area. The workshop would be constructed in mainly plasticoated sheeting cladding to the walls and roof, with brick plinths.
- 2.4 Two vehicular accesses are proposed; the northern access would access the used car sales area; and the southern entrance would access the transit service entrance and staff parking area. The van parking area and customer/staff parking area would abut the bungalows to the north eastern boundary. Five car parking spaces are proposed within the site for No.s 18 and 18A Church Street.

3.0 SITE AND SURROUNDINGS:

- 3.1** The site is approximately 0.61 ha and comprises an existing car showroom and forecourt, MOT/servicing workshop and storage buildings.
- 3.2** It is proposed to demolish the existing buildings on the land adjoining to the south east, these buildings being industrial buildings and yards on the site of the former Albion Textile mills. The buildings appear to be a mix of office buildings and other outbuildings, in brick, cement fibre roofs.
- 3.3** Vehicular access is adjacent to 18 Church Street, a two storey brick building close to the back edge of the highway. This access also serves two dwellings, including Croft House, a two storey dwelling which is a Grade II listed building.
- 3.4** Land slopes down from west to east, so that the adjoining bungalows to the east of the site are at a substantially lower level than the application site. The current boundary between the application site and the bungalows is delineated by a boundary fence at the top of the embankment with a conifer hedge adjoining.
- 3.5** With the exception of the application site, the area to the east of Church Street is residential in character, with the area opposite to the west being more commercial/residential mixed in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1** 10/03214/FU – A planning application to demolish the existing industrial buildings and erect a new car service workshop and sales area was withdrawn in August 2010.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1** In the current application, the proposed workshop has been moved away from the Croft House Grove boundary, now adopting an L-shaped ground plan, with a secondary gable facing Church Street. A rank for parked cars would back onto the rear gardens of Croft House Grove.
- 5.2** The boundary planting to the south-east and north-east boundaries have been substantially improved.
- 5.3** A HGV loop/ route through the site has been incorporated into the layout.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1** Morley Town Council – commented in December that the application was supported in principle but there should be further work to make further improvements, in particular with regards to boundary planting and fencing, so that privacy is protected and noise is excluded from gardens. It would be preferable if Croft House Grove boundary was used for parking cars rather than vans, as cars would be less visible, and opening/closing doors might be less noisy. There should be a requirement that workshop doors be closed as much as possible, to contain noise, and vehicle exhaust fumes should be ducted from the building through an air filtration system.
- 6.2** In January, the Town Council commented on the revised plans that the amount of landscaping had increased, but that there was an issue of accommodating acoustic fencing and landscaping which would potentially be overbearing, and that Panel Members would benefit from a site visit to consider this.
- 6.3** A site notice for a major development affecting the setting of a listed building was posted on 19th November 2010. In addition, letters were sent to residents in the immediate

vicinity. Letters of representation have been received from four local households and one adjoining business. The representations are as follows.

- i. Site boundaries on the plan are incorrect
- ii. Visibility leaving the site is restricted
- iii. Existing drainage difficulties would be exacerbated.
- iv. Evidence of subsidence on the site.
- v. Inadequate car parking on the site for the existing car repair business.
- vi. The loading and unloading of vehicles disrupts the current flow of traffic.
- vii. The new buildings will be too high and too close to the rear boundaries. The buildings will harm outlook and restrict sunlight.
- viii. Pollution and noise 6 or 7 days a week.
- ix. The van servicing should be relocated to the applicant's other premises, which are more remote from housing.
- x. One resident states that the continuous soft landscaping proposals are a commendable improvement, and suggests that the current lap fencing to Croft House should be replaced/repaired, to improve the setting of the listed building.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Highways – No objections to the revised plan, subject to conditions.

Non-statutory:

7.2 Flood Risk Management – No objections, subject to conditions

7.3 Environmental Protection Team - No objections subject to conditions.

8.0 PLANNING POLICIES:

8.1 Development Plan – The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 Under the UDP the application site is not allocated for any specific use. The following policies are relevant for consideration of this application;

- SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
- SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.
- GP5 – General planning considerations.
- N12 – Urban design principles.
- N13 – Building design principles.
- N19 - Buildings within or adjacent to conservation areas should be sympathetic in terms of design and materials.

- N25 – boundaries to be designed in a positive manner.
- N39A – Incorporation of sustainable drainage principles.
- T2 – Highway issues.
- T24 – Parking provision.

8.3 PPS1 Delivering Sustainable Development

8.4 PPS4 Planning for Sustainable Economic Growth

8.5 PPG13 Transport

9.0 MAIN ISSUES

9.1 The principle of development

9.2 Amenity of nearby residents

9.3 Highways safety

9.4 Setting of Croft House

9.5 Visual amenity/setting of conservation area.

9.6 Drainage

10.0 APPRAISAL

10.1 The principle of development

10.1.1 The site is already in use as an existing car showroom and forecourt, MOT/servicing workshop and storage buildings. The redevelopment of facilities is acceptable in principle, subject to resolution of detailed amenity and highway safety considerations. PPS4 is generally supportive of sustainable economic development.

10.1.2 The site is within the built up part of Morley, close to the town centre, adjoining bus routes and local workforce.

10.2 Amenity of nearby residents

10.2.1 The main potential impact on neighbours is from the siting and scale of the buildings and from vehicular activity, especially to the rear of the site, and potential noise and disturbance from the workshops. The application site is at a higher level than the adjoining bungalows. The rear face of the proposed workshop building would be 21m – 23m from the boundary with the bungalows. At this distance, and even with the increase in ground levels and the height of the workshop, the adjoining properties to the north east would not be dominated or overlooked. In addition, the building which is to be demolished has a higher ridge line than that proposed, and is sited closer to the bungalows.

10.2.2 In respect of vehicular activity, there would be activity to the rear of the building where vehicles would be manoeuvring / parking at the rear of the transit servicing area. At present, the garage operates 7 days a week for sales, and weekdays only for servicing between 08.00 and 1800 hours, and the area to the rear is currently hardstanding, with no restrictions as to how it can be used. The applicant's noise report has stated that the new facilities will likely increase the noise impact of the garage on surrounding residencies, therefore recommendations are made. These are that all service bay doors be kept closed during normal working hours (only opened for vehicle access) and the erection of a 1.8m high fence of interlocking timber, running along the perimeter of the nearby houses. The intention of the fence would serve both to reduce the noise impact of vehicular movement on the site and act as a

noise barrier for periods when service bay doors need to be opened. The Council's Environmental Protection Team agrees with the conclusions and recommended conditions.

10.2.3 In addition to the proposed fence, there is an area between the parking bays and the existing boundary, which is to be landscaped. This area is between 2.5 – 5m in width. There is existing conifer planting along the top of the embankment. It is proposed to augment this planting with some local native planting, the exact type of which is proposed to be conditioned and for discussion with adjoining residents, as to the preferred planting.

10.2.5 On balance, no objections are raised

10.3 Highways safety

10.3.1 The revised plan addresses the need to accommodate larger delivery vehicles on occasion, whilst the turning head at the back of the site should suit the everyday operations at the van servicing centre. The bollards are marked as 'removable' and details should be a condition of any approval to ensure that removing them is not so onerous that they are not used. In addition, a Delivery Management Strategy should be conditioned to ensure that deliveries do not continue to be carried out on Church Street.

10.3.2 Traffic Management has advised that Traffic Regulation Orders should be funded on the site frontage, these will be subject to any comments that adjacent frontagers may have. A condition should be attached to any approval requiring details of a Traffic Regulation Order to be agreed with the Local Planning Authority prior to commencement of development and provided by the developers.

10.4 Setting of Croft House

10.4.1 Croft House is a Grade II listed building which abuts the southern site boundary, and is demarked by an existing fence. The vehicular access to the rear of the application site would be in close proximity to the boundary with Croft House, but a strip of landscaping is proposed, which will improve on the current situation, which is basically one of cleared buildings (unsurfaced builders yard) and very little landscaping. The service building has been located towards the northern part of the site, to lessen the impact on Croft House. As the setting would not be harmed by the proposal, no objections are raised.

10.5 Visual amenity/setting of conservation area

10.5.1 The buildings which are to be demolished are of little merit. The buildings on the street frontage which are of merit are 18 and 18a Church Street, and are located to the south of the application site, in third part ownership. These buildings are not within the current conservation area, but have been identified as positive buildings in the proposed conservation area extension along Church Street. The application site is not included within the conservation area extension.

10.5.2 The replacement buildings are mainly plastic coated sheeting cladding to the walls and roof, with brick plinths. The buildings would be in keeping with the remaining buildings on the site. The buildings would be set back between 36 and 40m from the back edge of Church Street, and would not have a significant impact on the street scene. On balance, no harm to visual amenity.

10.6 Drainage

10.6.1 The site is in the Cotton Mill Beck Catchment. There are recorded flooding problems in the catchment area, particularly in the vicinity of the section of culverted watercourse which traverses Station Road. Discharges from the site to the public combined sewer in Church Street would impact on the flows in the culverted watercourse as there is a downstream overflow from this sewer to the culvert. Usually, the Flood Risk Management Section would require developers to contribute towards the cost of downstream improvement works on the culvert via a S106 agreement. However, in this case, the development is redeveloping existing buildings and hard surfaces and the impact on the watercourse would be negligible. As such, and given the relative small scale nature of the development, Main Drainage raise no objections, subject to suitable conditions.

11.0 CONCLUSION

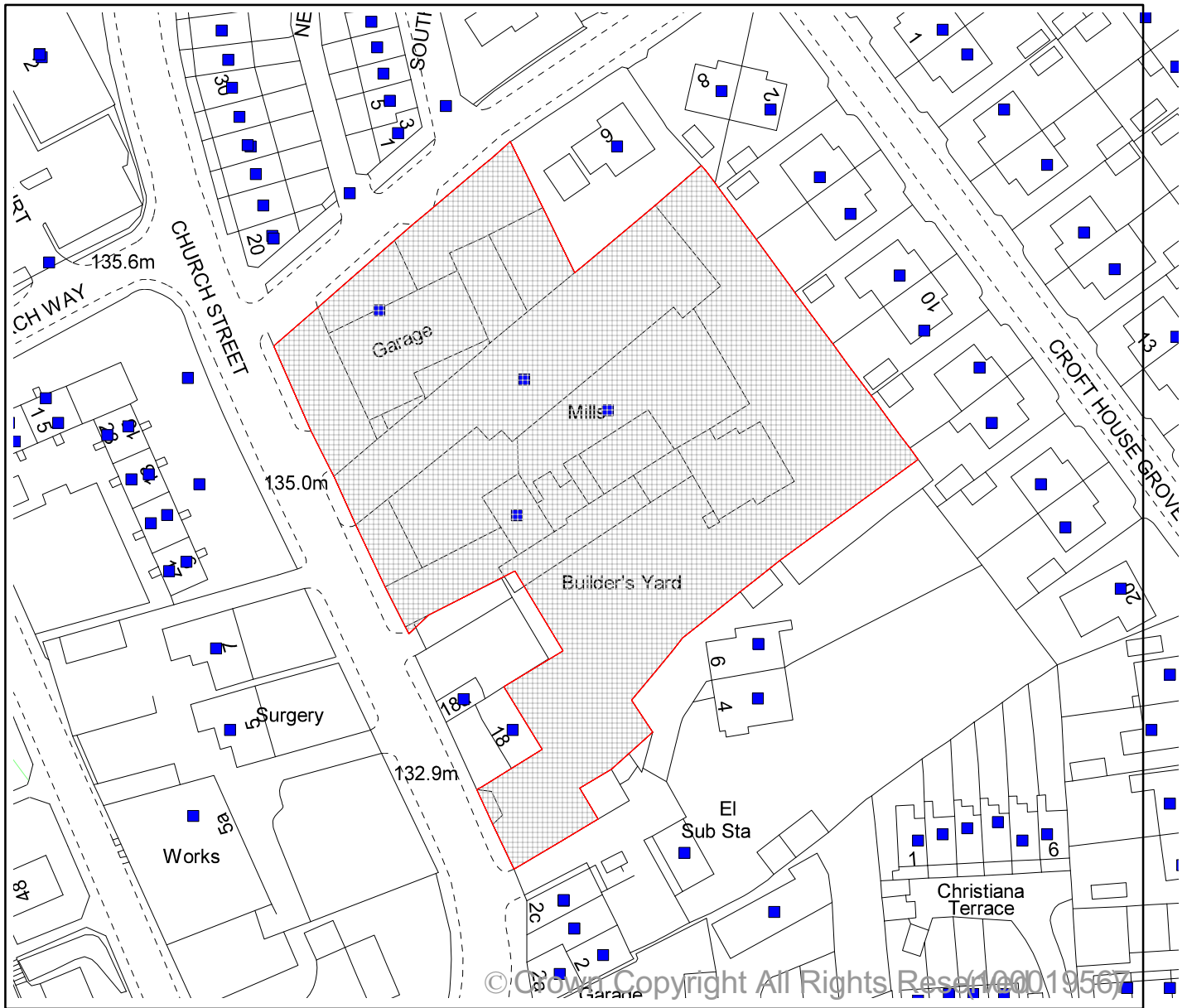
11.1 No objections are raised in principle to the improvement of facilities on the site, subject to resolution of detailed development control concerns. The new buildings would not adversely impact on nearby residents, and suitable conditions in respect of boundary treatment and landscaping can mitigate other impacts on residents. The development would not adversely impact on the adjoining listed building or the character of the street scene, and no technical objections are raised. On balance, therefore, the application is recommended for approval, subject to suitable conditions.

Background Papers:

Application and history files. – see history above.

Certificate of Ownership: .

Beal (UK), Albion Mills, Church Street, Morley



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Legend	

Leeds City Council	
Development Department	
Scale	1:1017
Date	04 March 2011
Comments	East Panel, 17th March

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Originator: Jillian Rann

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th March 2011

Subject: Application 10/03984/FU – 7 bungalows and 17 houses with landscaping and public open space at Scott Hall Square, Chapeltown, Leeds, LS7.

APPLICANT

Unity Housing Association

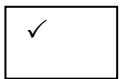
DATE VALID

9th September 2010

TARGET DATE

9th December 2010

Electoral Wards Affected: Chapel Allerton



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. That all housing on the site shall remain affordable**
- 2. Fee of £600 for management of the obligation**

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

1. Time limit for commencement of development.
2. Plans to be approved.
3. Submission and approval of walling and roofing materials.

4. Submission and approval of surfacing materials, to include porous surfacing as far as is practicable.
5. Boundary treatment details.
6. Submission of landscape scheme.
7. Implementation of landscaping scheme.
8. Laying out of vehicle areas prior to occupation.
9. Access gradients.
10. Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of a scheme for the provision of a secure lockable cycle parking space for each of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.
11. Development shall not commence until a plan showing the visibility splays at the site access onto Scott Hall Grove has been submitted to and approved in writing. There shall be no obstruction to visibility of over 0.6m high within these splays. None of the dwellings hereby approved shall be occupied until the visibility splays have been provided in accordance with the details thereby approved, and they shall thereafter be retained and kept clear of any obstructions to visibility of over 0.6m high.
12. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers which cross the site.
13. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
14. Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and/or off site works, have been submitted to and approved in writing by the local planning authority. No piped discharge of surface water from the development shall take place until the surface water drainage works have been completed and the dwellings hereby approved shall not be occupied until the approved foul water drainage works have been completed.
15. Details of provision for contractors during construction.
16. Measures to suppress dust during construction.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any works within Schedule 2, Part 1, Class A, B or E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order) are carried out at any of the dwellings hereby approved.

18. Contaminated Land reports.

19. Development shall not commence until a scheme for provision of the area of public open space in the northern part of the site as shown on the approved plans has been submitted to and approved in writing by the local planning authority. The scheme shall include details of planting and soft landscaping of the area, the provision of any furniture or equipment such as benches, means of enclosure, any paths or hard surfacing, a timetable for the laying out and provision of this area, and details of how the public open space will be managed and maintained for the lifetime of the development. The development shall be carried out and managed in accordance with the details thereby approved, unless otherwise approved in writing by the local planning authority.

20. The development shall be designed and constructed to comply with Secured by Design standards.

Reasons for approval: It is considered that the proposed development would be appropriate to the character and appearance of the wider area, would provide an appropriate level of amenity for future residents whilst maintaining the amenities of neighbouring residents, and would not detract from highway safety in this locality. The development is therefore considered to comply with policies GP5, GP7, H4, H11, N2-N4, N12, N13, N25, BD5, T2, T5, T6, T24 and LD1 of the Leeds Unitary Development Plan Review 2006 and the guidance in Neighbourhoods for Living, the Street Design Guide SPD, PPS1 and PPS3.

1.0 INTRODUCTION:

1.1 This application for a 100% affordable housing development at Scott Hall Square in Chapeltown was discussed at the Plans Panel meeting on 25th November 2010. Members at that time resolved to defer and delegate approval of the application to the Chief Planning Officer, subject to further negotiations taking place in respect of:

- Further consultation by the applicant with local residents
- The provision of an area of greenspace on the site
- The removal of the 2.5 storey houses from the development
- Secured by Design requirements to be addressed.

Members resolved that in the event that these issues could not be satisfactorily resolved, a further report should be brought back to Plans Panel for determination.

1.2 Since the application was discussed at Plans Panel in November, and in response to the points raised by Members, the following actions have taken place:

- A public meeting was held on 20th January, attended by planning, area management, housing and parks and countryside officers, the applicant, Ward Members and local residents and representatives of the Tenants and Residents Association. At the meeting the plans were discussed, and concerns and suggestions raised by residents were noted. These are summarised later in the report.
- Following discussions at the public meeting regarding the potential for the provision of an area of public open space on the site, the proposals have been amended to delete 5 of the proposed houses in the northern part of the site, reducing the number of dwellings proposed from 29 to 24, and to provide an area of public open space in this part of the site instead. The proposed

public open space would be managed by the Housing Association, it is not intended that this space would be adopted by Leeds City Council.

- As part of the proposals to provide public open space on the site, two of the four proposed 2½ storey houses on the site frontage have been deleted from the scheme. The design of the remaining two 2½ storey houses, to the south of the site entrance, has been revised to delete the dormers from the front elevation and replace them with rooflights.
- The applicant has also confirmed that the development will be designed to meet Secured by Design standards. A condition to this effect is now recommended in the event that permission is granted.
- Following the receipt of revised plans showing the proposed public open space and the amended design of the 2½ storey dwellings, the application has been readvertised by site notice, and by letter to all those who have previously made representations on this application.

1.3 Councillor Dowson has advised that she wishes the application to be reported back to Plans Panel on the grounds that residents do not feel that the applicant has fully consulted them and that the matter relating to the 2½ storey houses have only been partially resolved by the replacement of dormer windows in the front elevation with rooflights.

1.4 The report below is a revised version of the previous report to Panel in November which has been updated to reflect the changes made to the scheme and to report and address additional comments received both at the public meeting in January and in representations in response to the revised plans which have been submitted.

2.0 PROPOSAL:

2.1 Full planning permission is sought for a development of 24 dwellings on a site at Scott Hall Square, off Scott Hall Grove in Chapeltown. The site was formerly occupied by dwellings, which were demolished some years ago, although the cul-de-sac roadway which served the dwellings remains. A block of two bungalows has now been built in the northern part of the site as part of the Independent Living programme.

2.2 It is proposed to construct the development in a cul-de-sac layout around the existing roadway which remains within the site. All proposed dwellings would be constructed of brick with tiled roofs. The proposed development would be made up of the following:

- Six 2-bedroom bungalows and one 3-bedroom bungalow. The 2-bedroom bungalows would be located in the western (rear) part of the site, backing onto existing houses on Scott Hall Road, and the 3-bedroom bungalow would be located within the southern part of the site.
- Six 2-bedroom 2 storey houses and eight 3-bedroom 2 storey houses. Most of these would be built as semi-detached houses, although one block of three terraced houses are proposed along the Scott Hall Grove site frontage.
- One 4-bedroom 2 storey detached house located in the rear part of the site.
- Two 4-bedroom 2 storey semi-detached houses with rooms in the roofspace. These would be located to the south of the site entrance on the Scott Hall Grove frontage. The design of these properties has been revised to delete the dormer windows from the front elevation and replace them with rooflights in an attempt to overcome the scale and dominance of these and to allay concerns regarding overlooking.

- 2.3 It is proposed to use and widen the existing access road from Scott Hall Grove to serve the development, and to provide additional individual access points and drives directly from Scott Hall Grove to serve the properties along the site frontage, with the exception of the property immediately adjacent to the main access, whose drive and parking would be to the rear. All properties would have individual access drives/parking areas, with one parking space being provided for all 2 bedroom houses and two spaces for the 3 and 4 bedroom houses. The existing public footpath leading from the south western corner of the site onto Scott Hall Road to the rear is to be retained.
- 2.4 All properties would be set back slightly from the road frontages, with small front gardens. Some of the properties, particularly those along the site frontage, would have parking spaces to the front, separated by areas of lawns and landscaping. Individual front garden areas would be enclosed and separated from each other by 0.9m high metal railings. All properties would have private garden areas to the rear, enclosed by timber fencing. The site entrance would be marked by a low wall running to the front of the semi-detached block to the south of the site entrance and into the site. This would rise to a 1.5m high wall with railings above to screen the rear garden of the property to the south of the access road.
- 2.5 It is proposed to remove existing trees from within the site. New trees and planting are proposed within the development, to the front of properties along the site frontage and in the rear gardens of properties throughout the site.
- 2.6 All of the proposed dwellings would be affordable housing, and a draft Section 106 Agreement to ensure that they remain affordable has been submitted as part of the application.
- 3.0 SITE AND SURROUNDINGS:**
- 3.1 The application relates to an area of land on the western side of Scott Hall Grove in Chapeltown, to the east of properties on Scott Hall Road (the A61). The site was formerly occupied by dwellings, however these were demolished some years ago. The former access road leading into the site from Scott Hall Grove remains, however the remainder of the site has grassed over. A block of two bungalows have recently been erected on the northern part of the site as part of the Independent Living Programme, and a number of trees have been planted along the site frontage. A public right of way runs from the south west corner of the site through to Scott Hall Road to the west.
- 3.2 The site is within an existing residential area in Chapeltown, to the north of Leeds city centre. The area immediately surrounding the site is characterised almost exclusively by post-war brick houses with hipped roofs, including a mix of semi-detached houses such as those immediately opposite the site to the east, and blocks of 4 houses to the west on Scott Hall Road and the south east on Scott Hall Grove, and blocks of 6 houses immediately to the south of the site. The bungalows which have recently been built to the north are constructed in a single block with a glazed link in-between, and are also built of brick with tiled gable-ended roofs.
- 3.3 There are a number of small shop units on Sholebrook Mount, approximately 250m metres away to the south, and some newer brick properties with gabled roofs on the corner of Scott Hall Grove and Sholebrook Mount. There are playing fields approximately 120 metres away to the north of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An application for prior approval to demolish the 40 houses which formerly stood on the site was approved in May 2000 (application 34/71/00/DN).
- 4.2 Outline planning permission for the two 5-bedroom bungalows and staff accommodation in the northern part of the site was granted in July 2006. Reserved matters approval was granted in January 2008 (applications 06/03494/LA and 07/06587/RM respectively). Permission was granted for 1.8m high entrance gates to the bungalows in June 2010 (application 10/01389/FU).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme as originally submitted was for 32 dwellings (8 bungalows and 24 houses), including two three storey properties immediately adjacent to the site entrance on Scott Hall Grove. Following a number of concerns from residents, Ward Members and officers regarding the scale, intensity, layout and design of parts of the development, a meeting was held between planning, design and landscape officers and the architects and applicants for the scheme to discuss the following concerns:

- The number of dwellings proposed
- The scale of the large block either side of the site entrance
- The window and roof design of properties throughout the site
- The substandard size of a number of the garden areas
- The uneven layout of properties along the site frontage and the projection of these further forward than other existing properties in the streetscene
- Large expanses of hardstanding proposed along the site frontage and an apparent lack of boundary treatments along the site frontage.
- Lack of natural surveillance in some parts of the site, including the blocks immediately adjacent to the main site access, and the area around the public footpath in the south western corner.
- Lack of defensible space to the front of the bungalows in the eastern part of the site and the side of the properties either side of the site entrance – concerns regarding security.
- Landscaping in parts of the site.

- 5.2 Following the meeting, revised plans were received with the following key changes:

- A reduction in the number of dwellings proposed from 32 to 29, reducing the density of the development on the site and allowing larger gardens to be provided for the proposed dwellings.
- Reduction of the houses either side of the site entrance from 3 storeys to 2½ storeys with rooms in the roofspace.
- Revisions to the roof designs to incorporate some hipped roofs to reflect those on the majority of surrounding properties
- Revisions to simplify window designs to more closely reflect the more simple design of those on surrounding houses.
- A reduction in the number of houses along the site frontage, resulting in a reduction in the amount of hardstanding along Scott Hall Grove and meaning that houses could be more easily accommodated to follow the line of the road frontage rather than projecting forwards as was originally proposed.
- Reorientation of the house adjacent to the public footpath to provide primary windows facing southwards towards the public footpath as well as eastwards

towards the road frontage, in order to improve overlooking and surveillance of the public footpath.

- Resiting the bungalows in the rear part of the site further away from the road frontage.
- Resiting the properties immediately to the north and south of the site entrance further away from the road frontage, and providing larger windows in the side elevations of these properties to improve the visual appearance of these elevations and provide greater potential for overlooking and surveillance of the access road.
- Amendments to the boundary treatments along the northern and southern sides of the site access to provide 1.5m high walls with railings above, with the intention of ensure sufficient screening for the privacy of these rear garden areas, whilst maintaining gaps through to allow for surveillance and provide a sense of activity in these areas, preventing a 'dead' site frontage.
- Improvements to the landscaping within the site, including the provision of additional planting along the site frontage.

5.3 The application was discussed at the Plans Panel meeting on 25th November, where Members resolved to defer and delegate approval of the application, subject to further negotiations taking place in respect of:

- The removal of the 2.5 storey houses from the development
- The provision of an area of greenspace on the site
- Further consultation by the applicant with local residents
- Secured by Design requirements to be addressed.

5.4 Following the deferral of the application, a public meeting was held on 20th January 2011, attended by local residents, representatives of the Residents' Association, Ward Members, the applicant and officers from Planning, Housing, Parks and Countryside and Area Management. The discussion centred around the principle of developing the site, the 2.5 storey houses along the site frontage and windows overlooking neighbouring properties opposite, the potential for reducing the number of houses to allow greenspace to be provided on site and parking.

5.5 Further to the public meeting in January, revised plans have been received, showing a revised layout with fewer houses along the site frontage (including the deletion of two of the 2.5 storey houses) and an area of public open space in their place. The design of the remaining two 2.5 storey houses has been revised to delete the dormers from the front elevation and replace them with rooflights. The applicant has also confirmed that the development will be designed to meet Secured by Design standards.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

6.1 Councillor Dowson originally requested that the application be referred to Plans Panel for a decision. Her comments on the proposals as originally submitted, prior to the first set of revisions are as follows:

- Layout of the site is of concern – the proposed three storey buildings are not typical of the area and whilst recognising that the developers need an entrance effect to the site, this can be done without such an overwhelming building.
- Houses along Scott Hall Grove are in front of the build line of others.

- No fences to the front of properties along Scott Hall Grove – concern regarding dogs getting into properties and perceived danger to children.
- Gardens are too small for family houses – they should have family sized gardens.
- Mass of houses is too much.
- Drives do not all allow for two off-street parking spaces.

6.2 Following the receipt of revised plans after the public meeting on 20th January, Councillor Dowson has advised that she has consulted with local residents who do not feel that sufficient consultation has been carried out by the applicants, and that the issues relating to the 2½ storey houses on the site frontage have only been partially addressed by the deletion of the dormers in the front elevation and their replacement with rooflights. On this basis, Councillor Dowson has advised that she does not feel that the matters raised by Members at the Plans Panel meeting in November have been completely resolved, and has therefore requested that the application be referred back to Plans Panel for a decision.

Tenants and Residents Association (TRA)

6.3 Letters of objection have been received from 'Scott Hall TRA and supporting members of the local community' and from Impact Residents Network Chapeltown Harehills and Scott Hall in response to the originally submitted plans, raising the following concerns:

- Loss of an area of open land that is regularly used by children and the wider community. TRA has regularly lobbied for the site to be developed as a children's play area. Playground at the top of Scott Hall Grove is too isolated and has drink and drugs problems, and the MUGA at the Prince Philip Centre on the west side of the A61 is not an option for residents on the east as their children would have to cross a busy dual carriageway to get there.
- Development will increase number of children living in the area but reduce the amount of green space.
- Three storey houses not in keeping with the rest of the area.
- More houses are proposed than previously existed on the site, on a smaller area now that the Independent Living Centre has been built to the north – no assessment has been carried out of impact on local area.
- Overbearing effect on neighbouring properties.
- Loss of privacy for neighbouring residents, particularly those overlooked by the 3 storey houses.
- Overshadowing of neighbouring houses.
- Additional noise and disturbance for neighbours.
- Additional parking problems.
- Cul-de-sac layout with public footpath through to Scott Hall Road will be difficult to police. This was a problem with the previous houses on the site. Could be threatening to elderly residents of the proposed development and residents of the care home to the north of the site.
- Previous houses on the site were demolished because anti-social behaviour problems were so bad, how is this going to be any better?
- Seem to be no positive impact for existing residents of the area.
- High rates of infant mortality in the area and lower life expectancies than areas such as Wetherby due to a number of factors including access to green environment areas.
- Lack of contact or consultation of residents from applicants.

- 6.4 Following the receipt of revised plans after the public meeting in January, a letter has been received from the Secretary of the Tenants and Residents Association, making the following comments:
- While they agree that the Council has reconsulted, they do not feel that the applicant has consulted with residents. Whilst the revised plan does address some of the objectors' issues, it was 'presented' to residents rather than them being involved and 'consulted' on the proposals.
 - The issue of deleting the 2½ storey houses from the scheme has not been addressed.
 - Residents have been promised landscaped space on the site before, and are concerned about the delivery of this and whether residents will be consulted on this part of the development if permission is granted.

Other local response

- 6.5 The application was originally advertised as a major application by site notice and press notice. A petition with 156 signatures objecting to the proposals as originally submitted has been received, objecting to 'any plans for housing on Scott Hall Square'.
- 6.6 18 letters of objection were received to the originally submitted plans, raising the following concerns:
- Land should not be developed at all, it provides a space for children to play within sight of their homes and for people to exercise, and a pleasant space for residents to look out over, as well as being a social area for the community. Loss of this space will impact on sense of community.
 - Too many houses proposed – 32 houses on a site that only had 27 on previously, and is now smaller owing to the construction of the housing in the northern part of the site.
 - 3 storey properties not in keeping with the area. Quantity, size and type of housing are out of keeping.
 - Area has been much quieter since the previous housing on the site was demolished – additional noise pollution from extra cars.
 - Loss of privacy
 - Overshadowing
 - Impact on outlook from existing bungalows in the northern part of the site.
 - Elderly residents in the bungalows in the rear part of the site will be vulnerable by being surrounded with larger houses and may feel trapped in their homes.
 - The '8 person' houses proposed are not really large enough for large families.
 - Gardens for the proposed houses are too small.
 - Increased traffic problems. Insufficient parking proposed will lead to additional on-street parking and reduce visibility.
 - Removal of trees from the site.
 - Increase in crime. Cul-de-sac layout will allow criminals to escape, and provide an enclosed area for dumping stolen cars.
 - Residents have worked hard to get the area cleaned up and drugs problems reduced, and are opposed to more housing which will make the problem worse.
 - There are enough houses standing empty and unkempt.
 - No community benefit from the development.
 - Children in the area have nowhere safe to play. Nearest play area is across a dual carriageway. Development will bring more children but take away safe

play area. Would be better to develop the site as a play area, with seating and landscaping.

- If it necessary to build on the land, a better proposal would be to build warden controlled sheltered housing for the elderly.
- Previous housing was demolished following anti-social behaviour problems – a documentary was made about the problems of this part of the estate.
- Concerns about how tenants will be ‘vetted’ – problems with management and tenants of applicants’ existing housing nearby.
- Lack of consultation from applicants prior to submission of application – nothing residents have said has been taken into account.
- Impact on house prices.

Public meeting – 20th January 2011

6.7 The following matters/concerns were discussed at the public meeting, including concerns raised in a letter from one resident who was unable to attend:

- ‘Previously developed’ nature of the site therefore residential development acceptable in principle, however discussion was held as to whether there were alternative uses to which the land could be put.
- Too many houses proposed.
- Residents would be happier if more accommodation like the Independent Living Centre was being built.
- Front garden areas need to be fenced/enclosed – not open.
- Importance of the proposed scheme and future residents integrating into community.
- Site provides an attractive ‘break’ in development at the moment.
- 2.5 storey houses not attractive and are too dominant. Also raise concerns regarding overlooking.
- Development of site will mean no safe play area for local children – other play areas are too far away and not safe/not overlooked by houses – unsuitable for younger children.
- Increased traffic and potential for parking problems.
- Scheme would be designed to ‘Secured by Design’ standards.
- Concerns that developing site would lead to anti-social behaviour problems, which were part of the reason the previous housing on the site was demolished.
- No details from applicant as to why number of houses can’t be reduced to accommodate greenspace on site.
- Discussion as to the type of greenspace/public open space required.
- Details of sale of land to Housing Association by Council.
- Concerns that properties would not be well maintained.

6.8 Following the receipt of revised plans after the public meeting in January, the application was readvertised by site notice posted 25th February, and by letter/email to anyone who had previously made representations. The publicity period expires on 11th March and any comments received following the publication of the Panel report will be reported verbally to Members. In addition to the further comments received from Councillor Dowson and the Tenants and Residents Association as discussed above, 5 letters of objection have been received regarding the revised plans, raising the following concerns:

- Objection to development of one of the few green spaces in the area – land has been vacant for 10 years and should remain that way. The site is an important space for children and adults in the area.

- Development too intensive – too many additional people living in the area.
- 2.5/3 storey properties too large – out of keeping with the rest of the estate, and negative impact on outlook from properties opposite. These are 3 storey houses, not 2½ storey. The applicant has previously advised that they would remove these from the scheme. They should be located elsewhere in the site.
- No details of how open space will be laid out or used – concern that application may be made in future to develop this land for housing.
- Proposal to remove turning circles from the ends of the cul-de-sac – concerns that vehicles, including fire engines, would not be able to access/turn within the site.
- Increase in antisocial behaviour.
- Noise, traffic, dust and mud on roads during construction.
- Address is incorrect – should be Chapel Allerton, not Chapeltown.

7.0 CONSULTATION RESPONSES:

Statutory

None

Non-statutory:

Yorkshire Water

- 7.1 Objected to the plans as originally submitted, as the submitted plans appear to show new buildings being sited over the public sewers within the site. Additional information was requested regarding the position of sewers on site and the proposed building stand-off distances from the sewers and Yorkshire Water have now advised that they have no objections to the proposals on this basis.

Highways

- 7.2 No objections subject to conditions. Some concerns in response to the originally submitted plan distribution of parking across the site, however in view of the site location and type of housing proposed a highway objection would be difficult to justify. Boundary treatments adjacent to the junction with Scott Hall Grove should be no higher than 0.6m and houses fronting Scott Hall Grove should have most parking to avoid vehicles parking on street and interfering with visibility at the site entrance.
- 7.3 Following the receipt of revised plans, highways have advised that on balance they would not wish to object to the proposals, provided that the visibility splays alongside the site access are kept clear of any obstructions over 0.6m in height, including landscaping and boundary treatments.

Contaminated Land

- 7.4 No objections, subject to conditions.

Public Rights of Way

- 7.5 No objections.

Mains Drainage

- 7.6 No objections, subject to conditions, including the submission of surface water drainage details and the use of porous surfacing as far as practicable.

West Yorkshire Police

- 7.7 Concerns are raised regarding the footpath link from the south west of the site to Scott Hall Road. The Cul-de-sac is usually considered to be one of the most secure

forms of housing layout, as only residents would be expected to be there, and any unfamiliar persons would stand out. However, there is evidence to suggest that where the head of a cul-de-sac has a footpath link leading elsewhere, incidences of crime increase, as these links give anonymity to anyone walking through the development, and potential criminals could walk through unchallenged.

- 7.8 As the development is proposed in part to provide bungalow accommodation for vulnerable residents, ideally the footpath link should be removed altogether. However, as the link is a public right of way it is accepted that this is unlikely, and therefore if it is to remain, it should as wide as possible with boundary treatments carefully designed so as not to create 'tunnel' effect. The existing motorcycle barriers should remain. In addition, care must be taken when designing boundary treatments to the bungalows to prevent the creation of a step allowing access to the roofs.

Access Officer

- 7.9 No objections. Confirmation is requested on a number of matters, including footpath gradients and widths. Confirmation and clarification of these matters has now been received.

Metro

- 7.10 Residential Metro cards for residents are suggested.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

- 8.2 The site is unallocated in the Leeds UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations

GP7 – Planning Obligations

H4 – New housing

H11 – Affordable housing provision

N2-N4 – Provision of greenspace

N12 – Urban design

N13 – Design and new buildings

N25 – Design of boundary treatments

BD5 – New buildings and amenity

T2 – Highway safety

T5 – Access for pedestrians and cyclists

T6 – Access for disabled people and those with mobility problems

T24 – Parking

LD1 – Landscaping

Relevant supplementary guidance

- 8.2 The following supplementary planning guidance (SPGs) and supplementary planning documents (SPDs) are relevant to the consideration of the proposals:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds

Government Planning Policy Guidance/Statements

- 8.3 The following national policy and guidance is relevant to the consideration of the application:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity and landscaping
3. Residential amenity
4. Highways and access
5. Crime
6. Section 106
7. Other issues

10.0 APPRAISAL

Principle of development

- 10.1 Whilst the site is vacant at present, it has formerly been occupied by housing which has been demolished within the last 10 years, and some new development has now taken place in the northern part of the site. In view of this, it is considered that the site constitutes previously developed land. The site is located close to public transport links along Scott Hall Road to the city centre, and it is considered that the principle of redeveloping the site for residential use is acceptable, provided that it would not detract from the character and appearance of the area, the amenities of nearby residents or from highway safety.
- 10.2 Concerns regarding the loss of an open space in the area which is accessible and safer for younger children to access and play on than the other playing fields to the north of the site and on the opposite side of Scott Hall Road to the west are noted. Whilst sympathetic to these concerns, it is noted that whereas the two other open spaces referred to are both designated as Greenspace in the UDP, the application site itself is not, and therefore it is not considered that refusal of the application on the grounds of the loss of this space for such purposes could be justified. Following further discussions with local residents and Ward Members, the proposals have now been revised to include an area of public open space on the site. It is therefore considered that the proposed development strikes a balance between providing much needed affordable housing in the area and retaining an area of greenspace which contributes to the visual appearance of the area as well as providing an amenity for local residents and their children.
- 10.3 In terms of the long term maintenance and management of the proposed public open space, the area is too small to be considered for adoption by Leeds City Council and therefore responsibility for this would lie with the developer/owner of the site. A condition is recommended in the event that the application is approved to require details of a scheme for the laying out of the public open space and its long-term maintenance and management, to ensure that appropriate measures are put in place to ensure that this area is properly managed. It is also recommended that the condition also includes a requirement for a timetable for the carrying out of the works to be provided, to ensure that the public open space is provided within an appropriate timescale.

Visual amenity and landscaping

- 10.4 Prior to the Panel meeting in November, a number of revisions to the scheme had already taken place to address officers' and residents' concerns regarding the density of the development, the detailed design of the dwellings, and the proposed boundary treatments and landscaping.
- 10.5 The revised plans have been discussed with the design and landscape officers, who have advised that changes made would greatly improve the scheme, and that they now have no objections to the proposed development. It is considered that the proposals as revised would better reflect the design and character of surrounding dwellings, and that the layout takes the opportunities to maximise surveillance within the site and alongside the public footpath in the south west, and provide more active frontages alongside the access drive whilst maintaining the privacy of the rear gardens adjacent to this access.
- 10.6 Following the public meeting in January, the scheme has been further amended to delete 5 of the houses along the site frontage and provide an area of public open space in their place. The design of the remaining two 2½ storey houses has also been revised to remove the dormer windows from the front elevation and replace them with rooflights.
- 10.7 It is considered that the addition of an area of public open space along the front of the site would have benefits in terms of providing a visual break in development along the Scott Hall Grove frontage, with landscaping both along the site frontage and along the rear boundaries of the houses within the rear part of the site to provide screening and soften their appearance. It is also considered that the removal of the dormers from the front elevation of the two remaining 2½ storey properties would help to further reduce the impact of these buildings within the streetscene.
- 10.8 Whilst concerns raised by local residents regarding the removal of trees from the site are noted, a number of the trees proposed for removal are either tall poplars of limited amenity value, or are smaller non-mature trees. An indicative plan showing the planting of a larger number of trees within the gardens of the proposed dwellings and along the site frontage, and on balance it is not considered that refusal of the application on these grounds could be justified.
- 10.9 In view of the above, and the revisions which have been made to the scheme, it is considered that the proposed development is acceptable, and would not detract from the character and appearance of the streetscene or the wider area. Conditions are recommended requiring materials, boundary treatment and landscaping details to be submitted and approved, to ensure that these are appropriate to the character of the area.

Residential amenity

- 10.10 Local residents' concerns regarding the impact of the proposed development on the amenities of neighbouring residents are noted. Following concerns regarding the density of the site layout, revisions were made to reduce the number of dwellings and, provide greater separation between properties and from site boundaries. The bungalows in the rear part of the site would be between 15 and 17 metres from the rear elevations of the two storey properties on Scott Hall Road to the rear, and in view of this level of separation and the single storey nature of these proposed properties, it is not considered that any significant increase in overlooking, overshadowing or overdominance would result. It is considered that the separation

distances between existing and proposed dwellings would be appropriate, and that, subject to conditions requiring details of landscaping and boundary treatments to ensure that these are sensitively designed to provide appropriate screening of the proposed dwellings and their gardens, on balance refusal of the application on these grounds could not be justified.

- 10.11 Concerns regarding overlooking from the proposed 2½ storey properties along the site frontage are noted. Two of these buildings have now been deleted from the scheme, and the two which remain have been redesigned to remove the proposed dormers in the front elevation and replace them with rooflights. Whilst it is noted that residents would still have views out of the rooflights, these would be less direct than would be the case with dormers. In addition, it is noted that even at their closest point, the proposed dwellings would be 24m from the front elevation of the properties opposite, which is in excess of the recommended separation distance in Neighbourhoods for Living. On balance therefore, it is considered that in the light of the revisions which have been received, any increase in overlooking would be marginal and insufficient to warrant refusal.
- 10.12 Revisions have also previously been made to the plans to reduce the number of dwellings and revise the layout to ensure that all properties had an appropriate level of amenity space. According to the submitted plans, all proposed dwellings now have a rear garden depth of at least 10.5m, in accordance with the guidance in Neighbourhoods for Living, with the exception of the bungalows in the rear part of the site, whose gardens are approximately 9.5m deep on average. In view of the smaller size of these properties and the fact that they are wider than others within the site, it is considered on balance that their garden areas are acceptable and that refusal on these grounds could not be justified. In addition, the majority of the plots the garden areas proposed now exceed the 2/3 of floor space recommended in Neighbourhoods for Living. Whilst there are still a couple of plots where the garden sizes would fall below this, it is considered that given the relatively small number of plots in which this is the case and the relatively minor shortfall (around 5-7%) refusal of the application on this basis could not be justified. It is therefore considered that the proposed development is now acceptable in this respect, particularly as it is now also proposed to include an area of public open space within the site.
- 10.13 In view of the above, it is considered on balance that the proposed development would provide appropriate levels of amenity space and separation for properties within the site, and would not detract from the amenities of neighbouring residents as a result of overlooking, overshadowing or overdominance. It is therefore considered that the proposed development is acceptable in this respect. However, in view of the density of the development and the size of some of the gardens proposed, which in some cases do fall very close to the threshold level suggested in Neighbourhoods for Living, it is considered that the erection of extensions and outbuildings could have the potential to impact on neighbours within and surrounding the development. It is therefore recommended that permitted development rights for extensions and outbuildings are removed as a condition of any approval.

Highways

- 10.14 Concerns regarding parking and highway safety are noted. Revised plans have been received reducing the number of dwellings proposed on the site and therefore the amount of parking required. At least one parking space is proposed for all of the two bedroom properties, and two spaces each for all of the 3 or 4 bedroom houses, leading to a total of 37 spaces for the 24 houses proposed. The highways officer has advised that on the basis of the revised plans received, they feel that the site

layout and the amount of parking proposed are acceptable, and that they do not feel that refusal of the application on these grounds could be justified. Conditions are recommended.

- 10.15 Concerns have been raised by a resident regarding the proposed removal of the 'turning circles' at the ends of the existing roadway which remains within the site, and that this would mean that vehicles, including emergency vehicles such as fire engines, would not be able to access parts of the site. The highways officer has raised no concerns in this respect, and the roadway has been designed to ensure that adequate access and turning is provided within the site. It is therefore not considered that refusal of the application on these grounds could be justified.

Crime

- 10.16 Concerns regarding the potential for increased crime and antisocial behaviour, and the West Yorkshire Police Architectural Liaison Officer's concerns regarding the existing footpath link in the southwestern corner of the site are noted. The path provides a public right of way through to Scott Hall Road to the west, part of which is outside the control of the applicant, and therefore it is intended to retain the footpath as part of the scheme. In the light of this, it is considered that the most appropriate solution is to ensure that any risk of crime or antisocial behaviour in this area is minimised as far as is possible. To this end, the layout of the proposed development has been revised to include two storey properties on either side of the footpath link and to provide primary windows in the elevation of these properties which face the footpath, in order to improve the level of surveillance of this area. The area at the entrance to the footpath has also been kept more open and free of buildings, restricting obstructions to the surveillance of this area and providing a less enclosed and less forbidding area of footpath. Boundary treatments alongside the footpath are also likely to be important in this respect, in order to maximise surveillance and prevent a 'tunnel' effect for users of the footpath. A condition regarding boundary treatment details is recommended to ensure that these are appropriately designed. On balance, and subject to a condition to this effect, it is considered that the scheme incorporates measures to minimise the risk of crime as far as possible, and that refusal of the application on these grounds would be difficult to justify.

Section 106 Agreement

- 10.17 A draft Section 106 Agreement has been provided with the application to ensure that the proposed dwellings remain affordable. The proposed development exceeds the threshold at which a contribution towards greenspace provision/enhancement is required, and a small area of public open space is proposed in the northern part of the site. Whilst this may fall short of what would be required under the provisions of the UDP and the Greenspace SPG, the scheme is for 100% affordable housing and falls within the criteria set out in the agreed report to Executive Board on the 13th February 2009 which agreed to waive Greenspace requirements for schemes of this nature. Whilst the decision was due to be reviewed earlier this year and has not, to date, been reviewed, this policy is still being implemented and it has been agreed that no greenspace contribution will be required for the proposed development. The proposal to include some greenspace on the site is therefore considered acceptable in the light of this. A condition requiring details of the laying out, landscaping and future maintenance and management of this space is recommended as part of any permission.
- 10.18 The proposed development falls below the thresholds for public transport contributions and Travel Plans, and therefore these are not required.

10.19 In terms of the Section 106 Agreement, on 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) necessary to make the development acceptable in planning terms

Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) directly related to the development; and

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

(iii) fairly and reasonably related in scale and kind to the development

Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.20 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer relate to the provision of affordable housing on the site. In this particular case all of the dwellings are proposed to be affordable units, rather than just a proportion as would usually be required. However, in the absence of a Section 106 Agreement in this respect, there would be no obligation for the developer to provide any affordable housing and the development would therefore be contrary to policies GP7 and H11 of the UDP.

10.21 Officers are of the view that its provision is necessary to make the development acceptable in planning terms. The proposed obligation is physically and functionally related to the development site and the level of provision offered is considered to be fairly and reasonably related to the proposed development.

Other issues

10.22 Concerns that insufficient consultation has taken place with residents in drawing up the proposals is noted. Whilst resident engagement is encouraged as part of pre-application discussions, this is not something that the local planning authority can insist upon. The application has been publicised by the Council in accordance with its Statement of Community Involvement, and residents' concerns regarding aspects of the design, layout and density of the proposed development have been taken into account in discussions during the application and in formulating revised plans, which seek to address some of these concerns. In addition, a public meeting has been held with residents during the course of the application, and revised plans submitted in the light of the concerns raised during the meeting. Residents have been re-notified following the receipt of revised plans therefore it is considered that the local planning authority has undertaken an appropriate level of consultation with local residents during the course of the application.

10.23 Concerns regarding noise, traffic, dust and mud during construction are noted. Conditions requiring a construction management method statement (including details of access to the site by construction vehicles, measures to prevent mud on roads, details of provision of parking for contractors within the site) and details of measures for preventing dust during construction are recommended as part of any approval.

- 10.24 It has been suggested by some residents that a development of housing solely for elderly residents would be more suitable for the site, however it is not for the Council to consider whether alternative schemes may or may not be more appropriate, but to determine the application for development as submitted. The application has therefore been considered on this basis.
- 10.25 Concerns regarding the vetting of tenants for the proposed dwellings and the impact of the proposed development on house prices are not material planning considerations and can be given little weight in the determination of this application.

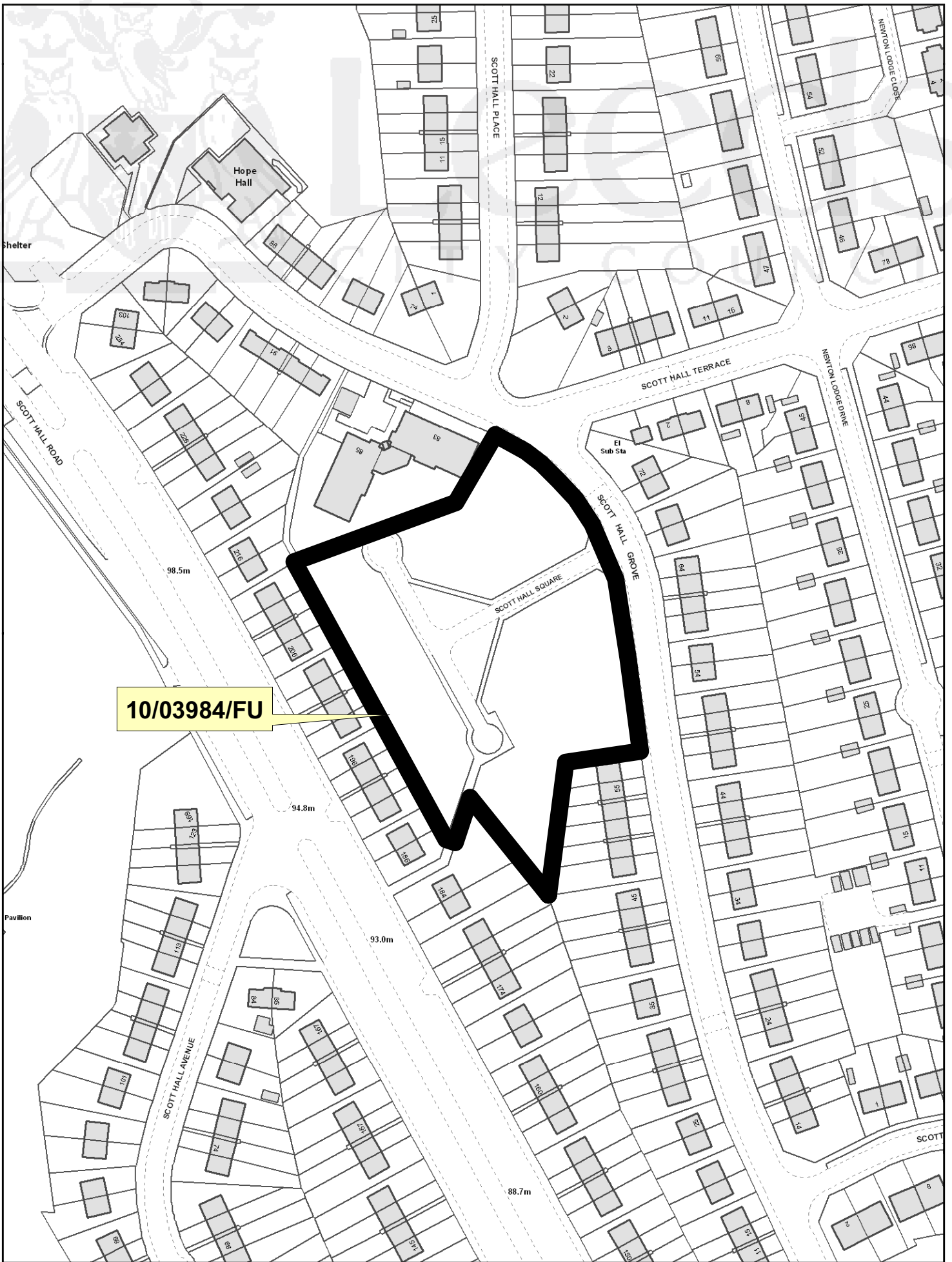
11.0 CONCLUSION

- 11.1 On balance, and following the receipt of revised plans addressing residents' and officers' concerns regarding the design and layout of the proposed scheme, and the provision of public open space on the site, it is considered that the proposed development would not detract from the character and appearance of the area, from the amenities of neighbouring residents or from highway safety in the locality, and on balance it is considered that the proposals are acceptable. It is therefore recommended that the application be approved.

Background Papers:

Application file 10/03984/FU

Certificate of Ownership: Notice served on Leeds City Council and Certificate B signed.



10/03984/FU

EAST PLANS PANEL

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Originator: Andrew Crates

Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th March 2011

Subject: Planning application 10/04815/FU – Part single, part two-storey retail store, with car parking, to former garage/petrol filling station site at 700-702 King Lane, Moortown, Leeds, LS17 7AW.

APPLICANT

Burgess Group PLC – Mr S
Roberts

DATE VALID

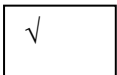
22nd October 2010

TARGET DATE

17th December 2010

Electoral Wards Affected:

Alwoodley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. 3 year time limit on permission.
2. Development to be carried out in accordance with the approved plans.
3. Demolition to be carried out in accordance with Bat survey.
4. Samples of walling and roofing materials to be submitted.
5. Samples of surfacing materials to be submitted.
6. Details of fencing and/or walls to be provided.
7. Area to be used by vehicles to be laid out.
8. Provision of off site highway works including re-instatement of footways, Traffic Regulations Orders and a zebra crossing to King Lane.
9. Signing of ingress and egress.
10. Service and car park management plan to be submitted and agreed.
11. Details of bollards to be erected along the northern boundary between the back edge of the footway and No. 704 King Lane to be submitted.
12. No external storage.
13. Details of storage and disposal of litter to be provided.
14. Preservation of existing trees and other vegetation.
15. Protection of existing trees and other vegetation.

16. Tree protection in relation to excavations.
17. No remediation to be carried out until a survey of White Clawed Crayfish has been carried out and a method statement prepared, if appropriate.
18. Demolition to only take place between 07:30 and 18:30 on weekdays and 09:00 and 13:00 on Saturdays, with no operations on Sundays or Bank Holidays.
19. Details of fixed plant and sound attenuation measures to be agreed.
20. Opening hours restricted to 07:00 – 23:00 on weekdays and Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays.
21. Delivery hours restricted to 07:30 – 19:00 on weekdays and Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays (including refuse collection).
22. Details of extract ventilation systems to be submitted.
23. Installation and operation of air conditioning.
24. Provision of a grease trap.
25. No lighting fitment to be visible from nearby properties.
26. Details of foundations to be agreed following consultation with Yorkshire Water.
27. Finished floor level to be at least 0.6m above the embankment level of the watercourse.
28. No trees to be planted or structures erected within 9m of the watercourse without consent from the Local Planning Authority.
29. Details of the treatment of the watercourse to be approved.
30. Balancing flows to achieve a minimum 30% reduction of existing peak flow rates.
31. Details of on-site storage provided for additional run-off from storm events up to the 1 in 100 year + climate change to be agreed.
32. Details for dealing with surface water discharges to be agreed.
33. No piped discharges shall take place until the surface water drainage works are approved.
34. Submission of remediation strategies to demonstrate that the site is suitable for use.
35. Procedure for dealing with unexpected contamination.
36. Submission of a verification report on completion of the works.
37. Submission of verification report to demonstrate no detrimental impact on the environment.

Full details of the wording of the conditions to be delegated to the Chief Planning Officer, including any amendments as considered necessary.

Reason for approval: It is considered that the principle of development of a retail unit in this location is acceptable. Whilst the proposals are finely balanced in highways terms, it is considered that subject to the implementation of the proposed highway works, the scheme is acceptable. The design and scale of the building is appropriate to its location. The application is considered to comply with policies GP5, T2, T5, T6, T24, N12, N13, N38B, N49, N51, S8, S9, BD3, BD5 and BD7 of the UDP Review.

1.0 INTRODUCTION:

- 1.1 The application is brought before Plans Panel at the request of Cllr Peter Harrand (Alwoodley Ward). Cllr Harrand's initial concern related to the access and egress of traffic using King Lane, volumes of traffic, conflict between service and customer's vehicles and the potential for on-street parking on King Lane. Cllr Harrand also considered that a S106 agreement must be in place before the application is approved. However, further to the submission of revised plans, Cllr Harrand now supports the application.
- 1.2 This planning application is a re-submission, following the withdrawal of a previous scheme (planning application 10/01566/FU) which proposed the erection of a retail store with car parking to the former garage/petrol filling station site.

2.0 PROPOSAL:

- 2.1 The application proposes a part single, part two-storey retail store, with car parking, to former garage/petrol filling station site.
- 2.2 The existing buildings on the site are to be demolished and the site cleared. The proposed building is to measure 34.6m (max depth) x 14.6m (max width) x 12m (max height to eaves). The form of the building is essentially a reverse 'L' shape. The front of the building, facing King Lane, is two-storey and has a scale and form similar to a detached house. The remaining larger part of the building is set back approximately 6.5m from the front elevation.
- 2.3 In terms of the use of materials, it is proposed that the front projection be faced with rustic bricks at ground-floor level and stone coloured render at first-floor, separated by a stone band course. The shop fronts to the west and north elevations are to be glazed, set within aluminium powder coated shop fronts and painted white. The remainder of the building is to be faced with rustic bricks and the roof is to be finished with clay pantiles.
- 2.4 Internally, the front projection of the building will include customer circulation and retail sales space at ground-floor level and staff facilities at the first-floor level. The remainder of the building is all on one level and includes the main retail sales area and goods storage space. The gross internal sales area equates to 277.86sqm.
- 2.5 Externally, the front of the site is to be hard surfaced and includes entry and exit points, a pedestrian island, 12 car parking spaces including one disabled car parking space and cycle stands. To the south side of the building an access path is proposed to allow for goods deliveries together with access to the first-floor staff facilities.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a former garage/petrol filling station site. It is apparent that the buildings have not been in use for some period of time and have a somewhat dilapidated appearance. The existing buildings contain a two-storey element with first-floor accommodation whilst the remainder is commercial height single-storey accommodation commensurate with the former use. The site frontage is hard surfaced, albeit in a poor state of repair. The eastern portion of the site comprises a mixture of hardstanding and grassed area. The eastern and southern boundaries contain a mixture of mature and semi-mature trees and other vegetation. The southern boundary of the site is also adjacent to a beck which flows westwards, into Adel Beck and ultimately on into Meanwood Beck.
- 3.2 The site is located just outside the southern end of a parade of shops which is spread along King Lane, either side of the junction with The Avenue. The units immediately to the north of the site are contained within two-storey buildings of early C20th appearance. The units to the north of the junction with The Avenue are contained within a three-storey block of mid C20th appearance. The remaining area to the east of King Lane is otherwise predominantly residential in character comprising detached and semi-detached properties of mid to late C20th appearance. Beyond the beck adjacent to the southern boundary is a three-storey flats development of late C20th appearance. The area to the west of King Lane contains a significant area of public greenspace with some areas of woodland.

4.0 RELEVANT PLANNING HISTORY:

- 10/01566/FU – Erection of a retail store with car parking to the former garage/petrol filling station site – Withdrawn.
- 06/03311/OT - Outline application for residential development with car parking – Approved.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The first planning application (10/01566/FU) proposed the erection of a retail store with car parking, but was later withdrawn. Following pre-application discussions in relation to highways and design matters, the current revised application was submitted. However, Highways Officers still had concerns with the submitted proposals and following negotiations, the scheme has evolved further.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 3 site notices have been displayed, posted 12th November 2010.

6.2 One letter of representation has been received from Cllr Peter Harrand (Alwoodley Ward) stating concern about the access and egress of traffic using King Lane, volumes of traffic, conflict between service and customer's vehicles and the potential for on-street parking on King Lane. It is also considered that a S106 agreement must be in place before the application is approved. Further to this initial letter, Cllr Harrand has had sight of the revised plans and now supports the application, as amended. Cllr Harrand has also requested consideration of a condition to erect bollards along the northern site boundary in order to prevent drivers from rat-running in front of the parade.

6.3 One letter of representation has been received from Alwoodley Parish Council stating that:

- Details of the application have been made available via their website and the responses from parishioners have been mainly supportive of the scheme. However, it is noted that there are some reservations.
- Reference is made to some factual inaccuracies in the submission, including references to premises which no longer exist and where name changes have occurred.
- Observations about the numbers of unoccupied car parking spaces are also questioned. It is also queried whether there are one or two disabled parking spaces and whether there are 12 or 14 car parking spaces in total. A condition is requested to ensure that two disabled parking spaces are provided and to confirm the amount of overall parking.
- The applicant's statement that there is a reasonable amount of parking nearby, including on-street provision is questioned and it is also noted that permission has been given for a restaurant a few doors away which will alter the demand for parking.
- The Parish Council is concerned about entry and exit to and from the site associated with the amount and layout of car parking. Particular concern is raised in relation to how the site can be satisfactorily serviced with the arrangements proposed, without resulting in a loss of car parking, reducing visibility and forcing customers to park on street. It is also noted that visibility is reduced when the bus

stop is occupied by buses. Questions are also asked as to how the route of servicing vehicles, which are to come from a northerly direction, can be policed.

- Concern is expressed that the proposed ATM machine could exacerbate congestion, particularly if drivers park poorly.
- In general terms, it is suggested that a one way system for the parade south of The Avenue may help to improve traffic flow.
- It is noted that no local enhancements are included as part of the scheme and it is suggested that works to the playground to the west of King Lane may constitute planning gain.

6.4 Two letters of representation have been received from local residents, stating concern about:

- The lack of any pre-application consultation.
- The already difficult parking situation associated with the shopping parade. It is felt that car parking proposals vastly under-estimate the likely increase in car parking demand and it is suggested that the surveys undertaken are inaccurate.
- It is considered that the junction of King Lane and The Avenue is very busy and is often difficult to negotiate when there are stationary buses at the stop close to the application site, due to reduced visibility. This reduced visibility will be hazardous to southbound drivers and those exiting the proposed car park. It is stated that a traffic survey should be carried out to ascertain the effect of the proposals on traffic flow.
- The sustainability credentials of the site are questioned as to why 14 car parking spaces are proposed when the supporting information stresses the significance of encouraging public transport use. It is also considered that this contradicts other areas of the submission where it is claimed that the use will attract local people and school children who are likely to arrive on foot.
- Concern is also raised on the effects that increased competition will have in the neighbouring shopping parades. Whilst it is claimed that 15 jobs will be created, consideration should be given to the jobs that may be lost from other businesses nearby.
- Concern is also raised about the gathering of youths outside the existing buildings and adjacent greenspace. It is considered that this will get worse with the opening of a late opening shop. It is questioned whether the Police have been consulted.
- Concern is expressed about the number and timing of deliveries and what impact the resulting noise and disturbance might have on nearby residents.
- It is acknowledged that drainage improvements have been made at King Lane bridge, although it is noted that flooding can occur outside the application site following heavy rainfall. It is therefore considered that a Flood Risk Assessment is necessary.

6.5 Two letters of representation have been received from local residents stating support for the proposals on the following basis:

- The proposals will enhance the local shopping facilities and provide a greater range of goods.
- It is also felt that the scheme will benefit many local residents who are unable to drive to supermarkets further afield.
- It is considered that the proposed car parking and servicing arrangements are acceptable and would be no more of a problem than if the site were developed for flats. It is felt that considerable congestion is caused by the neighbouring Blackmoor Court flats and on-street parking causes a hazard.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Environment Agency: - No objections, subject to the imposition of a condition in relation to land remediation.

7.2 Non-statutory:

Contaminated Land: - No objection, subject to the imposition of conditions to deal with land remediation.

Yorkshire Water: - No objection, subject to the building foundations being agreed in writing.

Neighbourhoods and Housing: - No objections, subject to the imposition of conditions to control hours of demolition and construction, store opening hours and delivery hours, bin storage, details of extract systems and lighting.

Highways: - The proposals are finely balanced and whilst there are concerns about the practicalities of the proposed shared car parking and servicing arrangement, it is considered the revised proposals are, on balance, acceptable, subject to the imposition of conditions and off-site highway works including Traffic Regulation Orders and a new Zebra crossing.

Land Drainage: - No objections. A comprehensive Flood Risk Assessment has been carried out and the conclusions and recommendations are considered acceptable. Conditions are recommended.

Police Architectural Liaison Officer: - No objections. It would be expected that the operator would manage any specific issues. Advice is provided on the siting of ATM machines and protection for glazing.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is unallocated in the UDP. However, the following UDP policies are relevant to the consideration of the application.

Policy GP5: Requires general planning considerations to be resolved as part of the application.

Policy T2: Relates to the provision of adequate access arrangements.

Policy T5: Adequate facilities for pedestrian/cycle users required as part of new development.

Policy T6: Disabled access and provision should be provided in new developments.

Policy T24: Parking requirements for new development.
 Policy N12: Sets out the fundamental priorities for urban design.
 Policy N13: Requires the design of new buildings to be of high quality.
 Policy N38B: Requires the submission of Flood Risk Assessments where appropriate.
 Policy N49: Seeks to safeguard wildlife and habitat resources.
 Policy N51: Seeks to enhance existing wildlife habitats.
 Policy S8: Seeks to maintain and enhance neighbourhood shopping areas.
 Policy S9: Refers to retail development outside defined S1 and S2 centres.
 Policy BD3: Requires new public buildings to make suitable provision for disabled people.
 Policy BD5: Requires new buildings to be designed with consideration given to both their own amenity and that of their surroundings.
 Policy BD7: Refers to shopfront design.

- 8.3 National Planning Guidance:
 PPS1 – Delivering Sustainable Development
 PPS4 – Planning for Sustainable Economic Growth
 PPG13 – Transport
 PPS25 – Development and Flood Risk

9.0 MAIN ISSUES

Principle of the development
 Highway considerations
 Visual amenity considerations
 Residential amenity
 Flood Risk
 Biodiversity
 Other matters

Principle of the development

- 9.1 The application site is previously developed land, located at the end of a parade of shops in a local shopping area. The two parades along King Lane, to the north and south of The Avenue do not comprise a defined town or local centre in the UDP Review. However, the well established collection of shops clearly performs the function of serving the immediate residential area.
- 9.2 UDP Policy S8 seeks to maintain and enhance viable neighbourhood shopping areas, including environmental improvements. UDP Policy S9 states that small retail developments outside of the defined S1 and S2 centres will not normally be permitted unless the type of development cannot be accommodated within existing S1, S2 or local centres, it will not undermine the vitality or viability of existing centres, it addresses qualitative and/or quantitative need, it is readily accessible to those without private transport and does not entail the use of land designated for housing or key employment sites, Green Belt or open countryside.
- 9.3 From a development plan policy perspective, in relation to Policy S8, whilst the proposals are for a new retail unit, this will mean the improvement of a currently derelict site and therefore the proposals will enhance the visual amenity and attractiveness of this local centre. In relation to Policy S9, the scale and intended use is for a small day to day needs retail use within a local centre. The application is accompanied by a supporting statement to demonstrate how the proposals comply with Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth. The statement sets out that the nearest significant shopping destinations are Moor Allerton District Centre (which includes a large supermarket, garden and DIY centre, electrical and other specialist shops) and Harrogate Road at the junction with

Sandhill Mount (which includes a petrol station and a parade of convenience stores). The report considers that both centres are outside the walking distance for the purposes of day to day convenience shopping. The report further considers that the existing mix of shops within the local centre would not be adversely affected, but would rather act as a catalyst to improve the retail offer and put less emphasis on the need to travel by car to larger units in other centres. Accordingly, it is agreed that the proposals would not undermine the vitality and viability of other centres. It is also considered that the proposals would improve the quality of local shopping facilities in a location which is readily accessible to those without private transport. The site is unallocated in the UDP Review and will therefore not conflict with other land use objectives or designations.

- 9.4 Overall, it is therefore considered that the proposals comply with UDP Policies S8 and S9, as well as the guidance contained within PPS4. In light of this, it is considered that the principle of retail development on this site is acceptable in principle.

Highway considerations

- 9.5 Highways Officers have carefully considered the revised scheme and have subsequently liaised with colleagues in the Traffic Management section and Accident Studies Unit. Overall, Highways Officers consider that the proposals are finely balanced as there are still doubts about the practicalities of a shared parking/servicing arrangement and the effect of servicing on the already limited on-site car parking provisions. However, it is considered that the revised layout has improved the segregation between pedestrians and service vehicles and the introduction of a raised footway between the entry/exit point should prevent drivers from reversing onto King Lane from car parking bays 1 - 6.
- 9.6 Consideration has also been given to whether the introduction of footway/pedestrian improvements and traffic management measures along King Lane in the vicinity of the site would help to mitigate the servicing and parking concerns. Highways Officers feel that there would be merit in introducing a new zebra crossing on King Lane to the south of the site (thus encouraging local journeys on foot), and extending the existing waiting restrictions beyond the site (also to the south) to deter overspill on-street parking, including the possibility of a loading ban to prevent on-street servicing. These works have been suggested to the applicant and initial indications suggest that they would be willing to provide for such works which would be secured through planning conditions and a S278 agreement.
- 9.7 It is noted that the existing pedestrian environment in the vicinity of the site consists of a long dropped footway crossing that merges into the forecourt and extends across the adjacent access and the bridge to the south. It is therefore considered essential that the pedestrian areas are also properly defined and footway levels are restored where dropped crossings are no longer appropriate. The extent of the required footway works should consider the length between the bus shelter (to the north) and the bridge (to the south). Other widening/adjustment works may also be required to the footways on either side of King Lane (to the south) that would feed in to the new zebra crossing. A Service/Car Park Management Plan would also need to be agreed and implemented at the site.
- 9.8 With regard to other matters raised in the letters of representation, it is confirmed that the proposals contains 12 car parking spaces, one of which is to be marked out as a disabled space. The provision of one disabled space is considered acceptable given the relatively small scale of the development. Whilst Highways Officers consider the proposed layout to be acceptable, Cllr Harrand has requested that Members consider a condition requiring the erection of bollards along the northern boundary of the site

(from a point at the rear of the footway to a point level with the front elevation of No. 704 King Lane (Chris Bell Associates). In terms of traffic flow, this would prevent drivers using the space in front of the parade as a rat run to cut out the junction between The Avenue and King Lane. Such a condition has been included in the suggested conditions at the start of this report. The issue of poor parking by customers is ultimately a matter for management of the store to monitor and deal with as appropriate.

- 9.9 It is further considered that the site is in a relatively sustainable location, given its intended use as a store catering for day to day retail needs. It is therefore reasonable to expect many customers to arrive on foot, although where car drivers do park on site, their visits are likely to be for relatively brief periods of time. In conclusion, subject to the funding of a package of off-site highway works, comprising traffic management measures and pedestrian improvements, it is considered that the revised proposals will not have any detrimental impact of the safe and free flow use of the local highway network.

Visual amenity considerations

- 9.10 The site is currently occupied by redundant buildings associated with the former garage use, which now appear to have fallen into some disrepair. It is considered that these buildings are not of any particular merit and in their current condition, significantly detract from the rest of the King Lane street-scene.
- 9.11 The proposed design has altered significantly since the proposal considered in planning application 10/01566/FU was considered. The original design was for a very functional building that was rectangular in plan form and essentially having the appearance of a warehouse. This design was criticised for its lack articulation and consideration for the local context. Accordingly, following negotiations with Design Officers, the revised design submitted in this application is a reverse 'L' shape, allowing for the two storey front projection to penetrate further forward into the street-scene. It is considered that this design draws the eye to the two-storey form, which is more akin to a dwelling and more in keeping with the form and height of the adjacent shop units. The bulk of the retail store is otherwise hidden away at the back of the site and is out of general view.
- 9.12 In terms of external areas, the front of the site contains the car parking areas and access points. Unfortunately, given the relatively small size of the site, there is no space for additional soft landscaping or tree planting along the King Lane frontage. Instead, the frontage will be more a continuation of the hard surfacing that already exists in front of the parade of shops. The site does however benefit from a number of trees to the southern boundary (adjacent to the beck) and the eastern end of the site. These trees are all to be retained and conditions are suggested to ensure their protection and longer term survival.
- 9.13 Overall, it is considered that the proposal will provide a visual improvement to the character and appearance of the local shopping centre and this stretch of King Lane, without having any detrimental impact on the existing trees.

Residential amenity

- 9.14 The application site is set within the context of a local shopping centre, although it is noted that there are some flats above nearby shop units. A flats development, Blackmoor Court, exists beyond the southern boundary of the site, to the south of the beck.
- 9.15 There is no scope for overlooking from any of the proposed fenestration in the new

building. However, retail units do have the potential to cause noise and disturbance to nearby occupiers by vehicle noise, deliveries and the comings and goings associated with visiting customers. Following consultation with Environmental Health Officers, it is suggested that opening hours of the store are restricted to 07:00 hours to 23:00 hours Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank Holidays. Delivery hours to the store should be restricted to 07:30 hours to 19:00 hours Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank Holidays. Conditions are also suggested to require details of extract ventilation systems and air conditioning units to ensure that there is no noise nuisance, as well as requiring the provision of a grease trap and a restriction on lighting.

- 9.16 With regard to the demolition and construction phases, Environmental Health Officers also suggest a condition to ensure that no works take place before 07:30 hours on weekdays and 09:00 hours on Saturdays, nor after 18:30 hours on weekdays and 13:00 hours on Saturdays. No works should take place on Sundays or Bank Holidays.
- 9.17 Overall, it is considered that the proposed building and use will have no detrimental impact on the residential amenity currently enjoyed by nearby occupiers. Further, conditions can be used to ensure that noise nuisance is controlled and within reasonable parameters during the demolition and construction phases.

Flood Risk

- 9.18 A comprehensive Flood Risk Assessment (FRA) was undertaken for the site following consultation with the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Section. The conclusions and recommendations of the FRA are considered to be acceptable and therefore the surface water drainage proposal for the development should be carried out in accordance with these recommendations. It is noted that the beck adjacent to the southern boundary of the site crosses King Lane in a culvert and there is a grid upstream of this culvert which is maintained by the Council. Drainage Officers advise that if, for whatever reason, surface water cannot be discharged to the public sewer which traverses the southern boundary of the site (parallel and north of the beck), then surface water discharges to the highway culvert must be restricted to greenfield rates of runoff. Conditions are otherwise suggested to require the submission of drainage details.
- 9.19 The applicant has engaged in dialogue with Yorkshire Water with regard to the proposed building encroaching within the 3m stand-off distance to a public sewer that crosses the site. Yorkshire Water have no objections to the proposals provided that suitable foundation details are submitted which show no additional load being transmitted onto the public sewer. It is suggested that this matter is also dealt with by condition.
- 9.20 Overall, it is considered that the site can be re-developed and make appropriate provision for land drainage without contributing to flooding problems locally or downstream.

Biodiversity

- 9.21 A Bat survey for the existing buildings was submitted with the application and has been considered by the Council's Nature Conservation Officer to be acceptable. No evidence of Bats was found and overall the buildings were assessed as having limited Bat roost potential. The timing and method of demolition should therefore be carried out in accordance with the good practice and timing recommendations made in the report.

- 9.22 The remediation of contamination on the site will require some work to the watercourse. Residual Diesel Range Organics (DROs) compounds, copper and zinc are present in the adjacent beck and it is proposed to raise nutrient levels in the silt to increase the rate of biodegradation with bi-weekly monitoring of both silt and water samples. White Clawed Crayfish have been recorded in Meanwood Beck, of which this beck is a tributary. If White Clawed Crayfish are present, any impact would be temporary in nature and, in the long term, is likely to be beneficial as contamination is removed.
- 9.23 The protection and retention of trees along the southern and eastern boundaries of the site is considered to assist in preserving the biodiversity and habitat potential of the site and surrounding area.
- 9.24 Overall, it is considered that the proposals will have no detrimental impact on protected species and the proposed remediation is likely to improve local habitat potential.

Other matters

- 9.25 Further to Cllr Harrand's initial comments, given the small scale and nature of the proposed development, no S106 agreement is required.
- 9.26 One of the letters of objection expresses concern about the lack of any pre-application consultation. It is unknown what, if any, consultation the developer undertook prior to submitting the planning application. Whilst pre-application consultation is always encouraged, the scale of this proposal falls below the threshold where community engagement would need to be demonstrated, in accordance with the Council's adopted Statement of Community Involvement. However, the City Council has correctly advertised the application in accordance with the requirements of the Town and Country Planning (General Development Procedure) Order 1995, as amended.
- 9.27 The letters of representation express concern about the effects that increased competition would have on other businesses in the neighbouring parades. Essentially, commercial competition is not a planning matter and therefore cannot be considered as part of the decision making process. However, it is worth bearing in mind that the application is supported by a statement in respect of PPS4 which asserts that the proposed use will fulfil day to day retail needs not catered for currently and that the scheme will not undermine the vitality or viability of other nearby centres.
- 9.28 One letter of representation also expresses concern about gatherings and criminal behaviour that may occur as a result of the development, particularly due to the lateness of the proposed opening hours (23:00hours on weekdays and Saturdays and 16:00 on Sundays and Bank Holidays). The West Yorkshire Police Architectural Liaison Officer has been consulted on the application and has advised that there is no material difference in circumstance between the proposed development and the existing parade of units. Accordingly, it would be expected that the applicant would manage any issues that may arise and involve the Police as necessary.

10.0 CONCLUSION

- 10.1 In conclusion, it is considered that the principle of development of a retail unit within this local centre is acceptable. Whilst the proposals are finely balanced in highways terms, it is considered that subject to the implementation of the proposed highway works, the scheme is acceptable. It is considered that the revised design submitted in this application is a significant improvement to that proposed in the previously withdrawn application. Accordingly, an unsightly derelict site will be replaced with an attractive and appropriately sited building that will relate well to its local context.

Further, it is considered that the proposals will have no detrimental impact on residential amenity, will not increase flood risk and will preserve and potentially enhance biodiversity. Overall, it is therefore considered that the proposal is acceptable and the application is therefore recommended for approval.

Background Papers:

Application file: 10/01566/FU

Application file: 06/03311/OT

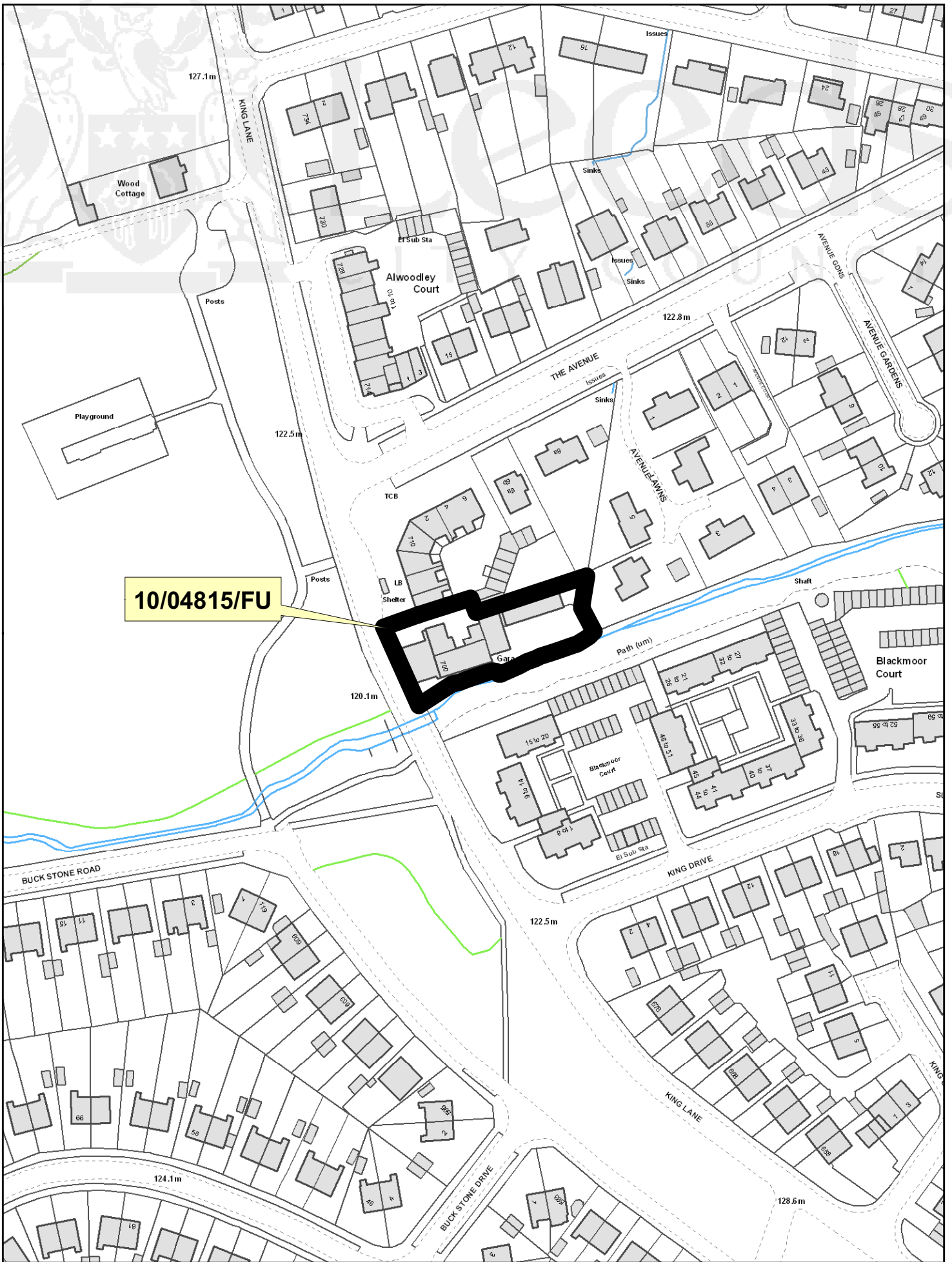
Certificate of ownership:

Notices Served:

Chris Bell Financial Services Ltd, 704 King Lane, Moortown, Leeds

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EAST PLANS PANEL

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Originator: Martha Hughes

Tel: 0113 395 1378

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17 March 2011

Subject: APPLICATION 10/05745/LA Erection of replacement visitor centre with erection of detached bandstand and associated landscaping works at Middleton Park, Town Street, Middleton

APPLICANT

Leeds City Council
City Development

DATE VALID

25.01.11

TARGET DATE

22.03.11

Electoral Wards Affected:

Middleton Park



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions;

1. Time limit (3 years)
2. Development in accordance with approved plans
3. Existing and proposed levels details to be submitted and agreed in writing prior to commencement of development.
4. Details of external walling to be submitted
5. Details of green roof to visitor centre to be submitted and development carried out in accordance with approved details.
6. Notwithstanding the approved plans, the bandstand shall be constructed with a green roof, details of which shall be submitted and approved in writing by the LPA prior to commencement of development.
7. Details of all surfacing materials to be submitted
8. Turning areas shown on drawing B05850L J SD 06 rev A to be provided prior to occupation/ use of the buildings.
9. The vehicular access from the main entrance gate off Town Street, as shown on drawing B05850LJ SD 01A rev A, shall be a minimum of 4.5m wide.

10. Details of cycle parking
11. Details of motorcycle parking
12. The C.C.T.V. details shown on drawing B05850QH/E/008 A shall be provided prior to occupation of the visitor centre, unless otherwise agreed in writing.
13. Full details of all ramps/ level access to the visitor centre and band stand shall be submitted and approved in writing (to include gradients, dimensions of ramps, details of level landings, handrails, contrast nosings etc) and shall be designed in accordance with BS8300:2009 5.8, 5.9, 5.10.
14. Feasibility study should be provided into the use of infiltration drainage methods
15. Porous surfacing should be used where practicable
16. Details of works for dealing with surface water discharge to be submitted and approved
17. No piped discharges of surface water to take place until the approved drainage works have been completed.
18. Opening hours of café/ visitor centre to be restricted to 08.00 to 17.00 daily.
19. Prior to commencement of development a survey shall be provided which includes **all** trees which might be affected by the development of the bandstand, visitor centre and works to the pedestrian entrance to the park off Town Street. The survey shall include potential root zones which might be affected by levels changes, etc as well as any construction works intervention. The survey should be to BS5837 (2005) and supplied information should also calculate future 'root protection areas' accordingly.
20. Prior to commencement of development a construction method statement shall be submitted to demonstrate that the works will not affect the trees within the vicinity of the visitor centre, band stand and historical pedestrian entrance off Town Street.
21. Prior to commencement of development details of measures for the protection of existing trees shall be submitted and approved in writing by the LPA.
22. Should any trees require removal due to the development hereby approved, a detailed replacement landscape and maintenance scheme shall be submitted.
23. Prior to commencement of development details of features within the visitor centre suitable for roosting bats shall be submitted and agreed in writing and development carried out in accordance with approved details. In the interests of biodiversity enhancement.

Reason for approval

It is considered that the proposed visitor and education centre and bandstand are acceptable as they relate to the recreational function of the park and therefore the proposals do not conflict with the aims of Green Belt policy. On balance the design and siting of the proposed visitor centre and bandstand as well as the works to the entrances of the park are considered acceptable and it is considered that these works within the Green Belt do not conflict with the requirements of policies N1 and N33 of the UDP Review 2006 or national guidance contained within PPG2.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel as it is a Local Authority application to carry out works within the Green Belt and is a departure from adopted planning policy. The application proposes a new visitor centre to replace an existing visitor centre at Middleton Park together with a band stand and alterations to the main access gate off Town Street and pedestrian access gate.
- 1.2 The proposal replaces an existing visitor centre (no longer in use as a visitor centre) with an enlarged, modernized facility including education area and cafe. It is considered that the proposal will provide improved facilities for visitors to the park

and that the development is acceptable within the green belt as it relates to the function of the park itself. The application is therefore recommended for approval.

2.0 PROPOSAL:

- 2.1 The proposal is to provide a replacement visitor/ education centre and café as well as a band stand at the park together with alterations to the main entrance to the park and the historic/ pedestrian entrance both off Town Street, Middleton. The existing visitor centre is some 81 sq.m in floorspace and it is understood it is now used as an office base for Parks staff. The proposed visitor centre and the bandstand combined will have a floor area of approx 173 sq.m.
- 2.2 The visitor centre is proposed to be open between 08.30am and 3.30pm Monday to Friday and between 9am – 3pm at weekends and Bank holidays.
- 2.3 The visitor centre will also house a new office base and contact point for the Estate Officer and Parks and Countryside Officers as well as partner agencies.
- 2.4 The proposed design for both buildings is contemporary in appearance with a mixture of glazing, brick and timber for the visitor centre. Both structures are proposed to have bio diverse green roofs consisting of a structural deck, vapour control layer, thermal insulation, waterproofing membrane, drainage and protection layer, 65mm growing medium, and a planting layer of sedum.
- 2.5 The proposal also includes additional stone pillars to the main entrance to the park off Town Street opposite the junction with St Philips Avenue to provide new vehicular and pedestrian gates as well as alterations to the pedestrian access further to the west of Town Street opposite 261 Town Street.

3.0 SITE AND SURROUNDINGS:

- 3.1 Middleton Park is a 630 acre park situated in a built up urban area of south Leeds. The existing facilities and features of the park include ancient woodland and a designated nature reserve, a golf course, tennis courts, bowling green and recreational areas.
- 3.2 The site of the proposed visitor centre and band stand are on the site of the existing visitor centre and close to the former 'Lakeside Cottages' which is to the north of the bowling green and tennis courts and situated immediately to the east of the boating lake.
- 3.3 There is an existing 40 space car park to the south of the site and further parking in the car park immediately next to the main entrance to the park off Town Street.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 22/204/92 Detached visitor information centre. Approved 26.11.1992
- 4.2 There have been cottages known as 'Lakeside cottages' located in close proximity to the site of the bandstand which once provided a café facility. These cottages were demolished some time ago.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No negotiations have taken place.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices posted 04.02.11 and expired 25.02.11.
- 6.2 Leeds Civic Trust have commented on the application stating that they greatly welcome and strongly support this application which, when it is carried to fruition will greatly enhance Middleton Park in order to attract more visitors. They do raise two reservations regarding the application;
1. It is hoped that the café will remain open until at least 4pm on weekdays and that it will be fully open at weekends as the existence of a café is a substantial attraction to potential visitors especially at the weekends.
 2. Concerns raised over removal of oak trees, if it proves impossible to save them then replacement trees should be planted in suitable locations.
- 6.3 In relation to the Civic Trust comments regarding the café usage attracting visitors to the park, there are no concerns regarding longer opening hours and therefore a condition is recommended that the centre opening hours are between 08.00 to 17.00 and it will therefore be down to the applicant and the operational requirements to decide on the hours of use between these times.
- 6.4 The tree survey submitted with the application refers to removal of oak trees; however these trees are not affected by the development proposal. It is considered that the tree survey is out-of-date and does not fully relate to the development proposed. An updated survey has been received relating to the trees in the vicinity of the development proposals, whilst this does not contain sufficient detail to ensure the trees around the site of the proposed visitor centre and bandstand will not be affected, the applicant's intention is not to remove any trees and therefore conditions are recommended as set out in the appraisal of the report which should ensure the retention of these trees.

7.0 CONSULTATIONS RESPONSES:

- Highways
- 7.1 Parking information/ survey results have been provided to assess capacity within the existing car park to deal with any additional visitors to the new facilities. The car parking survey does not detail peak use demand on Saturdays and the Sunday survey was on the 13th February which had moderate rain fall all day. However, there is approximately 75% additional occupancy in the car park for the additional peak car parking demand which is on balance acceptable for the proposals. The applicant has also stated that additional parking for events can be accommodated on adjacent grass areas to the car park.
- 7.2 In relation to the main gate entrance from Town Street, Highways advise that a 4.5m vehicular access is required and the plans are unclear as the 4.5m width includes the gate structure. Therefore a condition should be placed on the application for a clear width of 4.5m excluding the gate. Details of motorcycle parking and cycle parking provision are also required via condition.
- 7.3 Yorkshire Water
The applicant has confirmed that surface water will be to soakaway and not to the public sewer, with foul water to existing building's private drainage system. This is satisfactory to Yorkshire Water and therefore no comments are required.

7.4 Land drainage

There are no public sewers in the vicinity but private drainage exists for foul water disposal from existing building. Nevertheless it is expected that a septic tank or appropriate proprietary foul disposal system would be included for the foul runoff from the visitor centre. Approval would be required for the overflow from the proprietary foul disposal system to the nearby watercourse or fishing lake. Disposal of roof water by infiltration is considered the best method however infiltration test results with consequent soak away design would be required and the soak away should be designed in accordance with the requirements of the council's Minimum Development Control Standards. Conditions are recommended.

7.5 Environmental Health – no adverse comments

7.6 Public Rights of Way - A permissive bridleway abuts the site to the east of the existing visitor centre. No objections to the proposed erection of the visitor centre as the bridleway does not appear to be affected in any way.

Architectural Liaison Officer

7.7 The Architectural Liaison Officer has spoken with the local crime prevention officer and the Neighbourhood policing team and has raised concerns regarding the application and future security of the visitor centre.

7.8 The proposed site for the visitor centre is very remote and isolated with no formal or natural surveillance outside of the centre's opening hours and outside daylight hours. Concerns are therefore raised regarding the security of the building and bandstand. Aluminium is proposed for the bandstand roof which is a valuable metal and could become a target for thieves. Glazing in the visitor centre could be a target for vandals and thieves. The Oak Brise Soliel would not afford protection to the glass in the same manner that a full roller shutter would and could potentially offer a ladder for those intent on climbing. The external hydraulic arm on the Brise Soliel would be vulnerable to attack. The louvered aluminium ventilation or louvers external doors on the plant room are not sufficiently robust for this location. Sufficient regard has not been considered in respect of historic crime levels in the location and security.

7.9 The buildings need to be designed in an appropriate manner to resist such problems; this would need to include protection for external doors and windows, the use of suitable materials and the provision of defensible space by the establishment of a robust perimeter with monitored C.C.T.V. and a public address system. Such a perimeter could be of railing construction and need not appear 'industrial' and could be reinforced by suitable planting.

Nature Conservation Officer

7.10 The nature conservation Officer has requested that a bat survey is provided as the site is within a wooded area and the proposal includes demolition of the existing building which offers potential for bat roosting features. A survey has been requested from the applicant. Notwithstanding the results of any bat survey the new building should incorporate features suitable for roosting bats as a biodiversity enhancement. This is supported by UDP policy N51 and PPS9.

7.11 The nature conservation officer also recommends that consideration is given to the use of a green roof to the bandstand which would help to assimilate the building with its parkland setting. The applicant has agreed to amend the scheme to incorporate a green roof.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance Note 2: Green Belt

GP5: General criteria for development.

N1: Greenspace.

N8: Urban Green Corridor.

N12: priorities for urban design

N13: design & new buildings - requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N28: Historic parks and gardens on the English Heritage Register will be afforded protection from any development which would materially harm their historic interest.

N32: Green Belt.

N33: Development within the Green Belt.

N39: Protection of wildlife and habitat resources

N51: Enhancement of wildlife habitats

T2: Highway considerations

T24: Parking requirements

LD1: Landscaping schemes

9.0 MAIN ISSUES

1. Principle
2. Highways
3. Landscape
4. Design
5. Security issues

10.0 APPRAISAL

1. Principle

- 10.1 The application site is designated Greenspace by policy N1 of the Unitary Development Plan Review (2006) and is within the Green Belt as designated by policy N32. There is a presumption against inappropriate development in the Green Belt, as set out in PPG2 and Policy N33 of the UDP Review (2006) allows only for the development of uses compatible with Green Belt purposes unless very special circumstances can be demonstrated. Policy N1 of the UDP Review (2006) advises that development of land identified as Greenspace will not be permitted for purposes other than outdoor recreation unless the need in the locality for Greenspace is already met and a suitable alternative site is identified.
- 10.2 One of the aims of green belt policy set out in PPG2 is to provide opportunities for outdoor sport and outdoor recreation in urban areas. PPG2 advises that the construction of new development in the Green Belt is inappropriate unless it is for the purposes specified in PPG2, one of which is essential facilities for outdoor sport and

outdoor recreation. In relation to essential facilities, para. 3.5 of PPG2 advises that they should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Examples of such facilities include small changing rooms and unobtrusive spectator accommodation or stables.

- 10.3 Whilst the proposed visitor centre does not fall under one of the examples of essential facilities set out in PPG2, it is considered that the erection of a visitor/ education centre including park offices and café will not conflict with the purpose of including the land within the Green Belt as it is an associated use to the Park which is an appropriate use in the Green Belt. The visitor centre and bandstand will enhance the recreational use of the park. The building will replace an existing visitor centre albeit with improved facilities and therefore an enlarged building. The bandstand together with the visitor centre will be some 173 sq.m and this is 92 sq.m larger than the existing visitor centre alone. Whilst this is a notable increase in size it is considered that the bandstand is a separate feature of the park and whilst this will be an additional structure in the green belt, it will provide an additional facility in this popular part of the park which will add to the recreational function of the park. The visitor centre itself is also larger than the existing building however the new visitor centre will house a 89 sq.m café and learning space and kitchen area, which will be a new facility and will take advantage of its location overlooking the boating lake. The building will also house toilets, a bin store and store area for park equipment together with a 20sq.m office area.
- 10.4 The size of the building is considered acceptable in relation to the uses it will house. The bandstand itself is proposed to be located on an open area at present, which was previously occupied by the 'Lakeside cottages'. It is considered that it is appropriate to locate the bandstand close by to the visitor centre and café in order to provide increased surveillance and to benefit from linked activities in the park.
- 10.5 On balance, it is considered that the proposal will not impact significantly on the openness of the Green Belt and does not conflict with the purposes of including the land within the Green Belt. It is also considered that there is a justifiable need for the buildings in connection with activities within the park. It is therefore considered that the proposal relates to an appropriate use within the Green Belt and is therefore not considered to conflict with guidance contained in PPG2 and UDP Review (2006) policy N33 – Development in the Green Belt, and is not contrary to the provisions of policy N1 – Greenspace, as the development relates to the function of the park itself.

2. Highways

- 10.6 A parking survey has now been provided of the existing car park closest to the visitor centre and whilst this does not include a Saturday it shows that the maximum current use of the 40 space car park on the days surveyed (Sunday to Thursday) still provides a significant level of available capacity and therefore Highways have advised that there are no objections to the proposal. In terms of the alterations to the access gates from Town Street a condition is required to ensure that this maintains a width of 4.5m excluding entrance structures.

3. Landscape

- 10.7 An update to the tree survey submitted with the application has been received. This is not of sufficient detail to ensure that the works will not impact on not only the mature oak tree (T1) and mature sycamore tree (T5) in the immediate vicinity of the visitor centre which are considered to be the most important trees, but also a group of sycamores and mixed conifer trees (G7 and G8) to the north of the proposed bandstand. A condition is therefore required that a fully comprehensive survey is

submitted prior to commencement of development which includes all trees which might be affected. This includes identifying potential root zones which might be affected by levels changes, etc. as well as any construction works intervention. Surveys should be to BS5837 (2005) and supplied information should also calculate future 'root protection areas' accordingly in order for adequate protection to be in place during construction.

- 10.8 Should it not be possible to retain the sycamore trees to the north of the bandstand, it is considered that a landscape scheme will be required and a condition is recommended.
- 10.9 As stated above in section 6 in relation to the comments of the Civic Trust, the tree survey originally submitted with the application referred to potential removal of oak trees to the south of the lake. The survey is not dated but refers to the creation of a new play area. This tree survey does not relate to the application site for the visitor centre and is not accurate. The updated tree survey received in March 2011 identifies T1 and T5 to the west of the proposed visitor centre as well as the groups of trees to the north of the proposed bandstand. No trees are identified for removal in the updated tree survey.

4. Design

- 10.10 The proposed single storey visitor centre and the bandstand are both contemporary in appearance. The Design Officer has commented that this is a traditional municipal park and a traditional brick, timber and slated structure might have been a more responsive approach. Nevertheless, the advice from the Design Officer is that it is a small scale intervention in a parkland setting with little or no built context; as such it can perhaps establish its own presence as time evolves.
- 10.11 Whilst this design solution is not of a traditional appearance to the park, there are no buildings in close proximity to establish a built context and therefore it is considered that the visitor centre and band stand will form a modern facility within the park establishing its own context. The orientation and significant amount of glazing to the café frontage of the visitor centre are responsive to the lakeside setting offering views of the lake. The sides and rear elevation of the visitor centre are brick with green oak timber fascia board cladding. The building replaces a brick built single storey visitor centre. The timber cladding and the green roof are considered to be responsive to the park setting. Hydraulic timber shutters are integrated into the design of the building which will be open whilst the building is in use forming a canopy and will act as security shutters when the building is closed. Notwithstanding the submitted plans, the applicant also now proposes a green roof to the bandstand which is considered to be a positive amendment given the setting of the structure.
- 10.12 The applicant advises that the proposal is designed to reflect the curves of the Boating lake in the fronts of both the visitor centre and the bandstand. The curved front of the visitor centre mirrors the lake. The bandstand axis is set up at right angles to a tangent from the lake end to the centre point of the visitor centre setting out.
- 10.13 The application also involves minor works to the entrances to the park, to the pedestrian and vehicular access gates and these works are considered to maintain the character of the historic boundaries and are appropriate proposals within the relevant sections of Town Street.

5. Security

- 10.14 In response to concerns raised by the Police Architectural Liaison officer regarding the security of the visitor centre, the applicant has referred to an example of another

building which uses the timber hydraulic shutter system proposed. This has been used at the National Wildlife Centre in Knowsley and has been in place for the last ten years. The Police Architectural Liaison Officer has however noted additional security measures in place at the wildlife centre and therefore security measures at the visitor centre in Middleton Park have been discussed in detail.

- 10.15 Further alterations to the scheme are proposed in response to discussion with the Architectural Liaison Officer. The control arms of the movable shutters will be moved to beneath the shutters to ensure they are protected from vandalism when the shutters are closed. The glass throughout the visitor centre will be safety glass. The doors to the rear elevation (eastern) of the visitor centre have been amended to remove the louvers originally proposed which were considered susceptible to damage and steel doors are now proposed with a timber cladding. The applicant also advises that C.C.T.V. will be in place within the visitor centre and this will be added as a condition of the planning permission. Furthermore, the building will not be used for the storage of ride on lawn mowers, no computer equipment will be kept on site overnight and the proposal for an interactive whiteboard has been omitted from the scheme, no cash will be kept on site overnight.
- 10.16 The Police Architectural Liaison Officer has suggested fencing around the Visitor Centre to create a secure boundary and allow for the provision of external C.C.T.V., however the applicant advises that this was included as part of the Stage 1 application to the Heritage Lottery Fund (HLF). HLF objected strongly to this and in order to secure the project funding the agreed scheme omitted fencing and generally adopted a less bunker like appearance. The applicant advises that the grant award, or part of it, could be placed at risk if heavy physical security were re-introduced. HLF referred the applicant to other schemes they have funded in challenging environments, such as Birkenhead Park, where the level of vandalism has been dramatically reduced through a community engagement approach. The HLF monitor has advised that Birkenhead Park was completed 4 years ago and its new Visitor Centre (complete with white wash walls and significant areas of glass) has yet to be targeted by vandals.
- 10.17 Leeds Parks and Countryside have already appointed a dedicated Estate Officer for Middleton Park who will be coordinating and managing community engagement projects to promote ownership of the facilities among local people which is partly intended to mitigate security risks to the buildings and landscape. The Estate Officer's role will include managing community engagement work to include the following;
- Creating partnerships with local communities and user groups particularly targeting social inclusion issues and to encourage under represented community groups to visit the Park.
 - To promote and develop the Middleton Park Visitor and Education centre.
 - Consult and engage with community groups about the format and benefits of the Middleton Park initiative in regard to green space provision, accessibility, connectivity and health & well-being.
- 10.18 In addition the works will be procured using the Yorbuild framework which includes a requirement to provide jobs and skills benefits for local people during the construction phase. Parks and Countryside regard this particular HLF funded capital project as only the first stage in a longer term transformation of Middleton Park and are committed to extending jobs and skills benefits beyond the period of this particular capital project.

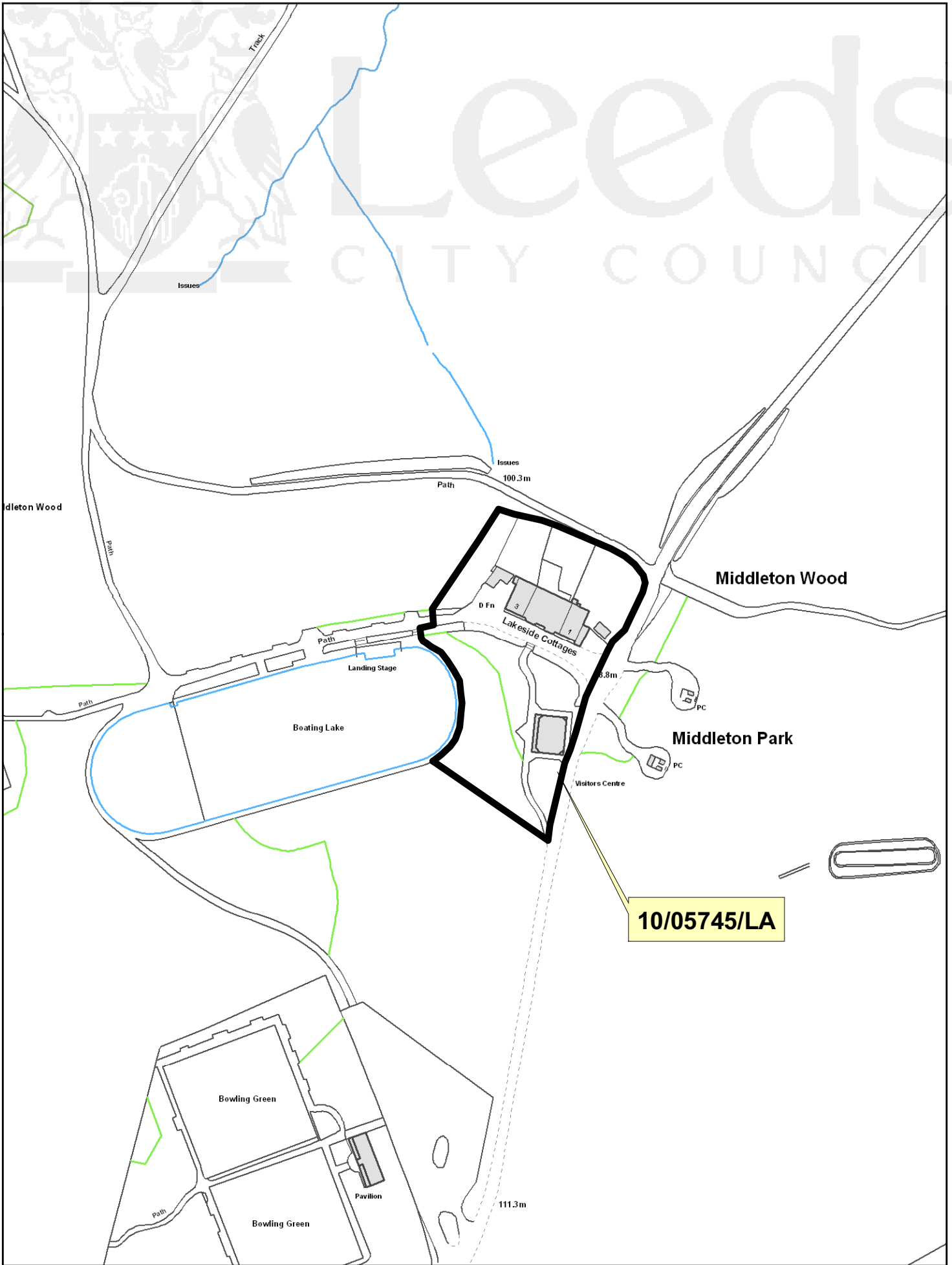
10.19 Whilst no perimeter secure boundary is proposed around the visitor centre building which has been advocated by the Police Architectural Liaison Officer, the above commitment to community engagement and the design features of the building which have been amended in response to discussion with the Police ALO are considered to provide a reasonable package of security measures which do not conflict with the funding requirements of the Heritage Lottery Fund. As such, the level of security proposed as part of the application is considered acceptable.

11.0 CONCLUSION

11. This application proposes a community facility within the park to replace a smaller existing visitor centre. It is considered that the principle of the development is acceptable as it is for recreational purposes and therefore does not conflict with the aims of green belt policy. On balance the design and siting of the proposed visitor centre and bandstand are considered acceptable subject the detailed conditions set out at the start of the report. The works to the entrances of the park are also considered acceptable and the application is recommended for approval.

Background Papers:

Certificate of Ownership – certificate A signed by applicant on behalf of Leeds City Council



EAST PLANS PANEL

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