



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Remote on
Thursday, 27th August, 2020
at 1.30 pm**

MEMBERSHIP

Councillors

B Anderson
K Brooks
C Campbell
C Gruen (Chair)
S Hamilton
J Heselwood
D Ragan
J Shemilt
P Wray
R Finnigan

Note to observers of the meeting:

To remotely observe this meeting, please click on the link below. This will take you to the Leeds City Council's YouTube channel, and the meeting can be viewed live from there.

<https://www.youtube.com/playlist?list=PLggQFjpTLgplgAcWdE9UNwAaDYRCjTMWS>

**Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 37 88665**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

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3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 23 JULY 2020</p> <p>To confirm as a correct record, the minutes of the South and West Plans Panel held on 23 July 2020.</p>	7 - 14
7			<p>MATTERS ARISING FROM THE MINUTES</p>	
8	Calverley and Farsley		<p>APPLICATION 20/00903/OT - LAND TO THE REAR OF OWLCOTES ROAD, PUDSEY.</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for a residential development, with means of access at Land to the rear of Owlcotes Road, Pudsey</p>	15 - 30
9	Armley		<p>APPLICATION 20/01735/FU – 68 BILLINGBAUK DRIVE, LEEDS, LS13 4RX</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for Change of use from C3 (dwelling house) to C2 (residential institution) at 68 Billingbauk Drive, Leeds, LS13 4RX</p>	31 - 42
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 17 September 2020 at 1.30 p.m.</p>	

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

SOUTH AND WEST PLANS PANEL

THURSDAY, 23RD JULY, 2020

PRESENT: Councillor C Gruen in the Chair

Councillors K Brooks, C Campbell,
S Hamilton, J Heselwood, D Ragan,
J Shemilt, P Wray and R. Stephenson

10 Appeals Against Refusal of Inspection of Documents

There were no appeals.

11 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

12 Late Items

There were no late items.

13 Declarations of Disclosable Pecuniary Interests

There were no declarations.

Councillor Campbell advised the Panel that he had previously objected to Agenda Item 9, Application 19/06632/FU – Land at CT Cars Garage adjacent to Highfield Stables, Carlton Lane, Guiseley, LS20 9PE and would be taking no part in the discussion or voting on this application.

14 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Barry Anderson. Councillor Ryan Stephenson was in attendance as substitute.

15 Minutes- 4 June 2020

RESOLVED – That the minutes of the meeting held on 4 June 2020 be confirmed as a correct record.

16 Application 18/04343/RM - LAND TO THE EAST OF OTLEY ROAD, ADEL, LEEDS, LS16 8FE

The report of the Chief Planning Officer presented a reserved matters application for a residential development at Church Lane, Adel.

The application had been considered at the previous meeting of the Panel when it had been deferred to return for consideration focusing on the following matters, on which the applicant had been requested by Panel to provide further consideration of and / or information on:

- A bespoke gate way type house. That more reflects other older existing properties along the road.
- Further detailing to the proposed properties and clearer detail to be shown on revised CGI's
- Prove that regardless of the mix of sustainability/energy efficiency methods all properties achieve the same overall standard.
- Roofscape needs more detailing principally by employing chimneys particularly at key focal points.
- 4 Bed affordable homes need to be provided to ensure policy compliance.

There had also been a position statement on the application presented at the Panel meeting in September 2019 when Members had undertaken a site visit.

Site plans and photographs were displayed and referred to throughout the presentation and discussion of the application.

Members were informed of a late submission made with regard to trees on the site. The submission requested that further consideration be given to the matter of trees as there was a group of trees to be removed which had not been proposed for removal at the outline stage. Further explanation was given by the lead Planning Officer as to the status and category of the trees to be removed in response to the submission, but with the Chair reminding Members that the matter had returned to Panel for consideration to be given to the five matters noted.

Further information highlighted in relation to the application by the case Planning Officer included the following:

- The layout of the scheme had not changed. Land would still be reserved for the school and the pumping station would be sited at the northern boundary.
- Images of the surrounding areas in Adel were displayed showing the different kinds of materials and features used in house design. The site would have four separate character areas with materials and design that reflected the surrounding areas. There would be areas that contained houses of red brick and render, an area with mixed brick and render and an area with reconstituted stone.
- Details of the proposed property at the entrance to the site – this had been changed to red brick with render to match the nearby properties on Otley Road.
- Images were shown to demonstrate the changes and improvements to the proposed streetscene since the initial application.
- Policies EN1 and EN2 were not attached to the outline application and did not have to be complied with. The proposals however did comply

with these policies and went beyond the requirement. The proposals in relation to EN1 would see a 23% reduction in carbon dioxide and this would be achieved by the addition of solar panels to 35 plots. The requirement for low carbon energy in the development of the site would be 10.3% which was slightly above the requirement of 10%. In terms of EN2 there would be usage of water of 97 litres per person per day which was below the requirement of 110 litres per day.

- There was no policy requirement for the affordable housing element to provide 4 bedroom houses.
- Following the publication of the Agenda, there had been further objections from Local Ward Councillors and the Adel Neighbourhood Forum. These included the following:
 - The house at the entrance to the site was too close to the road and not fitting within the area.
 - It had been requested for all properties to have energy efficiency measures.
 - It was not compliant with affordable housing policy.
 - Felling of high quality trees.
 - Too many houses and small gardens.
 - The design of the properties were not in line with the character of the wider area.
- There had also been a further 17 letters of objection.
- Concern from objectors that the report had been published before the deadline for comments. Due to this it had been felt appropriate to allow objectors to make their representations to the Panel.

A representative of the Adel Neighbourhood Forum addressed the Panel. The following was highlighted:

- Residents had not had their rights to comment on the proposals before consideration by Panel.
- Some trees should not be removed. If houses could not be built due to root protection then the layout should have been redesigned.
- An arboriculture report submitted on the Forum's behalf had not been uploaded to the public portal.
- The house images shown of local houses to compare were not anywhere near the site. Surrounding, existing houses gave no precedent for the architecture adopted on site.
- The property to the entrance should be either removed or moved further back and be made from natural stone.
- The revised designs of properties were not felt to be of a reasonable quality, with the inclusion of 'plastic' and non-functioning chimneys particularly noted.

A local Ward Councillor addressed the Panel. The following was highlighted:

- Officers have a duty to ensure that a well-designed development is brought forward on this site.

- Climate change – 64 of the proposed properties did not have any climate change benefits. When a climate emergency has been declared, more than a small number of proposed properties should have these benefits.
- There is a need for 4 bed affordable housing.
- There was still time for additional comments and a decision should not be made today.
- There still needed to be further meetings with local Councillors and residents to deliver the best scheme for the site, although there was an acceptance that a development of some form did need to come forward on the site.

In response to questions to the speakers, the following was discussed:

- Further concern regarding the removal of trees that had not been scheduled for removal at the time of the outline application.
- The Adel Neighbourhood Forum would be against any decision being delegated to officers. There were a number of issues still to be resolved.
- No specification as to which properties would benefit from solar panels and that the affordable housing should receive solar panels. More information was needed generally regarding what properties would receive what measures to aid energy efficiency.
- The area suffered from excess water flow and the removal of trees would make this situation worse. Replacement trees needed to be of a greater maturity.
- In relation to the gateway property, there were houses on the opposite side of the road. These were made from different materials and were set further back from the road, so the proposed gateway property was very much at odds with the surrounding houses.

The applicant's representative addressed the Panel. The following was highlighted:

- The gatehouse had been redesigned.
- The applicant had listened to the previous concerns regarding design and had responded to these and kept within the character of the wider area, with all the surrounding character areas have been reviewed and reflected in the designs.
- There had been changes to the roofscape with the introduction of chimneys and other design features to properties.
- There was no policy requirement on this application for energy sustainability but the applicant had met new policy requirements and would be happy for a condition relating to this.
- Solar panels would be spread across the private and affordable housing and positioned on the properties that would benefit the most from having solar panels.

- Provision of 4 bedroom affordable housing – there was no requirement to provide this and the applicant had increased the number of 3 bedroom properties following previous concern.
- Further to questions, the following was discussed:
 - Policy did not relate to solar panels but to energy requirements across the site.
 - Following discussion with the affordable housing provider it was reported that it was challenging to deliver 4 bedroom houses due to issues that included rents and costs if there was a shared ownership.
 - All properties met building regulation requirements, as well as requirements under Policy EN1 and Policy EN2 (in fact going beyond these). Other than solar panels there were other energy efficiencies in the way the properties were constructed.
 - There had been public consultation prior to the reserved matters application and meetings with officers and local Ward Councillors. Criticisms of a lack of consultation or discussion were therefore unfounded
 - There had been significant changes to design and it was felt the applicant had amended the plans as far as possible.
 - It was not known at this stage whether solar panels would be offered for sale on properties as on that did not have them.
 - The gatehouse would be used as a show house due to its position and as a feature would bring attention to the new housing.

In response to Members comments and questions, the following was discussed:

- There had been public consultation events and numerous meetings with Adel Neighbourhood Forum and local Ward Councillors since the first application was made. There had been opportunity for everyone to comment on the application.
- Regarding concerns over emergency access, it was reported that the purpose of this was in case of the main access point being blocked and to segregate the site to prevent through traffic.
- Concern that the arboricultural report provided by the Adel Neighbourhood Forum was not published on the public access forum. The report had inadvertently not been published due to the short lead-in time, but the Forum had been given the opportunity to provide comments and information by way of a summary for Members on the points raised therein. Further, site arboriculture was not a matter which Members were minded to address at this Panel meeting.
- The Site Allocation Plan had indicated that the site was suitable for up to 104 dwellings. It was a draft Site Allocation Plan that indicated an allocation of 85 dwellings and this scheme proposed 99 dwellings.
- The developer had been asked to consider providing 4 bedroom affordable housing. However, it was reinforced that there was no policy requirement or condition on the outline permission requiring pro rata affordable housing provision. Steps had been made by the developer

to provide as much affordable housing as possible under feasibility / viability constraints.

- It was acknowledged that the developer had addressed some of the concerns with regards to layout and design improvements. The proposals also exceeded policy requirements for energy efficiency even though it did not apply to this application.
- Solar panels should have been made available for all of the affordable housing.
- The gatehouse should be moved further back, but it was acknowledged that the presence of the gatehouse was important as a 'marker' of the development and to provide natural surveillance to the site overall.
- Concern that the application had been brought back to Panel too early due to the deadlines for comments and further submissions that had been received. Clarification was provided by the case Planning Officer on the dates and deadlines applying to the application.
- This is an allocated housing site with an already outline planning permission which constrains what can be asked of / required from the development. Within the context of the longevity of the application's 'lifetime' and ongoing discussions on all matters, the developer had moved a long way towards improving the scheme and taking Members' points and requests into account.
- Despite the continuing local opposition and concerns, the application is policy compliant. Further delay would not aid or alter Members' position at this point.

RESOLVED – That the application be deferred and delegated to officers following expiry of current consultation subject to the specified conditions:

1. Reserve matters approval
2. Development in line with approved plans
3. Electric vehicle charging points to be provided on every property and retained
4. Climate change measures including location of solar panels to be submitted and approved
5. Finished floor levels to be submitted and approved
6. Details of materials for proposed attenuation tank to be submitted, approved and installation in accordance with the same

17 Application number 19/06632/FU – CT Cars Garage adjacent Highfield Stables, Carlton Lane, Guiseley, LS20 9PE

The report of the Chief Planning Officer presented an application for the demolition of a car storage facility and construction of a dwelling at CT Cars Garage adjacent to Highfield Stables, Carlton Lane, Guiseley, LS20 9PE.

Site plans and photographs were displayed and referred to throughout the presentation and discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application was subject to an appeal for non-determination.
- The application had been referred to Panel at the request of a local Ward Councillor due to detrimental impact on the greenbelt.
- Current buildings on the site were used as car storage and an office.
- The proposed property would have a smaller footprint than the existing buildings. It would be higher than the existing buildings but not significantly. There would be an area for parking to the front.
- This was a brownfield site within the greenbelt. In-fill development was permitted provided there was no further impact caused than there was by the existing development.
- The addition of a dwelling would not be non-compliant with regards to sustainability.
- Members were asked whether they would have granted permission for this application.

In response to Members comments and questions, the following was discussed:

- Access to public transport – the nearest bus stop was nearly 2 kilometres away which was further away than guidance contained within the Core Strategy. The distance to the nearest train station was also further than the guidance contained within the Core Strategy.
- The site had a lawful use for commercial buildings, but this was now an application for a residential building that was proposed. Comment on the previous lawful use was not appropriate, as each planning application must be considered in its own right.
- Advice would be taken as to whether the cess pit would be adequate for a family dwelling.
- The loss of an employment site was not a concern as it was not considered to be employment intensive.
- There would be a decrease in the volume of the buildings on the site. There would also be improvements with the loss of hard standing areas.
- Members considered the proposals to be an improvement on the existing development.

Members were reminded that an appeal against non-determination of the application was to be held. Members were therefore not in a position to (and not being asked to) approve the application but to give an indication as to whether they would have approved it if the application had come before them. If Members indicated that they would have granted permission for the application, the Council would not then defend the appeal and would invite the applicant to consider resubmitting in future if they wished to do so.

A motion was made to move the officer recommendation detailed in the report, this was subsequently and seconded and it was:

RESOLVED – That Members would have been minded to approve the application, if it had been before them for determination, subject to the conditions outlined in the report.

It was further queried that should the applicant withdraw the appeal could the decision be delegated to the Chief Planning Officer for approval.

Following advice from the legal adviser, a motion was made that should the application be re-submitted in its current form then it should be delegated to the Chief Planning Officer for approval. There would also be consultation with local Ward Councillors. This motion was seconded and it was then voted upon by Members such that it was:

RESOLVED – That should the appeal be withdrawn and re-submitted in its current form, the application to be deferred and delegated to the Chief Planning Officer for approval and subject to the conditions outlined in the report.

18 Date and Time of Next Meeting

Thursday, 27 August 2020 at 1.30 p.m.



Originator: Ian Cyhanko
Tel: 0113 3787953

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 27th August 2020

Subject: Planning Application 20/00903/OT

Outline planning application for a residential development, with means of access at Land to the rear of Owlcotes Road, Pudsey.

APPLICANT

Keyland Developments

DATE VALID

17th February 2020

TARGET DATE

Electoral Wards Affected:

Calverley and Farsley

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate) and also the completion of a S106 agreement.

The S106 agreement is to include the following:

- Provision of 15% affordable housing;
- Travel Plan Fund of £550 per dwelling to encourage the use of sustainable travel modes by the future occupiers of the development;
- Travel Plan monitoring fee of £3090;
- Contribution of £96,000 towards Highway improvements at Outer Ring Road junction with the A647 (Dawson's Corner);
- Local Employment Initiatives

In the event the S106 agreement has not been completed within three months of the panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. **Approval of reserved matters (layout, scale, appearance and landscaping)**
2. **Time limit of five years for submission of Reserved Matters**
3. **Approved Plans**
4. **Housing mix**
5. **Up to a maximum 77 dwellings only**
6. **Phasing**
7. **Green space provision**
8. **Space and mobility standards**
9. **Sustainability requirement carbon emission reduction**
11. **Construction management plan to be approved**
12. **Construction time restrictions**
13. **Construction facilities**
14. **Approved Visibility splays**
15. **Maximum access gradient**
16. **Provision of cycle storage**
17. **Maximum driveway gradient**
18. **Provision of EVCP**
19. **Details of waste collection**
21. **Phase II ground investigations**
22. **Remediation Statement**
23. **Remediation Verification**
24. **Testing for any imported soil**
25. **Retention of trees**
26. **Tree Protection**
27. **Feasibility study for the use of infiltration drainage**
28. **Detailed drainage scheme to be approved**
29. **No discharge of foul water until foul drainage scheme approved**
30. **Method Statement for interim temporary drainage during construction**
31. **No construction until measures to protect the public water supply Infrastructure**
32. **The site shall be developed with separate systems of drainage for foul and surface water on and off site.**

1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel given the large scale of the development, the very high level of local interest, at the request of Councillor Carter, who has stated he considered the application needs to be considered by Members in light of the Council's own declared Climate Change Emergency.

2.0 PROPOSAL

- 2.1 The proposal is for outline planning consent with means of access. All other matters are left to be reserved.
- 2.2 An indicative layout has been submitted showing 65 units, although it does not form part of the considerations of this application, as scale (the number of units) does not form part of this outline application, and is left as a reserved matter.
- 2.3 The application is supported by the following documents

- Phase 1 Contaminated Land Survey

- Planning Statement
- Statement of Community Involvement
- Preliminary Ecological Survey
- Transport Assessment
- Travel Plan
- Design and Access Statement
- Flood Risk Assessment
- Tree Survey

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of an irregular shaped area of green field land, which lies on the northern side of Owlcotes Road. The site is approximately 2.23 hectares in size and is currently vacant except for two telecommunication masts, one to the northern boundary on the south eastern side and one to the south-eastern corner. The site is verdant in nature and is covered with well-maintained short grassland.
- 3.2 Suburban styled semi-detached properties lie to the west on Hillfoot Crescent, and to the south (in part) fronting Owlcotes Road. The properties on Owlcotes Gardens lie adjacent to part of the eastern boundary of the site. Adjacent to the site, to the north-east lies a Yorkshire Water covered reservoir which is open and verdant in nature, bound by a high metal fence and trees. Access to the reservoir is currently provided from the eastern corner of the application site. The locality is suburban in character with adjacent properties appeared to have been constructed in the 1950/ 60's. To the north of the site lies open green fields, which are designed as an Urban Green Corridor and other Protected Open Land, through saved UDP polices.
- 3.3 Level change across the site is fairly minimal. There is a gentle slope down from east to west and a total level difference of approximately 7 m. There is an existing access from Owlcotes Road which provides maintenance access to the telecommunication masts and to the reservoir beyond the site to the north. The reservoir adjacent to the site is bound by a metal fence to its perimeter. There is a timber post and rail fence in the south eastern part of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning consent was granted on 23.10.2017, ref (17/02105/OT) for '*Outline application for residential development up to 12 dwellings including access*', for approximately 1/5 of this application site area. This consent has not been implemented.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A pre-application enquiry for this development was submitted on 25th June 2019. (ref PREAPP/19/00318). A response was issued on 29th August 2019. This enquiry was for a larger area of land (when compared to this current proposal) and included land which was outside the housing allocation. The response by the LPA stated the principle of development for housing would only be supported on the area of land designated for housing.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally publicised by 5 site notices which were posted adjacent to the site on 18th February 2020, an advert was placed in the local press on 21st February 2020, letters of notification were sent out to all the contributors of the outline application.

6.2 To date 13 objections have been received from local residents. The points raised in these objections are highlighted below.

- Brownfield land should be developed ahead of greenfield land
- Loss of view, privacy and loss of light to gardens of adjacent properties
- The development is not sustainable development
- Concern over possible contaminated as land was previously a quarry
- Local roads cannot cope with additional traffic
- Traffic calming measures are required on Owlcotes Road
- No additional infrastructure to support this development
- Local schools cannot cope with additional population
- The proposal is totally contrary to the climate change emergency declared by Leeds City Council
- Loss of wildlife and nature
- Indicative plan includes flats, these are not in keeping with the character of the area
- The submitted SCI is false the developers have not engaged with local residents
- Disruption for local residents during the build
- Loss of green space
- No need for development, other many new build schemes nearby
- Indicative layout is poor

6.3 Ward Members Councillors Amanda and Andrew Carter have objected to the application on the following grounds.

- The site is highly visible and adjacent to the historic Owlcotes settlement and is a valuable piece of greenspace. We are opposed in principle to the release of this site.
- The site was proposed to be released by Leeds City Council before the declaration of the climate emergency.
- Adjacent land is known for flooding, no significant attention has been paid by the applicant to the risk of serious increased flooding.
- Impact on infrastructure, health services and schools are at breaking point.
- The council should inspect the site for wells and underground drains
- Indicative layout shows 'cramming' and properties are sited too close to existing properties.
- The indicative layout shows an access road being left open into other open land. Quite clearly the developer has an intention to try and bring this forward at a later date.

6.4 Although within the Calverley and Farsley ward, the site lies adjacent to the ward boundary of Pudsey. Pudsey Ward Members Councillors Seary and Smith have objected to the application on the same grounds as Councillors Carter.

7.0 CONSULTATION RESPONSES:

7.1 Contaminated Land

The proposed land use is sensitive and a Phase 1 Desk Study Report has been produced for the site. It is recommended in the approved Phase 1 Desk Study report that a site investigation be carried out. It would be preferable to receive the Phase 2 site investigation, however this could be subject to planning conditions

7.2 Environmental Studies

No objection, the A647 is situated some distance away

7.3 West Yorkshire Combined Authority

Seeking Contribution to fund bus only Metro Cards for future occupiers

7.4 Travel Wise

The Travel Plan needs to be secured through a S106 agreement along with a monitoring fee of £3090 and a clause of £550 per dwelling to fund Bus only Travel Cards.

7.5 Local Plans

No objection to the proposal, the site is allocated for Housing through the SAP. Have raised queries as to why not all the Site Allocation is not included into the application site.

7.6 Mains Drainage

No objection but recommend five planning conditions.

7.7 West Yorkshire Police

Recommend the detailed design follows NPPF National Planning Policy Framework designing for community safety, Leeds City Council Core Strategy Framework Policy P10, and Secured by design principles. www.securedbydesign.com

7.8 Access

A scheme of 77 dwellings requires 2 dwellings to be built to M4(3) wheelchair adaptable and 23 dwellings to be built to M4(2) accessible and adaptable standard as per Part M Vol 1 of the Building Regulations to meet H10 Accessible Housing. All other units are to meet M4(1) Visitable standard of access.

7.9 Landscape

The Site Constraints in the Design and Access Statement should also include mature trees to all boundaries and the location of dwellings in accordance LCC Guideline Distances from Development to Trees 2011. The Site Led Design Objectives should aim to retain all healthy trees on site. The Tree Survey doesn't seem to include boundary trees to the western perimeter of the reservoir site.

7.10 Nature Conservation

Recommend a wooded belt buffer is provided to open fields which are located to the north to form a network of connected tree/ wooded buffer for bats to continue to forage/ commute along.

7.11 Yorkshire Water

No objections subject to conditions being imposed on the approval which relate to the protection of existing infrastructure, separate systems of drainage and no piped discharge.

7.12 Highways

No objections subject to conditions. The applicant has agreed to a financial contribution of £96,000 towards a highway cumulative impact improvement scheme of development on the Outer Ring Road junction with the A647 (Dawson's Corner).

8.0 **PLANNING POLICIES:**

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

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

Relevant Policies from the Core Strategy are:

SP1	Location of development in main urban areas on previously developed land.
SP6	The Housing Requirement and Allocation of Housing Land
SP7	Distribution of Housing land and Allocations
H2	Housing development on non-allocated sites.
H3	Housing density
H4	Housing mix
H5	Affordable housing
H9	Minimum Spacing Standards
H10	Accessible Housing Standards
P10	High quality design.
P12	Good landscaping.
T2	Accessibility.
G4	Greenspace
G8	Biodiversity improvements.
EN1	Climate Change – Carbon Dioxide Reduction
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk.
EN7	Protection of mineral resources (coal, sand, gravel).
EN8	Electric Vehicle Charging Infrastructure
ID2	Planning obligations and developer contributions.

Relevant Saved Policies from the UDP are:

GP5	General planning considerations
N8	Urban Green Corridor
N11	Other Protected Open Land.
N23	Incidental open space around development.
N24	Landscaping between development and open land
N25	Landscaping
BD5	General amenity issues.
LD1	Landscaping

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

MINERALS3 – Surface Coal resources

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

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

LAND1 – Land contamination to be dealt with.

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

Supplementary Planning Guidance and Documents

8.4 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Street Design Guide SPD
- Parking SPD
- Travel Plans SPD
- Sustainable Construction SPD

National Planning Policy

8.5 The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.6 Relevant paragraphs are highlighted below.

Paragraph 12	Presumption in favour of sustainable development
Paragraph 34	Developer contributions
Paragraph 59	Boosting the Supply of Housing
Paragraph 64	Need for Affordable Housing
Paragraph 91	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 108	Sustainable modes of Transport
Paragraph 110	Priority first to pedestrian and cycle movements
Paragraph 111	Requirement for Transport Assessment
Paragraph 117	Effective use of land
Paragraph 118	Recognition undeveloped land can perform functions
Paragraph 122	Achieving appropriate densities
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design
Paragraph 155	Inappropriate development in areas at risk of flooding should be avoided
Paragraph 163	Planning decisions should not increase flood risk
Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment

9.0 MAIN ISSUES

- Principle of Development
- Climate Change Emergency and Sustainability
- Impact on Trees
- Highways/ Access
- Drainage
- Other issues

10.0 APPRAISAL

Principle of Development

- 10.1 In line with the NPPF, the Local Planning Authority has identified a five year supply of housing and therefore has an up to date Local Plan. Underpinning this is the Site Allocation Plan, which has been scrutinised by the Secretary of State and is the foundation for identifying and releasing housing sites that make up the housing supply for the Development Plan period. The site is allocated for housing through the adopted SAP (ref site HG2-67). This SAP designation only details the cumulative impact of development on the Outer Ring Road junction with the A647 (Dawsons Corner), and the requirement to contribute to measures to mitigate the cumulative impact of this and other allocated sites affecting the junction. This issue is covered later in this report in paragraph 10.24. The proposal is considered to be acceptable in principle, subject to an assessment against all other local planning policies.
- 10.2 This allocated site is not impacted by the recent SAP Judgement AIREBOROUGH NEIGHBOURHOOD DEVELOPMENT FORUM v. LEEDS CITY COUNCIL [2020] EWHC 1461, as the site was not located in the Green Belt, prior to the adaptation of the SAP. Although the principle of development has been identified in the SAP as sustainable and acceptable, the following issues relate to the principle of development and are planning considerations that informed the adoption of the SAP.
- 10.3 Policy SP1 of the Core Strategy seeks to promote the most sustainable forms of development, seeking the development of brownfield land over greenfield, and adopting a hierarchical spatial approach to the location of development which promotes development in urban areas first and rural areas last. Policies SP6 and SP7 set broad targets for the quantum and distribution of housing land throughout the city, and policy H1 commits to the delivery of allocated housing sites.
- 10.4 Policy SP1 does not preclude development within such smaller settlements as long as the scale of growth has regard to the settlement's size, function and sustainability. In this case, the application sites are not considered to be excessively large, which in the context of the wider settlement of Calverley and Farsley, or Pudsey, is not considered to exceed the settlement's size, function and sustainability.
- 10.5 This application is considered to represent an 'in-fill' of part of the wider settlement which forms a logical settlement boundary to in-fill land which lies between the existing dwellings on Hillfoot Crescent and Owlcotes Gardens. The site is, and has been acknowledged through the SAP, as being a sustainable location that sufficiently complies with the Council's Accessibility Standards. During the SAP adoption process, the issue of sustainability was rigorously scrutinized and sustainability appraisals were undertaken. It is deemed to be within a sustainable location within the boundary of the settlement of Calverley and Farsley with suitable access to local services and facilities and public transport, and access to larger neighbouring settlements.

- 10.6 Spatial Policy 6 (ii) does express a preference for brownfield, which this site is not. The 'in-fill' location along Owlcotes Road does mean that proposed housing will not therefore be overly conspicuous from the wider area and the use of an allocated housing site will ensure that the Development Plan is properly implemented so as not to undermine the overarching Green Belt policies that protect areas of land within the wider area. With regard to design (iv), this would be assessed at the Reserve Matters stage. In terms of construction (v) it is understood that the development could be started immediately, once approval for Reserve matters was granted. The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.7 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 3,637 dwellings (7% of the 51,952) within the Outer West area within which the application site lies. This application, if granted, would result in a medium sized housing development in the short to medium term, which would contribute to overall housing delivery across the City.
- 10.8 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations. This is to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and the achievement of a previously development land target of 65% for the first five years and 55% thereafter and the following five criteria:
- i. Location in regeneration areas,
 - ii. Locations which have the best public transport accessibility,
 - iii. Locations with the best accessibility to local services,
 - iv. Locations with least impact on Green Belt objectives,
 - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.9 Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period.
- 10.10 As outlined above, the proposal will have a limited impact upon the wider green infrastructure and the open green land north of the site. This is considered to be the case given the location of the site and the developments main back drop being the residential estates to the east, south and west of the site. It is considered that following the advice received from the Nature Conservation Officer that the development could include a meaningful landscape buffer to the open green land located to the north, which would be secured through planning conditions, to be fully considered at the Reserve Matters stage.
- 10.11 With regard to H1 above, with mitigation measures secured through conditions and a legal agreement, the proposal is not considered to compromise the surrounding green infrastructure, significantly impact upon the wider Green Belt and is sustainable and

accessible. It is also noted, and reiterated here, that these views reflect the adoption of the sites within the SAP.

- 10.12 The application site does not include the entire Housing allocation. Land to the south-west which comprises of Owlcote's Farm, and the covered reservoir located to the north-east. The farm buildings at Owlcotes Farm, are recognised as a non-designated heritage asset within the SAP. These are been retained, and fall outside the application site boundary. Yorkshire Water have confirmed that the adjacent reservoir is operational is not available for development. It is not considered the fact these two separate areas of land are not included into the application site prejudices the objectives of the Housing allocation.

Climate Change Emergency and Sustainability

- 10.13 Leeds City Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 10.14 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications. The applicant has recognised the Council's position in relation to reducing the carbon emissions and any proposal will be subject to conditions, ensuring that the proposal is compliant with Core Strategy policies EN1, EN2 and EN8. Such conditions, are also complemented with the proposal's provision of new landscaping (including a landscape buffer to the adjacent open green land, which lies to the north of the site). The above commitments will result in considerable benefits in respect of climate change matters. All trees on the site are to be retained and this issue is covered later in this report in paragraph 10.19.
- 10.15 The Site Allocation Plan was formally adopted on the 10th of July 2019. This application site was not previously designated as Green Belt in the UDP but was UDPR (2006) Policy N11 Rural Land. As part of the examination process, the Inspectors considered whether the Council's site selection process was sound. Paragraph 109 of their report refers to their conclusion:
- The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.*
- 10.16 The Inspector therefore found the site HG2-67 as one of the best and most sustainable choices for development within the Outer West HMCA to meet the area's housing need. As part of the SAP process each site is scored on its sustainability, through a Sustainability Appraisal (SA). With the SA the site scored positively in sustainability terms for key indicators including SA3 (Education), SA4 (Health), SA15 (Transport network) and SA16 (local needs met locally). The SA is scored on 22 topics and only scored negatively on 2 topics, SA11 (Greenfield/ Brownfield) and SA21 (Impact on the Historic Environment).
- 10.17 The application site also scored highly in the SA when considered against the SA scores of the other sites that are allocated within the SAP and Outer West Area. The

site scored 5/5 for highways accessibility. The SAP Infrastructure background paper defines:

- Accessibility to public transport - rank of 5/5 as it 'Meets Core Strategy accessibility standards with good footway network and walking distance of local services'.
- Highway Access - rank of 5/5 as it has 'Adequate frontage/s for suitable access/s and visibility splays within site / adopted highway'
- Impact on Local highway network - rank of 4/5 as it has 'Spare local capacity and suitable network but likely cumulative impact issues'.

10.18 The declaration of the Climate Change Emergency does not preclude new build housing on green field sites. The Council has a duty, following the advice of the NPPF to have a 5 year supply of housing across the city and the adopted SAP and Core Strategy enables the Local Planning Authority to have an up to date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5 year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not contribute significantly towards local infrastructure, due to their individual scale and nature.

10.19 Refusals on allocated sites in an adopted plan could undermine the Plan-led system and may negatively impact the Council's ability to demonstrate a five year housing land supply, in the long-term. The SAP has provided evidence that the application site is more sustainable than other discounted sites within the Outer West HMCA. Development such as this is the mechanism for delivery to provide the required infrastructure that would improve the sustainability and accessibility in the locality. The SAP allocations and identified sites have been cumulatively assessed to ensure that appropriate infrastructure can be provided where this is within the power of the Council. It also provides clarity on how much growth is planned to occur in different areas so that infrastructure providers, for their own investment plans working closely with the Council, may provide for the housing pipeline.

Impact on Trees

10.20 All of the trees upon the site are situated around the site perimeters. The application has been supported by a full Tree Survey, which has revealed a total of fifteen individual trees and seven groups of trees. Of these, six trees/groups were identified as retention category 'B' and sixteen trees/groups were identified as retention category 'C'. There was no retention category 'A' or 'U' trees identified. Light pruning works have been recommended to one tree on this site, for reasons of public safety and to ensure the long-term health of this tree. The retention and protection of the trees on site will be conditioned on the approval of the application to ensure they are retained, and incorporated into the emerging Reserve Matters plans.

Highways/ Access

10.21 The proposal seeks consent for a new site access off Owlcotes Road. The previously approved application for outline consent for 12 dwellings which was approved under planning application 17/02105/OT, had an access approximately 2m to the east (when compared to the site access now proposed) and was intended to serve the entire Housing allocation, although the previous application was only for part of the application. Highways have raised no objections to this as it provides an improved alignment.

- 10.22 Visibility splays of 2.4m x 90m are to be provided at the site entrance and have been demonstrated on drawing AMA/20438/SKH002, which are acceptable. Vehicle tracking details at the site entrance for a refuse vehicle have also been demonstrated on drawing AMA/20438/ATR001. Highways have stated that the internal road arrangements and specification vary for developments over 50 units or more. Although an indicative plan has been submitted which show 77 units, this does not form part of the consideration of the application. The internal arrangements, including parking, driveways widths etc. would all be considered at the Reserved Matters stage,
- 10.23 The application has been submitted with a full Transport Assessment (which is based on 77 new units). This TA demonstrates that the proposal would generate the following vehicular trips during the highway network peak hours:
- AM Peak – 11 Arrivals and 27 Departures – 38 Two-Way Trips
 - PM Peak – 27 Arrivals and 16 Departures – 43 Two-Way Trips

The scope of the TA was agreed with Highway Officers, prior to the submission of the application. Currently the junction(s) that could be affected are the A647 / A6120 Dawson's Corner. The junction of A647 / B6154 Thornbury Barracks no longer requires a contribution due to the delivery of a 2015 improvement scheme

- 10.24 The SAP also recognises the need for a contribution towards improvements at Outer Ring Road junction with the A647 (Dawson's Corner) through the Housing allocation of this site. The adopted SAP states that with regard to this site 'ref: HG2 – 67' that one of the requirements stipulated for the site is:

• *Local Highway Network:*

There is a cumulative impact of development on the Outer Ring Road junction with the A647 (Dawson's Corner). The development will be required to contribute to measures to mitigate the cumulative impact of this and other allocated sites affecting the junction.

The applicant has agreed to pay a sum of £96,000 towards a highway cumulative impact improvement scheme of development on the Outer Ring Road junction with the A647 (Dawson's Corner). Dawson's Corner. This sum will be secured through a S106 agreement.

- 10.25 Owlcotes Road (and then Cemetery Road) is subject to a 30mph speed restriction and also has traffic calming measures, in the form of speed cushions, along its length from Galloway Lane to B6155 Lidget Hill. Personal Injury Collision data has been provided within the Transport Assessment and the Council's Road Traffic Collision database has been interrogated and this shows that:
- There have been no accidents within the past 5 years (2014 – 2019) in the vicinity of the development site.
 - There was one serious accident at the junction of Highfield Road / Cemetery Road, which involved a cyclist and a vehicle (March 2019).
 - There was one serious accident at the junction of Cemetery Road / B6155 Lidget Hill, which involved a pedestrian and a vehicle (May 2019).

- 10.26 Given that these do not demonstrate an established pattern of accidents, no off-site highway works are being sought as part of this proposal. Highways have recommended conditions are imposed which relate to construction methods, electric charging points, maximum gradients of driveways etc. all of which will be imposed on

the approval of the application. It is considered that the proposal does fully comply with the policy guidance of T2.

Drainage

- 10.27 Both Yorkshire water and Mains Drainage have been consulted on the application and have raised no objections to the application subject to conditions, which include a feasibility study into the use of infiltration drainage. The application site is located within Flood Zone 1 and so not at risk of fluvial flooding. The risk from all other forms of flooding has also been considered low and no specific mitigation measures are required. The application has been supported by a full Flood Risk Assessment.
- 10.28 Councillor Carter has raised 2 drainage related issues in respect to the outline planning application, these being
- a) That as the existing undeveloped site drains towards Rodley, that there appears to be no attention paid to the potential increase in flooding downstream in particular in Rodley where there are known flooding issues.
 - b) Whether the Council are aware of the existence of wells or other underground drains.
- 10.29 In reply to the first point raised, Mains Drainage have confirmed that the existing undeveloped site naturally drains to the north and any run off will be initially collected by the Stanningley By Pass drainage system which eventually discharges to the north and ends up in Farsley Beck. The outline drainage strategy proposed for the development is to restrict the post development surface water discharge to its 1 in 2 year greenfield run off rate of 3.5 l/s and provide on-site attention for all storm events up to and including the 1 in 100 + 40% allowance for climate change storm event.
- 10.30 In addition, due to the existing 300mm diameter surface water sewer to which the site will discharge into being located within Owlcotes Road, it is proposed to drain the site to a new surface water pumping station and then pump the water up through the site and into the Owlcotes Road sewer system. This surface water sewer drains to the south into a separate catchment of Farsley Beck and eventually discharges into Tyersal Beck and Yorkshire Water have accepted this discharge subject to the use of soakaways not being viable. It is therefore considered that rather than potentially increase the flood risk to the north and in Rodley, by draining the site the other way and to the south, it will in effect reduce the flood risk within Rodley.
- 10.31 In respect to the potential increase in flood risk within Tyersal Beck, yes there will be a small minor increase in flow (i.e. 3.5 l/s), but this will minimal impact, if any, on any flooding further downstream and within Pudsey Beck. It should also be noted that one option to drain the development site is to use infiltration systems (i.e. soakaways and permeable pavements) and there is a proposed planning condition that requires the developer to undertake such testing and if viable utilise infiltration techniques to drain the surface water rather than discharge it to the sewer system. There is also a separate planning condition that will require the developer to submit a full detailed drainage design for approval prior to commencing any development.
- 10.32 In reply to the 2nd point raised by Councillor Carter with regard to drainage concerns, Mains Drainage have also confirmed that they are not aware of any existing drainage systems within the site however, they do note from the old OS mapping that there is a well located immediately to the rear of No 78 Owlcotes Road. This structure is shown on the topographic survey and is covered by a concrete slab and is therefore considered disused and in our opinion will not present any flood risk to the development.

10.33 In developing the final site layout (at the Reserved Matters stage) the applicant should give due consideration to review the use of a detention basin within the site in lieu of the pre cast concrete tanks. The final site layout should address the above SUDS issues and reassess and consider the site layout to try and provide a suitable SUDS based drainage system and a gravity drainage system in line with current Government guidelines and the NPPF. Where this is not possible then sufficient justification shall be provided as to why additional SUDs cannot be included or are considered inappropriate. Subject to conditions, it is considered that the proposal complies with DPD policies WATER4, WATER6, and WATER7.

Other issues

10.34 Many issues raised by the objections received are not relevant to this outline application. These include the layout of the development, and the impact on existing properties with regard to over-shadowing/ loss of privacy etc. Although the applicants have provided an indicative layout, it does not form part of the consideration of this application, nor does the proposed quantum of development, 77units. The scale, mix and type of housing proposed, amount of development and carbon offset as reserved matters and will be fully considered at this stage.

10.35 The CIL payment would contribute towards additional infrastructure include school places provision.

10.36 The Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal seeks outline approval for a residential development, therefore details of accessibility will be submitted as part of Reserved Matters applications at a later date when details of the individual dwellings are submitted.

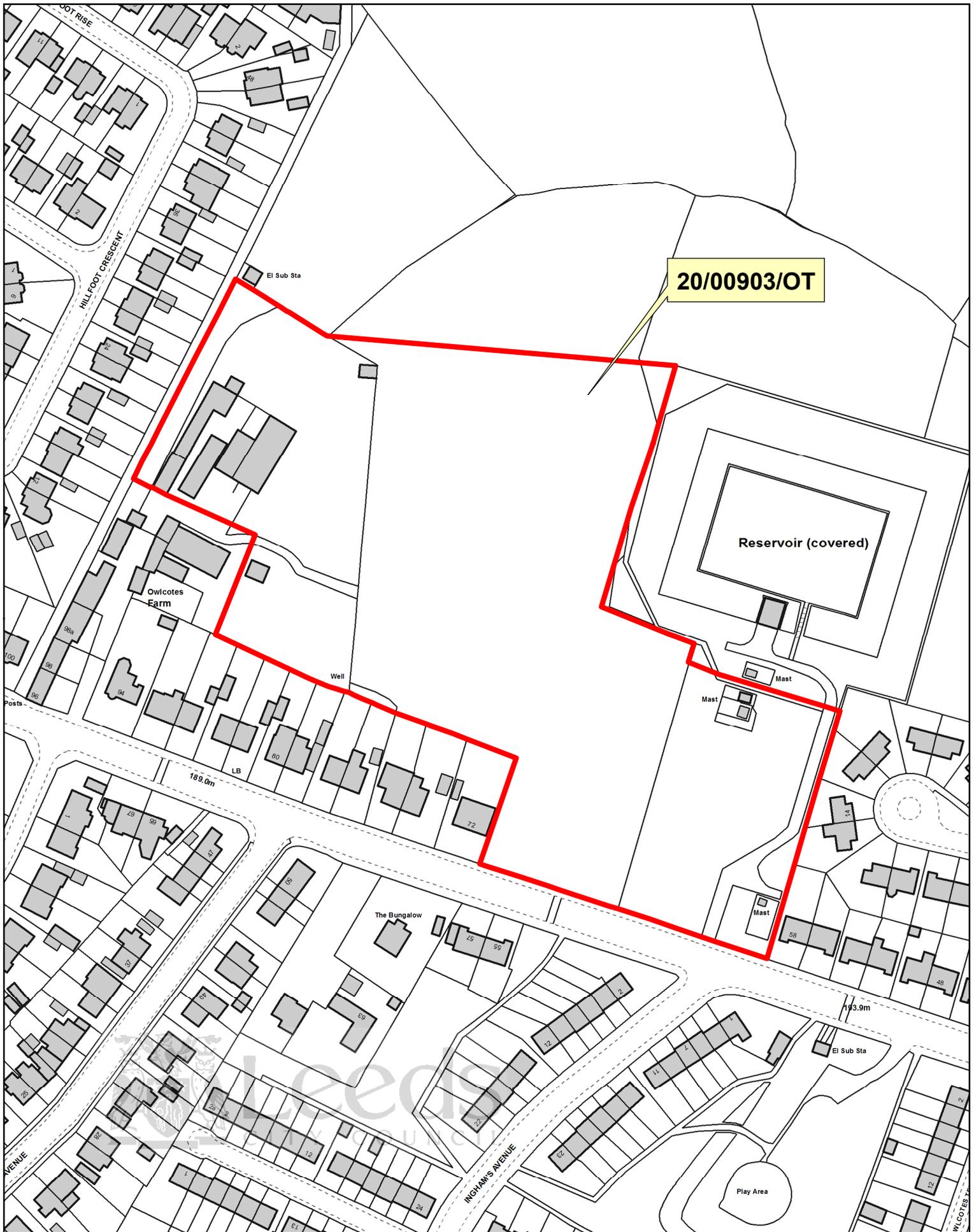
10.37 It is also not considered the disruption caused by the construction process warrant grounds to refuse the application. Full construction details, including hours of work etc. would be controlled by planning conditions to minimise the impact on local residents.

10.38 It is noted that an objection has stated that the indicative plans seem to show the access road to lead to land beyond, outside the housing allocation. Any further development would require separate planning consent. The layout in any event is indicative only, and does not form part of the approval of this application.

11.0 CONCLUSION

11.1 As discussed above, the principle of the development for housing on this site is supported by the up to date Local Plan and the adopted SAP. That the proposal is in accordance with the existing site allocations should be afforded very significant weight in consideration and determination of the application.

11.2 The development will provide an acceptable quantum of affordable housing, with a safe and adequate means of access. It is considered that the principle of developing the site for residential purposes is acceptable in terms of all local and national planning policies subject to the imposition of conditions and a legal agreement. With consideration being given to all other matters, the application is recommended for approval.

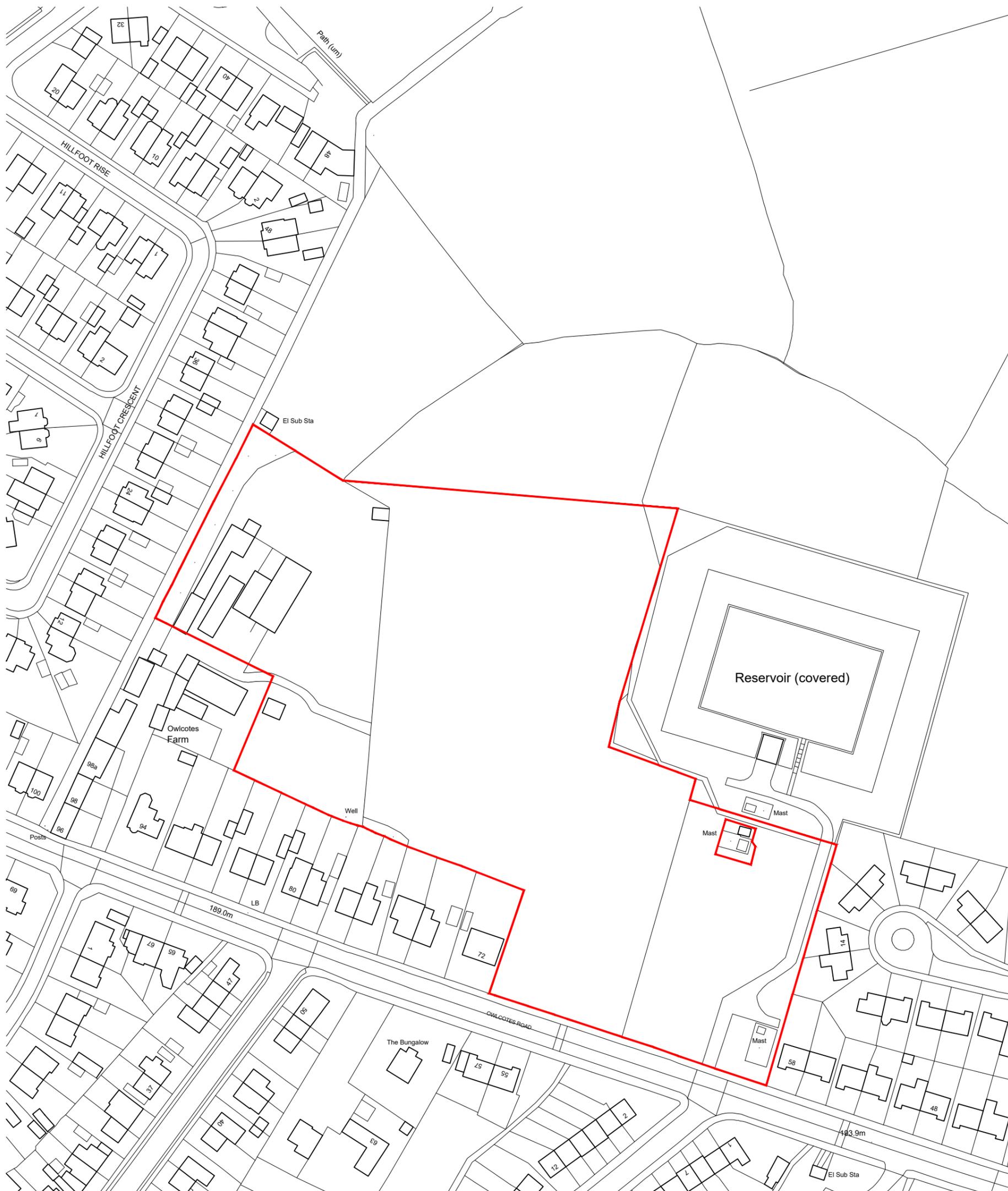


SOUTH AND WEST PLANS PANEL





Notes | Sketch schemes may be based on plan information of unknown origin and is subject to verification and survey. Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Use figured dimensions only. Ensure digital versions are plotted at 'Actual Size'. Building areas are liable to adjustment over the course of the design process due to ongoing construction detailing developments. Subject to statutory approvals and survey. The bar above is to check that the drawing has been printed to scale.



Rev	Date	Description	Drawn	Checked
C	01.05.20	Red line amended		CR
B	15.01.20	Red line amended		CR

Project	Owlcotes Road, Pudsey Phase 2		
Drawing	Location Plan		
Client	Keyland Developments Ltd.		
BIM Suitability Description	SUITABLE FOR INFORMATION	BIM Suitability Code	S2
Status	Planning	2 Riverside Way Whitehall Waterfront Angel	320 City Road LONDON
Date	13.11.19	LEEDS	LONDON
Drawn	NT	LS1 4EH t 0113 819 8041	EC1V 2NZ t 0203 883 8602
Checked	CR	w edwardarchitecture.co.uk e info@edwardarchitecture.co.uk	
Scale (A3)	1:1250		
Project	Originator	Discipline	Drawing No
0752	- EA	- A	- P001
			- C





Originator: Aaron Casey
Tel: 0113 37 87995

Report of the Chief Planning Officer

South and West Plans Panel

Date: 27 August 2020

Subject: 20/01735/FU – Change of use from C3 (dwelling house) to C2 (residential institution) at 68 Billingbark Drive, Leeds, LS13 4RX

Applicant:	Date Valid	Target Date
Cambian Group	16/03/20	11/05/20

<p>Electoral Wards Affected:</p> <p>Armley</p> <p><input type="checkbox"/> Yes Ward Members consulted (Referred to in report)</p>	<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 limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Restrictions on number of residents that reside at the site at any one time to three.
4. Restrictions on number of resident staff on site at any one time to three.
5. Implement the bin and cycle storage pre-occupation of the development hereby approved.
6. Details of electric vehicle charging points to be submitted for written approval.
7. Samples of the proposed cladding materials to the buildings front elevation.

1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel at the request of Cllr James McKenna who has set out his reasons as:

- The area is not suitable for a children's home, there will be no chance for children to interact productively with community due to frequency of change.
- Concerns regarding the safeguarding policies of the Council being able to be met.
- That the area is isolated from appropriate levels of service (e.g. medical and education) and bus provision which may make travel for vulnerable children problematic.
- Concerned over lack of public consultation by the Company.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.
- This home will be for three children/young people aged 8-18 years of age on expected long term residencies.
 - The home will be supported by 3 staff; 2 resident and 1 non-resident, 24 hours a day. Shifts will swop over in the morning with the non-resident staff member going home in the evening, meaning the movement of staff will be at or around these times. It would be usual that there will be two staff members staying in the house over-night with 1 staff member working through the night.
 - The existing garage would be converted into habitable space and the existing garage door opening would be in-filled.
 - The existing off-street parking facilities to the sites driveway located to the front would be utilised. This provides space for approximately four vehicles.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises a detached 6 bedroom dwelling, set within a sizeable generally triangular plot, located on Billingbawk Drive, Leeds, LS13 4RX. There are gardens to the side and rear and an area of hard-standing to the front.
- 3.2 The wider character of the area is residential with detached and semi-detached dwellings sitting from the mid-late 20th century being the prevailing form of development.
- 3.3 There are good amenities and services relatively close to the site:
- Bramley Village Medical centre is approx. 0.6m away,
 - The nearest schools are approx. 12-20 minute walk or 3 to 6 minute drive
 - Shopping facilities are around 0.3 miles to the north (7 minute walk or a 2 minute drive) or 0.6 miles to the south-west (3 minute drive or 12 minute walk).
 - Public transport routes sit close by along Stanningley Road.
- 3.4 It is considered that given the existing amenities and the well-established residential settlement, the site can be regarded as being within a sustainable location.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 19/07520/CLP- Certificate of Proposed Lawful Development for Change of Use from residential property (C3) to a Care Home (C3 (b)) with conversion of Garage to

habitable accommodation. This was refused as Officers were of the view that a material change of use would occur as the proposed use as a care home, where staff operate on a rota basis, would fall within C2 of the Use Classes Order.

- 4.2 16/07459/FU - 13 Wellington Grove, Bramley for a Change of use of dwelling (C3) to a residential children's care home (C2) – This site falls outside of the area of the site but given that the proposal is for a change of use from a C3 to a C2 use the findings of the Inspector dealing with the subsequent and relatively recent appeal are considered to be relevant in this instance. The LPA refused this application for the below reason:

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

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

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

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

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

5.0 HISTORY OF NEGOTIATIONS:

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

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This application was advertised by 1 x site notice posted opposite the site on the 3 June 2020. This application has attracted 6 letters of objection including one from Councillor James McKenna.

Ward Members.

6.2 Councillor McKenna has objected to the application for the reasons cited in Paragraph 1.1

Other Public Response

6.3 The material planning issues raised by 4 local residents are summarised below:

- There has been a lack of notification regarding the proposal.
- A care home of this nature will be damaging to the character and reputation of the area and is an inappropriate use within the area.
- Increased levels of noise and disturbance.
- Potential for anti-social behavior.
- The increase in the fear of crime as a result of the proposal.
- Additional pressures on the Policing of the area.
- What assurances are given regarding the occupancy limits?
- Potential for CCTV
- Increased disturbance from bin collection and installation/maintenance of the electric vehicle charging points.

7.0 CONSULTATION RESPONSES:

Highways

7.1 No objections subject to a condition for the installation of electric vehicle charging points.

Flood Risk Management

7.2 No objections

Children's Services (CS)

7.3 Due to proximity to LCC children's homes, and current existing private provision supporting children with similar needs within these immediate communities (LS13) Leeds Children's Services would not support establishing further children's homes at this location. CS also stressed that whilst they welcome new providers developing services to meet children's needs within the districts communities they would encourage these being established within other communities across Leeds where there is appropriate resource and support to meet these children's needs.

8.0 PLANNING POLICIES:

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the a Core Strategy (Review 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, the Aire Valley Leeds AAP, as well as any made neighbourhood plans.

Relevant Policies from the Core Strategy are:

- GENERAL POLICY – Presumption in favour of sustainable development
- SP1 – Location of development in main urban areas on previously developed land.
- P10 – Design, context and amenity consideration
- T2 – Accessibility

Relevant Saved Policies from the UDP are:

- GP5 – General planning considerations

Supplementary Planning Guidance and Documents

8.4 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Street Design Guide SPD
- Parking SPD

National Planning Policy

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

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

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

9.0 MAIN ISSUES

1. Principle of development
2. Character and Appearance
3. Impact on residential amenity
4. Highways
5. CIL
6. Other issues

10.0 APPRAISAL

Principle of development

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

10.2 The proposal seeks to change the use of No.68 Billingbalk Drive from a family house within the Use Class C3 to a residential care home within the Use Class C2.

10.3 The proposed end use would be within a well-established urban area that sits relatively close to existing amenities (shopping, medical and education) within

Bramley. The travel times to these shopping and service areas are the same as they would be if the house stayed within a C3 use, and there is no requirement that a residential care home operating from an existing building would need to be any closer to the existing local amenities than the surrounding residential population on Billingbark Drive or the nearby streets. Moreover, the immediate area is well served by public transport routes to local, town and the City Centre. Therefore site is considered to be within a sustainable location.

- 10.4 The Applicant asserts that the use would seek to function as a family environment with residents living as a household. This would respond to the residential context of the area and the number of occupants at any one time would be no more than one could expect if a family occupied the site. This proposed use and the occupancy limits of three children/young people and the three members of staff, would in Officers view have a neutral impact on the local services as there could be a very similar if not the same impact from a family occupation of the site. This would be a residential care home within a residential area, albeit the dynamics differ from a family home (i.e. that the carers would work there rather than it being their home).
- 10.5 The use is considered to accord with the aims of Spatial Policy 1 and there is no policy context that could reasonably prevent a change of use from a C3 use to C2 and therefore the principle of the change of use is considered to be acceptable.

Character and Appearance

- 10.6 There are no physical changes proposed to the external parts of the building as part of this application to the building or its grounds other than the in-filling of the garage door opening with cladding. A condition is recommended for samples of this material. It is not considered that the use of the site with the limited level of three residents and associated on-site staff and any visiting support specialists would change the residential character of the site or over-intensify it beyond what could reasonably be expected if this detached dwelling set within a sizeable plot remained in family use.
- 10.7 The scheme is considered to be compliant with the aims of the strands of Core Strategy Policy P10 that refers to character and context (the amenity strands of P10 are dealt with below), saved UDP Policy GP5 and the advice contained within the NPPF.

Impact on residential amenity

- 10.8 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking as there are no alterations proposed to the building or its plot.
- 10.9 The care home would provide accommodation for young people likely having a variety of issues, and until referrals are made it is not clear exactly to what extent of care and supervision the individual will need. Nevertheless, this is a care home with a duty of care and one that will be subject to assessment by a regulatory body.
- 10.10 The building is detached and separated from its neighbours by a rear garden, Driveway and a public footpath. Whilst it could be argued that the chances of noise and disturbance could be higher than if a family occupied the property, any instances of difficulties would be dealt with by the specialist carers that will be on site. It is not

considered that any levels of noise and disturbance from the three residents and the on-site care team would be significantly greater than a family situation and there is no evidence to suggest otherwise.

- 10.11 It is a usual requirement that operators record and log any complaints made about a care home, and that the regulatory body (i.e. OFSTED) would then investigate. In principle and dependent upon the scenario, operators run the risk of their licenses being revoked should they fail to meet the relevant and required standards.
- 10.12 In Officers opinion the proposed use would not result in unduly increased comings and goings from staff changes and transportation of the residents than the existing C3 use. The home will be supported by 3 staff, 24 hours a day, working on a rota basis that would see a swop over in the mornings. Subsequently, the movement of staff would be around those times. It would be usual that there will be 2 staff members staying in the house overnight to meet any needs through that time. As with a family home visits and activity could occur at similar times and at a similar level of vehicles and visitors.
- 10.13 In light of the above, Officers acknowledge that many attributes of family life would occur however, the nature of the occupation, involving the rotation of the care workers due to their shift patterns, the comings and goings to the site may on occasion be more numerous than could be anticipated for most family homes but it is not considered that the levels of comings and goings would be significantly greater than those a family could attract. The impact on the surrounding neighbours would not be unduly harmful. Moreover, conditions restricting resident numbers to no more than 3 residents and 3 members of staff will ensure that the site would not be overly intensified.
- 10.14 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the advice set out in the NPPF.

Highways

- 10.15 As part of this application a technical view was sought from Highways who have indicated that the surface parking area provides for adequate levels of off-street parking for up to 4 vehicles, and no highway safety issues have been raised. Conditions have been suggested by Highways for waste collections details and cycle parking, but these are not recommended for imposition other than to implement the bins and cycle parking as shown on the proposed site plan.
- 10.16 Therefore, Highways have concluded that the proposal are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the advice set out in the NPPF.

Children's Services/Safeguarding

- 10.17 CS have raised concerns regarding the proposed use in this location. Due to proximity to LCC children's homes, and current existing private provision supporting children with similar needs within these immediate communities (LS13) CS could not support establishing further children's homes at these locations. However, there is no planning policy context that would support refusal on the basis of the above.

- 10.18 Cllr McKenna has raised concerns regarding safeguarding, and this matter has been looked at very carefully by Officers. Officers have conferred with Legal colleagues on this issues and the advice received was that safeguarding issues would be a matter outside of the parameters of National and Adopted Planning policy, and therefore Officers are able only to look at the implications of the proposed end use in terms of the planning impact of noise and disturbance.

CIL

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

Other issues

- 10.20 The points raised in representation have in the main been covered within the above report. With regard to the other concerns raised through representation in respect to anti-social behavior and increased fear of crime, there is no evidence to suggest that the young people placed at the site will present a safety issue above and beyond children that form part of a family unit, and any pressures on Policing within the area would not form a robust or reasonable basis for withholding planning permission.
- 10.21 Limited weight can only be attached to the concerns raised within representation regarding increased disturbance from bin collection and installation/maintenance of the EVCP's. It is unlikely that bin collection will be more intensive than the existing domestic collection service and EVCP's are accepted features in a domestic context and are elements of sustainable transport infrastructure that is supported through planning policy.
- 10.22 The comments regarding CCTV cameras are duly noted. There are allowances through Permitted Development rights that allow the installation of such equipment, however it is not considered reasonable or necessary to attach a condition restricting CCTV equipment, and to do so would not meet the test for the imposition of planning conditions as set out in the NPPF.

Inclusivity

- 10.23 Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal is predominantly for a change of use with only small external changes to a garage door which will be bricked up, the house therefore remains as is. It is noted that there are small steps up to the main entrance doors, however the providers will need to comply with any disability requirements as laid down by Ofsted and depending on the individual needs of the occupants. Should additional installations be required externally such as an access ramp then planning permission will be required. There would be adequate space within the site constraints to undertake any such work.

11.0 CONCLUSION

- 11.1 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance

from comings and goings, akin to those that could reasonably and likely occur if a family resided at this address.

11.2 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff. There is sufficient on-site parking for staff and visitors and the site is located within a sustainable location.

11.3 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

Background Papers

Application Files:

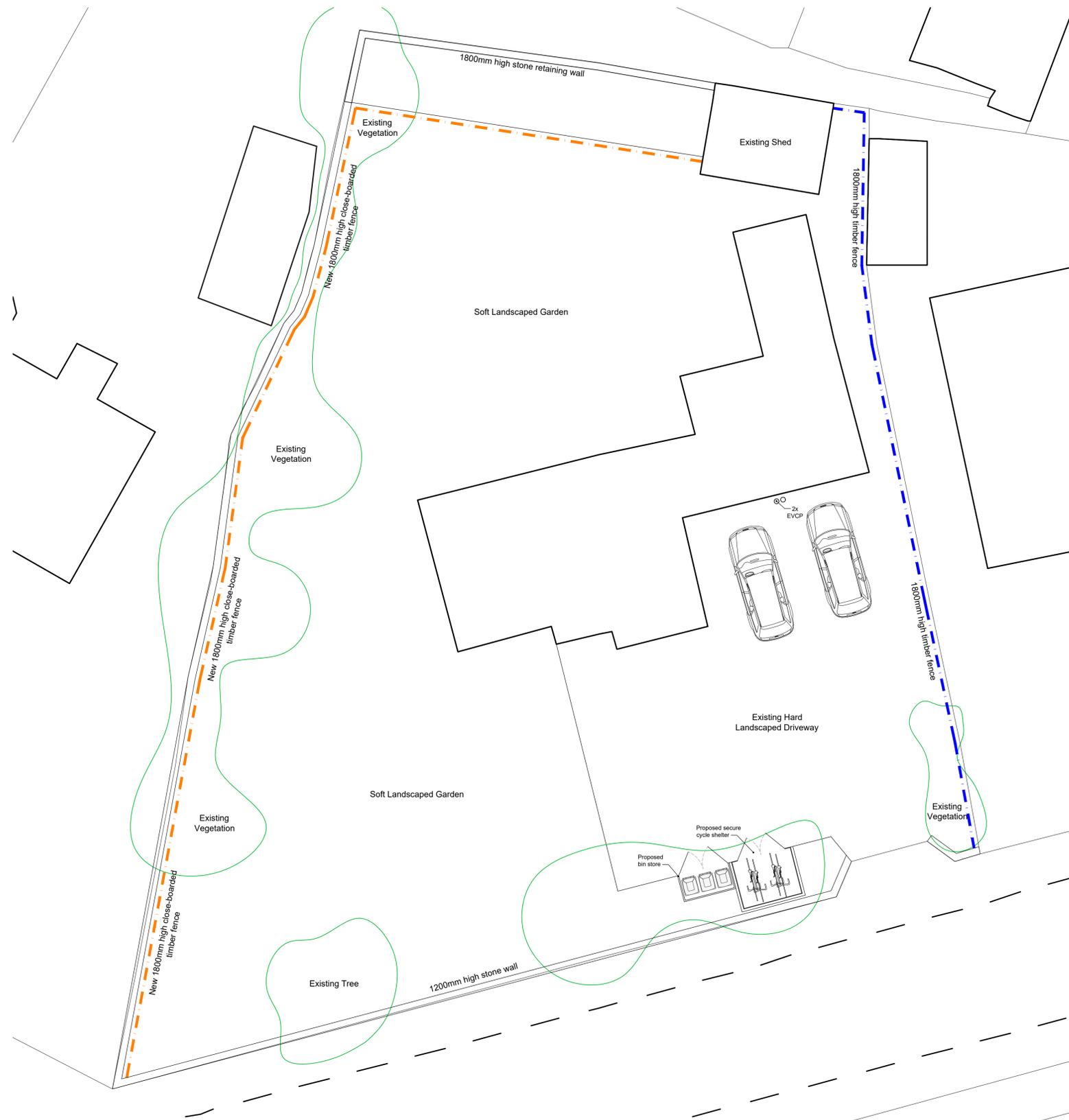


20/01735/FU

SOUTH AND WEST PLANS PANEL



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 Drawings
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 Subject to statutory approvals and survey.
 Areas
 Building areas are liable to adjustment over the course of the design process due to the ongoing construction detailing developments.
 Risk Assessment
 In accordance with CDM Regulation 7, 11 & 18, significant hazards have been identified and are eradicated through the design process.
 Refer to the current Designers Risk Information Schedule for further details.



Proposed Site Plan
 Scale - 1:100 @ A1



WHITEHOUSE, LEEDS
 PLANNING SUBMISSION



revisions		
P1	PRIMARY ISSUE	03.12.19 GRH
P2	Plan updated as per planning comments	01.05.20 GRH

PLANNING

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Project: WHITEHOUSE
 68 BILLINGBAUK DRIVE
 LEEDS, LS13 4RX
 Job Number: AR318-19

Client: CAMBIAN GROUP

Drawing Title: PROPOSED SITE PLAN
 Drawing Size: A1

Drawn	Date	Scale	Casefile
GRH	02.12.2019	1:100	-
Reviewed by	Drawing No.	Rev.	
RRB	(00)-02	P2	

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