



PLANS PANEL (EAST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 22nd October, 2009
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
P Gruen
M Lyons
K Parker

A Taylor
D Wilson

G Latty (Chair)
J Marjoram
P Wadsworth

R Finnigan

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 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer 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 those 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.</p>	
3			<p>LATE ITEMS</p>	

Item No	Ward	Item Not Open		Page No
4			<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> <p>DECLARATIONS OF INTEREST</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel East meeting held on 24th September 2009</p> <p>(minutes attached)</p>	5 - 10
7	Kippax and Methley;		<p>APPLICATION 08/04976/FU - WOODROW HOUSE STATION ROAD METHLEY LS26</p> <p>Further to minute 152 of the Plans Panel East meeting held on 20th November 2008, where Panel refused permission for a change of use of dwelling to form 5 two bedroom flats at Woodrow House Station Road LS26, to receive a report of the Chief Planning Officer setting out the Inspector's decision on an appeal lodged by the applicant against that decision</p> <p>(report attached)</p>	11 - 14
8	Roundhay;		<p>APPLICATION 09/01995/FU - TESCO 361 ROUNDHAY ROAD LS8</p> <p>Further to minute 59 of the Plans Panel East meeting held on 27th August 2009, where Members deferred consideration of the application for</p>	15 - 46

Item No	Ward	Item Not Open		Page No
9	Chapel Allerton;		<p>additional information, to consider a further report of the Chief Planning Officer on an application for the erection of a replacement retail store (class A1) with covered and surface car parking, new petrol filling station and landscaping</p> <p>(report attached)</p> <p>APPLICATION 08/04840/FU - 133 - 135 CHAPELTOWN ROAD LS7</p> <p>To consider a report of the Chief Planning Officer on an application for a 4 storey block of 6 retail units with 16 two bed flats over and 4 storey block of 6 two bed flats and laying out of 22 car parking spaces</p> <p>(report attached)</p>	47 - 60
10	Roundhay;		<p>APPLICATIONS 09/03251/FU AND 09/03252/CA - BEECH LODGE 1 PARK AVENUE ROUNDHAY LS8</p> <p>To consider a report of the Chief Planning Officer on applications for part demolition of house and addition of 3 storey extension to form 9 flats and new block of 4 four bed houses</p> <p>(report attached)</p>	61 - 74
11	Harewood;		<p>APPLICATION 09/02818/FU - 9 THE PADDOCK THORNER LS14</p> <p>To consider a report of the Chief Planning Officer on an application seeking an amendment to previously approved application 09/01034/FU for single storey extension to side and rear of existing garage with new pitched roof over and canopy to front</p> <p>(report attached)</p>	75 - 84

Item No	Ward	Item Not Open		Page No
12	Harewood;		<p>APPLICATION 09/03387/FU - 2 SYKE LANE SCARCROFT LS14</p> <p>To consider a report of the Chief Planning Officer on an application for a first floor side extension</p> <p>(report attached)</p>	85 - 90
13	Garforth and Swillington;		<p>APPLICATION 09/03375/FU - 55 ST AIDANS ROAD GREAT PRESTON LS26</p> <p>To consider a report of the Chief Planning Officer on a retrospective application for 1.58m high raised decking to front with 1.09m high handrail above and bin store below</p> <p>(report attached)</p>	91 - 98
14	Morley North;		<p>APPLICATION 09/02973/FU - OLD GOLDEN FLEECE ELLAND ROAD CHURWELL MORLEY LS27</p> <p>To consider a report of the Chief Planning Officer on an application for the demolition of the existing public house and erection of single storey A1 retail unit</p> <p>(report attached)</p>	99 - 114
15	Kippax and Methley;		<p>09/03114/FU - LAND TO THE REAR OF 9-18 THE BLOSSOMS METHLEY LS26</p> <p>To consider a report of the Chief Planning Officer on an application for re-profiling of watercourse banks including gabion retaining walls</p> <p>(report attached)</p>	115 - 124
16	Gipton and Harehills;		<p>APPLICATION 08/05587/FU - 35 - 37 ASHLEY ROAD HAREHILLS LS9</p>	125 - 128

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17	Morley South;		<p>To consider a report of the Chief Planning Officer on an application for a single storey side extension to form office and access to existing accommodation over and alterations to frontage with roller shutters to front and side to shop</p> <p>(report attached)</p> <p>APPLICATIONS 09/01970/FU AND 09/04179/FU - PARKFIELD MILLS QUEENS ROAD MORLEY LS27</p> <p>To consider a report of the Chief Planning Officer on an application for the erection of one block of 4 three bed and four 4 bed terrace houses each with integral garage</p> <p>(report attached)</p>	129 - 140
18	Morley South;	10.4(3)	<p>APPLICATIONS 09/01970/FU AND 09/04179/FU - PARKFIELD MILLS QUEENS ROAD MORLEY LS27</p> <p>To consider a report of the Chief Planning Officer containing information designated as exempt under Access to Information Rule 10.4 (3) in respect of an application for the erection of one block of 4 three bed and four 4 bed terrace houses each with integral garage</p> <p>(report attached)</p>	141 - 144
19			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 19th November 2009 at 1.30pm</p>	

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

- 9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.
- 9.2 Confidential information means
- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
 - (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

- 10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:
- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
 - (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
 - (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.
- 10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 10.4 Exempt information means information falling within the following categories (subject to any condition):
- 1 Information relating to any individual
 - 2 Information which is likely to reveal the identity of an individual.
 - 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
 - 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
 - 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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To all Members of Plans Panel
(East) and relevant Town and Parish
Councils

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ppe site visits
Date 14th October 2009

Dear Councillor

SITE VISITS – PLANS PANEL EAST – THURSDAY 22ND OCTOBER 2009

Prior to the meeting of the Plans Panel (East) on Thursday 22nd October 2009 the following site visits will take place:

9.00am		Depart Civic Hall
9.15am	Morley North	Old Golden Fleece Elland Road LS27 – demolition of existing public house and replace with single storey A1 retail unit (09/02973/FU)
9.55am	Roundhay	Beech Lodge 1 Park Avenue LS8 – part demolition and extension of house to form 9 flats and new block of 4 four bedroom houses (09/03251/FU and 09/03252/CA)
10.35am	Harewood	9 The Paddock Thorner LS14 – single storey rear and side extension with pitched roof and canopy to front (09/02818/FU)
11.15 approx		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.00am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **8.55am**.

Yours sincerely

Angela M Bloor
Governance Officer



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Plans Panel (East)

Thursday, 24th September, 2009

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, P Gruen,
T Leadley, M Lyons, J Marjoram,
P Wadsworth and D Wilson

68 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

69 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Application 09/01906/FU – Former Lion and Lamb Public House York Road LS14 – Councillors Congreve, Leadley, Lyons and Wadsworth declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 75 refers)

Application 07/06484/LA – Corpus Christi Catholic College Neville Road LS9 – Councillor Lyons declared a personal interest as older family members had attended the school and younger family members were expected to attend this school (minute 76 refers)

70 Apologies for Absence

Apologies for absence were received from Councillor Finnigan who was substituted for by Councillor Leadley

71 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 27th August 2009 be approved subject to the following amendments:

The inclusion of Councillor Finnigan in the attendance for this meeting

Minute 61 – Application 09/02943/FU – Mosque, community centre and car parking at Catherine Grove LS11 ‘ The Head of Highways Development Services informed Members that a Supplementary Planning Document (SPD) had been adopted (ie approved)’ be amended to read ‘The Head of Highways Development Services informed Members that a Supplementary Planning Document (SPD) had been approved for development control purposes

72 Matters arising from the minutes

Minute 61 – Application 09/02943/FU – Mosque, community centre and car parking at Catherine Grove LS11 – The Panel's Lead Officer stated that reference had been made to bringing back a report to Plans Panel East on the issues raised in relation to the requirement for a Travel Plan monitoring fee and the payment of such a fee by charities. As this raised policy matters it had been agreed at a joint Officer Member working group that a report on this would be brought to the next Joint Plans Panel meeting in October 2009

Members discussed this and it was requested that following consideration by Joint Plans Panel, that a report be presented to Plans Panel East Members

Minute 66 – Application 09/0276/FU – Retrospective application – Hertford Chase Colton LS15 – Concerns were raised that a report on enforcement action in the Plans East area remained outstanding

The Panel's Lead Officer agreed to inform Councillor Gruen of the timetable for the preparation of the report and it was requested that this item remain on the minutes until the report is presented

73 Application 08/02198/FU - Land rear of 17 and 19 Scarborough Lane Tingley WF3 - Appeal decision

Further to minute 109 of the Plans Panel East meeting held on 25th September 2008 where Panel resolved not to accept the Officer's recommendation to approve an application for a five bedroom detached house with integral garage on land rear of 17 and 19 Scarborough Lane Tingley, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged against that refusal

It was the decision of the Inspector to dismiss the appeal

Members welcomed the decision

RESOLVED - To note the report

74 Application 09/02491/FU -Conservatory with external access ramp to rear at Baab-UI-Ilm Jamaat Community Centre - 166 Shadwell Lane LS17

Plans, drawings and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a detached conservatory to the rear of the existing community centre at 166 Shadwell Lane LS17

Members were informed that the building had planning permission for cultural and social centre use and was used by the Khoja community. A fabric marquee was sited on the rear of the patio area and was used for eating after prayers

The proposals would see the removal of the marquee and the erection of a conservatory constructed in brick with UPVC glazed panels and a polycarbonate roof. A glazed link between the building and the conservatory would be included which would help address potential noise nuisance

Officers reported the receipt of two additional letters of objection and outlined the concerns raised in these, particularly the breach of planning control through the erection of the marquee and breaches of opening hours

Members were informed that enforcement action in respect of the marquee had been held in abeyance until the outcome of the current application was known. Regarding breaches of opening hours, an investigation into this matter was currently underway

The Panel heard representations from the applicant's architect and from Councillor Ronnie Feldman on behalf of a neighbour

Members discussed the following matters:

- the size of the conservatory with some Members of the view that it was in keeping with the host property, whereas other Members expressed concern at the size of the proposed development and that it would lead to an intensification of the use of the site
- whether the increase in size of the conservatory would encourage its use by more people
- the proposed use of the conservatory and whether this use could be restricted to eating only
- the hours of use with the suggestion being made that these should be restricted to 8pm each evening
- the representations made regarding neighbour nuisance; how this had been dealt with; the enforcement action which had been taken and the impact of the proposals on neighbour amenity

The Panel's Lead Officer stated that the enforcement issues were separate from the merits of the planning application and should not form any part of the Panel's decision. It was further set out that the Council had served an Enforcement Notice that sought the removal of the marquee. An appeal had been lodged and this was due to be heard on 20th October. It was part of the appellant's case that the marquee was immune from planning control; if the appellant was correct then the appeal would be allowed. The proposal before Members sought to provide a solution which allowed the applicant to carry on their activities whilst protecting the amenities of neighbouring residents

Members considered how to proceed

RESOLVED - That determination of the application be deferred to enable further discussions with both parties regarding the proposed use of the conservatory and the permitted hours and that the Chief Planning Officer be asked to submit a further report reporting on the outcome of these negotiations

75 Application 09/01906/FU - Single storey retail food store with 79 parking spaces and landscaping at former site of Lion and Lamb Public House York Road LS14

Further to minute 62 of the Plans Panel East meeting held on 27th August 2009 where Panel resolved not to accept the Officer's recommendation to refuse the application, Members considered a report of the Chief Planning Officer setting out possible conditions to be attached to an approval for Members' determination

An alteration to the wording of condition 16 was proposed to include the requirement for details of alterations and works to bus stop 12860 and a TRO for waiting restrictions in the immediate vicinity of the site to be submitted to and approved in writing by the LPA

Advice was sought from the Panel's Legal Officer regarding voting on the application by Members who were not present at the August meeting

(Having not attended the previous meeting, Councillors Latty, Leadley, Wadsworth and Wilson did not participate in discussions or voting on this matter)

RESOLVED - That the application be granted subject to the completion of a Section 106 agreement and the conditions set out in the submitted report, including the proposed alteration of condition 16 as set out above

76 Application 07/06484/LA - Outline application for part demolition and erection of extensions to school at Corpus Christi Catholic College Neville Road Osmondthorpe LS9

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the refurbishment of Corpus Christi Catholic College at Neville Road LS9

Members were informed that the application formed part of the Building Schools for the Future programme, although compared to other schemes, this one was more modest comprising largely renovation but with some extensions and demolition. The proposals would not lead to an increased admission number

The application had been delayed due to lengthy discussions with the Environment Agency (EA) which had raised an objection. As much of the site was in a flood zone, flood risk statements setting out proposed mitigation and protection measures had been submitted and the EA had now withdrawn its objection

Officers requested, if minded to approve the application, that it be deferred and delegated to the Chief Planning Officer to resolve some highways issues relating to cycleways and other highways improvements. Whilst these were not fundamental to the outline permission, they related to design and budgeting for the school

Members discussed the following matters:

- flooding
- concerns that the mitigation measures put forward for this application could have an impact higher up, particularly in the Dunhills
- that the school was located close to Wyke Beck; that the EA had not yet secured funding for flood alleviation works to Wyke Beck and whether assurances from the EA could be sought that this work would be carried out
- that the flood situation at the school should be looked at along the whole area and not in isolation
- highways
- whether parking restrictions would be put in place to address safety in view of the close proximity of Corpus Christi Catholic College to two primary schools and the number of accidents which have occurred in this area

Officers provided the following responses:

- regarding flooding, that a number of conditions would be attached to any approval and that these set out the minimum mitigation measures which would be in place in the event that the school flooded. Alongside these would be a series of other measures mainly from mains drainage using sustainable drainage techniques. Whilst noting the concerns raised regarding flood alleviation at Wyke Beck, it was not possible to delay a decision on this application pending assurances from the EA that funding for flood prevention would be provided

- in relation to highways safety, the Panel's Highway's Officer confirmed that the site was in a sensitive location but that it was being controlled by conditions

Members welcomed the improvements which the scheme would bring

RESOLVED - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted report and further discussions relating to cycleways and other highway improvements

77 Application 09/03427/FU - Variation of condition number 3 (hours of opening - 11.00 hours to 2330 hours Monday to Saturday and 23.00 on Sundays) - Change of use of shop to take away hot food shop at 15 Middleton Park Circus, Middleton, LS10

Further to minute 280 of the Plans Panel East meeting held on 10th April 2009 (Application 08/00853/FU) where Panel approved a change of use of shop to take away hot food shop at 15 Middleton Park Circus LS10 and imposed opening hours up to 22.30, Members considered a further report of the Chief Planning Officer seeking an extension of these hours

Officers presented the report and stated that the applicant wished to extend the opening times by one hour Monday to Saturday and by 30 minutes on a Sunday evening

Members were informed that the proposed late hours of opening accorded with policy and that no objections to the proposals had been received

RESOLVED - That planning permission be granted subject to the condition set out in the submitted report, with all other conditions from application 08/00853/FU to be imposed

78 Date and time of next meeting

Thursday 22nd October 2009 at 1.30pm in the Civic Hall, Leeds

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Originator: Nicola Moss

Tel: 0113 24 78028

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22 October 2009

Subject: APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST REFUSAL OF PLANNING PERMISSION 08/04976/FU FOR CHANGE OF USE OF A DWELLING TO FORM 5 FLATS AT WOODROW HOUSE, STATION ROAD, METHLEY, LEEDS LS26 9ER

PERMISSION WAS REFUSED BY PANEL RESOLUTION ON 20th NOVEMBER 2008 DUE TO THE INTENSIFICATION OF USE AND THE RESULTING ADVERSE IMPACT THAT WOULD OCCUR TO HIGHWAY SAFETY. THE OFFICER RECOMMENDATION WAS THAT PLANNING PERMISSION BE GRANTED.

THE APPEAL WAS BY MEANS OF WRITTEN REPRESENTATION.

THE APPEAL WAS ALLOWED.

APPLICANT	DATE VALID	TARGET DATE
MR JOHN COONEY	N/A	N/A

Electoral Wards Affected: Kippax & Methley <table border="1"><tr><td>n/a</td><td>Ward Members consulted (referred to in report)</td></tr></table>	n/a	Ward Members consulted (referred to in report)
n/a	Ward Members consulted (referred to in report)	

Specific Implications For:
Equality and Diversity <input type="checkbox"/>
Community Cohesion <input type="checkbox"/>
Narrowing the Gap <input type="checkbox"/>

RECOMMENDATION: Members note the report.

1. ISSUES IDENTIFIED BY THE INSPECTOR

- 1.1 The main issue considered by the Inspector:
- effect of the proposed development on highway and pedestrian safety.

2. SUMMARY OF COMMENTS

Highway and pedestrian safety

- 2.1 The Inspector acknowledged that the width of the private access to the development, would not be wide enough to allow the two-way passing of vehicles, but did not consider that the resultant occasional manoeuvres i.e. reversing down the drive or waiting on Station Road, would materially compromise highway and pedestrian safety, given the relatively low traffic levels and vehicle speeds expected. He saw no reason why, if a refuse vehicle could not get down the driveway, that the bins could not be collected on Station Road as probably happens now. He also considered that the driveway was wide enough to accommodate most emergency vehicles and the property was close enough for the fire service to access from Station Road if necessary.
- 2.2 The Inspector found the visibility of the driveway at the junction with Station Road to be compliant with guidance contained in Manual for Streets (MfS), including the issue of parking in visibility splays, which according to MfS does not appear to create significant problems in practice where vehicles speeds are low.
- 2.3 The Inspector confirmed that he carried out two visits to the site, during the daytime and evening, and was able to park at ease on both occasions. As such, he considered that any occurrence of overspill parking could be easily accommodated on Station Road.
- 2.4 The Inspector noted that a number of residents had concerns about the implications of the proposal on highway safety at the two junctions of Station Road and Methley Lane. Although he felt these were not issues for the Council, he confirmed that the visibility at the southern junction met guidance in the Design Manual for Roads and Bridges, and the visibility to the right, which is obstructed by vegetation, could be rectified by the highway authority to achieve adequate visibility, as suggested by the appellant.
- 2.5 The Inspector clarified that in reaching the above view, that he was mindful of the potential traffic generated by the existing dwelling, which could accommodate a large family with a number of vehicles. He also took into account the recent planning permission for change of use of the appeal property to four, two bedroom flats. He considered that one additional flat would not materially intensify the use of the access drive or Station Road to the detriment of pedestrian and highway safety.
- 2.6 The Inspector concluded that the proposed development would not result in material harm to highway and pedestrian safety and would not conflict with UDP Policies GP5, T2 and T24 or other guidance referred to.

3. DECISION

- 3.1 The Inspector allowed the appeal on 18 August 2009.

4. IMPLICATIONS

- 4.1 Significant weight was attached to the technical guidance contained in Manual for Streets.

Background Papers:
08/04976/FU



08/04976

Ref	Date	By	Description
01	10/01/07	MR J CONRY	Issue for Planning
02	10/01/07	MR J CONRY	Issue for Planning
03	10/01/07	MR J CONRY	Issue for Planning
04	10/01/07	MR J CONRY	Issue for Planning
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07	10/01/07	MR J CONRY	Issue for Planning
08	10/01/07	MR J CONRY	Issue for Planning
09	10/01/07	MR J CONRY	Issue for Planning
10	10/01/07	MR J CONRY	Issue for Planning
11	10/01/07	MR J CONRY	Issue for Planning
12	10/01/07	MR J CONRY	Issue for Planning
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99	10/01/07	MR J CONRY	Issue for Planning
100	10/01/07	MR J CONRY	Issue for Planning

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Project: **FOUNDATION OF AMENITIES ROOMING HOUSE, WETHERBY**
 Client: **MR J CONRY**

Site: **14, Dales Drive, Rye, East Sussex TN37 7YU**

Scale: **1:200**

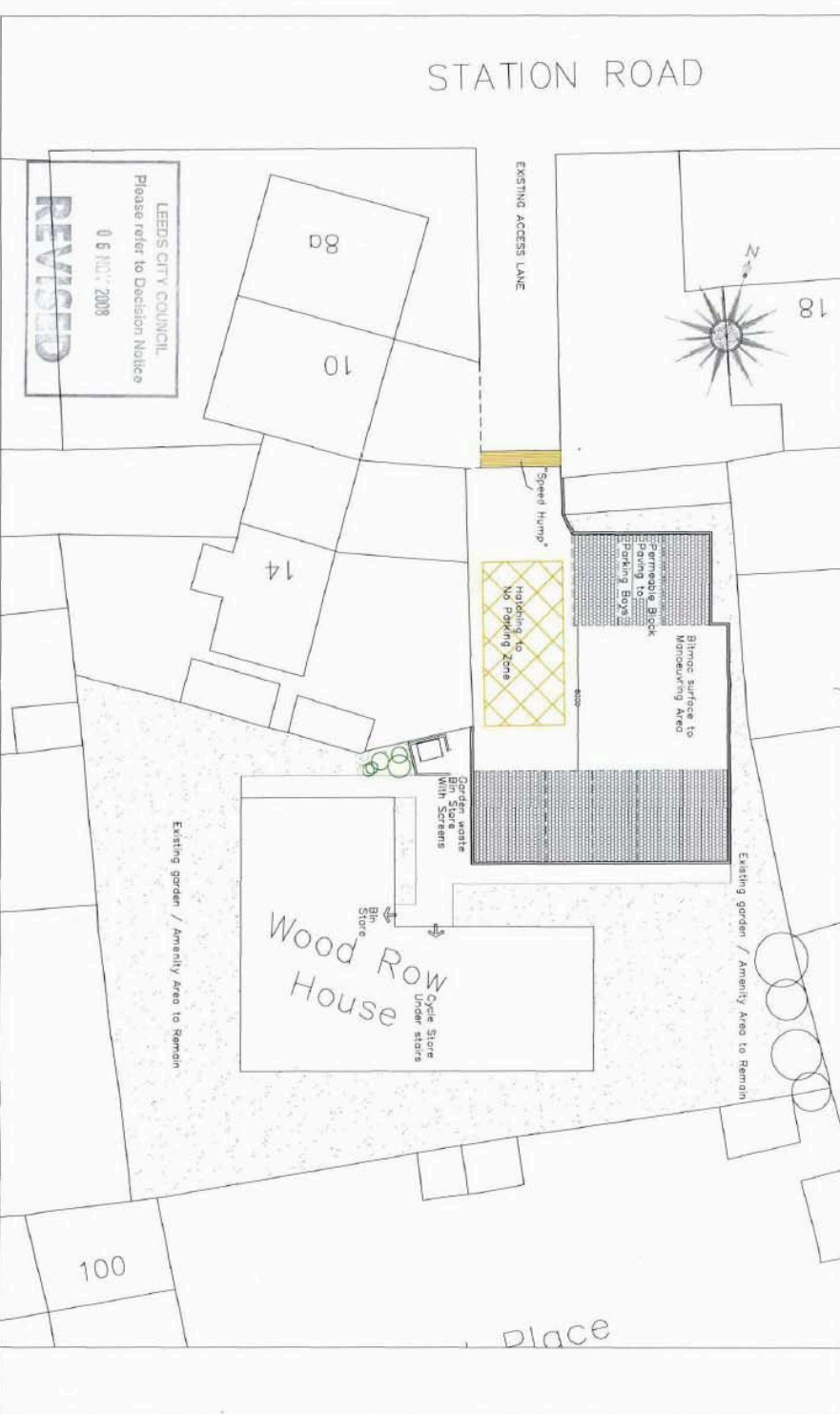
Date: **October 2007**

Drawn By: **MR J CONRY**

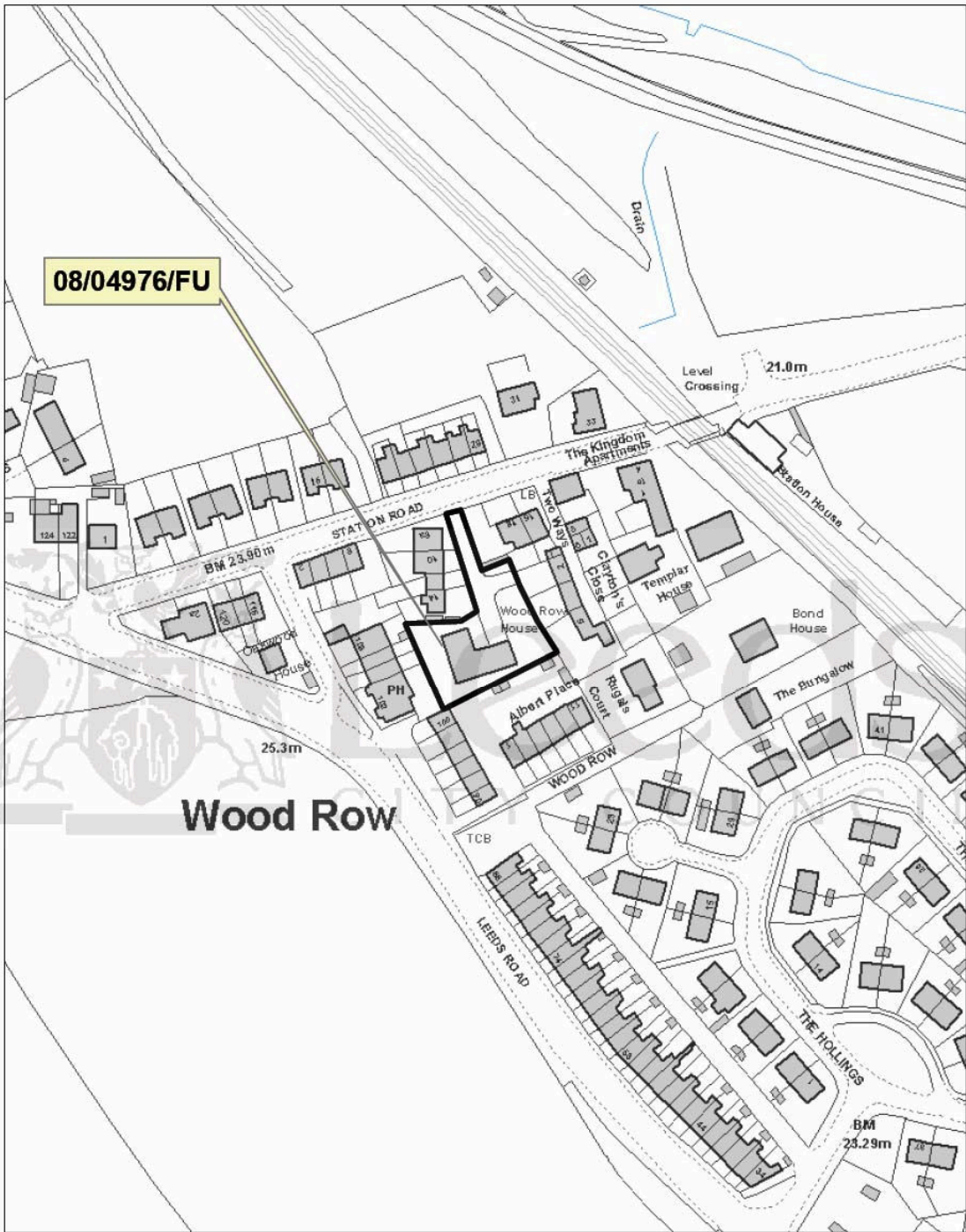
Checked: **MR J CONRY**

Ref: **07-018**

Rev: **005**



LEEDS CITY COUNCIL
 Please refer to Decision Notice
 0 6 NOV 2008
REVISED



EAST PLANS PANEL

Scale 1/1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL

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Originator: Adam Ward

Tel: 395 1817

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October 2009

Subject: APPLICATION 09/01995/FU – Full application for erection of replacement retail store with covered and surface car parking, new petrol filling station and landscaping – Tesco, Roundhay Road, Leeds

APPLICANT

Tesco Stores Ltd

DATE VALID

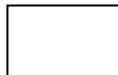
8th May 2009

TARGET DATE

7th August 2009

Electoral Wards Affected:

Roundhay



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 and the completion of a legal agreement to include the following obligations:

- i) Public transport infrastructure contribution (£319,241 – index linked);**
- ii) Metro/bus stop upgrade and relocation (£46,000 – index linked)**
- iii) Travel plan and travel plan monitoring fee (£4,500 – index linked);**
- iv) Training and employment of local people;**
- v) Contribution of £300,000 (index linked) towards Public realm enhancements to Oakwood district centre (which could be used for enhancement of pavements between the store and other shops, lighting and landscaping)**

1. Time limit for full permission.
2. Approval of materials (including brick, timber cladding, cladding to service yard, roof materials).
3. Details of surfacing materials, including pedestrian footways.
4. Preservation of existing trees and vegetation.
5. Retention of existing trees and vegetation.
6. Implementation of landscaping scheme in accordance with submitted details.
7. Landscaping method statement.

8. Replacement of trees which are damaged or die.
9. Laying out of vehicle areas.
10. Junction and off-site highway works to be completed prior to occupation.
11. Cycle parking provision.
12. Retention of disabled car parking spaces in accordance with approved plan.
13. Phasing plan for construction, to include site access, storage of materials and contractors' parking.
14. Service management plan for deliveries.
15. The car parking spaces associated with the development hereby permitted shall be made available at all times when the store is open, with no parking restrictions unless otherwise agreed in writing by the Local Planning Authority.
16. Restrict net retail floorspace to 7,072sqm.
17. Restrict comparison goods floorspace to 3,162m².
18. Restriction of range of comparison goods sold / sub-division of store to restrict dry cleaners, post office and travel agents.
19. Hours of delivery to be restricted to 7am-11pm Monday to Saturday and 8am-6pm on Sundays.
20. Drainage details to be submitted.
21. Submission of contaminated land information.
22. Details of bridge including materials.
23. Boundary treatments, including retaining walls.
24. Details of fixed plant to be submitted.
25. Noise levels from fixed plant to be limited.
26. Delivery vehicles to disable reverse beepers and refrigeration units prior to site entry.
27. Hours of construction restricted to 8am-6pm Monday to Friday and 9am-1pm Saturday, with no working on Sundays or bank holidays.
28. Recycling facilities not to be used between hours of 11.00pm -7.00am
29. Lighting details.
30. Provision of litter bins.

Reasons for approval: The application is considered to comply with policies GP5, GP7, N12, N13, N19, N50, T2, T2C, T2D, T5, T6, S2, S3, BD3, BD5 and LD1 of the UDP Review and supplementary guidance, as well as guidance contained within the RSS, PPS1, PPS6, PPG13 and PPG15. It is considered that the scale of the proposal in this District Centre is appropriate; that the increase in the scale of the store would not have an adverse impact on the vitality and viability of Oakwood Centre and other nearby centres; the contributions would improve the environmental quality of the Oakwood centre; public transport facilities would be improved through the s106 package; will result in an increase in the number of jobs; the design and scale is acceptable within the streetscene and would not detract from the character and appearance of the locality; the proposed signalised junction, the impact on the local network and the number of car parking spaces are acceptable, resulting in a scheme which would not have an impact on highway safety; it is not considered that the proposed development would impact significantly on the amenities of nearby residents. A such, the proposed development is considered to comply with the relevant UDP and RSS policies and national planning guidance and having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION

- 1.1 Members will recall that this application was reported to the Plans Panel on 27th August and was also the subject of a Panel site visits having been previously reported as a position statement on 2nd July. At the previous Panel meeting Members raised concerns relating to the highways impact of the scheme and how it linked to proposals for Roundhay Road. Members also raised queries over how well

the development would tie into the rest of Oakwood Centre and how the public realm would be linked to the store and the local area. The Panel resolved to defer the application to enable further information to be provided on the following matters:

1. Highways implications;
2. Sustainability and impact on Oakwood District Centre; and
3. Consultation on public realm enhancements.

1.2 Further to this deferral, the applicant has provided additional information in respect of the first two items, while Ward Members have carried out a public consultation exercise on public realm enhancements for Oakwood Centre. This additional information is set out below for the Members consideration.

1.3 Highways Implications

The Panel raised specific concerns over the highways implications of the proposed development and particularly the impact on the planned High Occupancy Vehicle (HOV) lane. In response, the applicant's highways consultant has provided further information in this respect and has indicated that a robust approach has been taken in assessing the operation of Roundhay Road southbound, i.e. without the additional capacity provided by the HOV lane. This assumes that all southbound vehicles would only use the existing single ahead traffic lane.

1.4 The planned HOV would operate southbound between Oakwood Boundary Road and Fforde Green and would convert the existing bus lane to allow use by vehicles carrying two or more occupants. There would be localised widening of the eastern side to ensure the free flow of traffic and the conversion of the two southbound bus stops closest to the site to bus lay-bys to prevent the blocking of traffic travelling towards the City Centre. The applicants have provided two separate plans which demonstrate how the HOV lane would operate as existing and following the implementation of the new signalised junction.

1.5 In terms of impact, the applicant has undertaken a further capacity assessment to attempt to quantify the effect of the introduction of the HOV lane at the proposed Tesco site access. It was agreed with Highways Officers that the Friday evening peak hour and Saturday lunch time peak hour are likely to represent the busiest periods in terms of traffic volumes accessing the proposed store and on the wider network. Therefore, these peak hours have been assessed to consider the impact of the proposed development.

1.6 Data indicates that around 23% of car trips on Roundhay Road southbound in the morning peak hour consist of cars with 2 or more occupants in 2004. No relevant data is available for the Friday evening and Saturday lunch time periods. Therefore, it has been assumed that 23% of the vehicles would transfer from the mixed ahead lane to the HOV lane.

1.7 It can be concluded that the proposed access junction could adequately accommodate the predicted development traffic without the HOV lane proposal. With the HOV lane in place, increased capacity would be available on Roundhay Road southbound which therefore improves the performance by reducing queues. The traffic modelling also shows that the remaining links within the junction would operate within the junction's capacity with or without the HOV lane proposal.

1.8 It can therefore be concluded that the increased capacity provided by the HOV lane would improve the performance of the site access junction and thus reduce delays and queues. Both Highways Officers and Metro concur with these conclusions.

- 1.9 Concerns were also raised over the potential for queuing into the proposed petrol filling station, as the Panel noted that similar problems had occurred at the Tesco store at Seacroft. In response to this, the proposed queuing area in front of the proposed petrol filling station is substantially larger than the forecourt area at the Seacroft petrol station. As such, this additional space would accommodate the anticipated demand for customers requiring fuel without impacting upon the adjacent roundabout and Roundhay Road itself.
- 1.10 Further advice has also been received from the Council's Urban Traffic Control section in respect of the impact on the junctions at Oakwood Clock and Fforde Green, who have the proposed development is acceptable in terms of the impact on these junctions. It is also concluded that no off-site highway works to these junctions are necessary and therefore no off-site contribution would be justified.
- 1.11 In summary, the proposed development is acceptable in highway terms, with regard to the level of parking proposed, the impact on the highway network, pedestrian and cycle facilities, the design of the new signalised junction and the package of public transport contributions sought. It has also been demonstrated that the planned HOV lane can operate with or without the proposed Tesco redevelopment in a satisfactory manner.
- 1.12 Sustainability & Impact on Oakwood District Centre
The Panel raised particular concerns over the issues of sustainability and the impact of the development on Oakwood District Centre. In response, the applicant has stated that the site is within a district centre and within a sustainable location that can be accessed by a range of means of transport. The proposal would particularly improve and encourage public transport usage and pedestrian connectivity. The location of the pedestrian entrance to the new store would be 168m closer to the rest of the shops within Oakwood than the current pedestrian entrance and would be connected via a new bridge at a cost of £200,000 to the applicant. Further public realm enhancements would be possible within Oakwood to improve these pedestrian linkages, and this is discussed in the next section of this report.
- 1.13 The scheme also provides secure cycle parking in convenient locations for both staff and customers and the site is accessible by 14 buses an hour that serve destinations between the city centre and Wetherby, including Harehills and Collingham. The applicants household survey has also showed that people who live in the immediate area are both willing to walk to their main food shopping destination and undertake other activities in association with that trip. Furthermore, the improved offer of the proposal will seek to clawback some of the expenditure leakage which is currently taking place at destinations such as Asda at Killingbeck, Sainsbury's at Moor Allerton and Tesco at Seacroft, thereby reducing car journeys in line with guidance within PPG13.
- 1.14 The applicant has also previously provided information relating to the impact on Oakwood Centre, and has indicated that Oakwood Centre has a good range of shops with vacancy rates below the national average. There are few shops which carry ranges that will wholly compete with the offer proposed at the replacement Tesco store and it is likely that the footfall will increase rather than decline. This would also be reinforced with public realm enhancements. Further details of this are set out within paragraph 10.8 of this report.

- 1.15 The applicant is also willing to restrict the sale of certain goods / restrict the sub-division of the store to provide some similar facilities which currently existing within Oakwood. This would restrict the formation of a post office, a dry cleaners and a travel agents. It is not considered that a condition could restrict the sale of pharmacy goods since the existing store currently offers these products. It is further considered that Tesco's opticians would not compete with the existing opticians in Oakwood centre and a condition to restrict these use would not be appropriate. Information has been provided to show examples that provide evidence that linked trips and enhanced vitality of centres following the development of new superstores. These include the Morrisons store at Rothwell, the Tesco store at Beverley, and other sites within Llanelli in Wales and Beccles in Suffolk. The evidence for each of these sites is summarised below:
- 1.16 Morrisons, Rothwell
A larger replacement store was permitted and constructed within Rothwell District Centre and opened several months ago. As part of the application process, Morrisons' retail consultant indicated that the old Morrisons store was not large enough to compete with other modern supermarkets situated in nearby centres which was causing leakage from the town centre. The applicant's retail statement also concluded that the new store would be beneficial to the town centre and would improve the shopping experience for Rothwell.
- 1.17 The replacement store is now open and despite the economic climate, Rothwell has a busy town centre that retains its market town atmosphere, with the main road hosting a variety of shops including an independent florist, a butcher, hairdressers, banks and a building society as well as clothes shops. A number of the shops nearby to Morrisons believe that the new store has helped their trade, with an increase in footfall, car parking and bringing new shoppers into the area.
- 1.18 Tesco, Beverley
A new Tesco store on the edge of the town centre opened in 2002. The attraction of Beverly as a place to shop has increased, with big name outlets such as Marks & Spencer and Costa Coffee moving in, thereby supporting the view that the presence of Tesco has not been a deterrent to investment in the town. A retail report produced on behalf of the Council in 2003 (1 year after the Tesco store opened) indicated that vacancy rates had dropped from 17 vacant units in 2000 to 12 units in 2003, and that the store had made a positive contribution to the health of the town centre. A survey also showed that 65% of Tesco shoppers made linked trips to the town centre.
- 1.19 A further report was published in 2009 which concurred with the original report findings that the Tesco store has a positive impact on the rest of the town centre, and stated:
"The development of the Tesco store has had a positive impacts in terms of providing free town centre parking and there is evidence of linked trips being made between the town centre and Tesco."
- 1.20 Asda, Llanelli
This was located adjacent to Llanelli town centre and studies concluded that the supermarket generated spin off shopping activity and enhanced the shopping opportunities for those visiting other sites in the town centre.
- 1.21 Tesco, Beccles, Suffolk
A new Tesco store was developed in 2004 in an edge of centre location within a town characterised by a multitude of independent retailers. A retail study conducted

on behalf of the Council found that the store has provided a retail anchor to the town centre; increased pedestrian activity; reduced the need for and frequency of car-borne food shopping trips to out-of-centre locations; created good linkages with the rest of the town centre through good design; and has become well integrated with the town centre.

1.22 Consultation on Public Realm Enhancements

Local Councillors have carried out an independent survey to ascertain what public realm enhancements the local community would like to see within the Oakwood centre. Over 1,000 letters and questionnaires out were sent out, with 700 of these having been posted out to local residents and 300 hand delivered to the businesses within Oakwood and immediate area. Copies of these were also available at the REAP stall at the Farmer's Markets last month. The responses of this survey are reported back to the Plans Panel in accordance with the Panel resolution.

1.23 The applicant has agreed to contribute a sum of £300,000 towards such public realm enhancements and further discussions on how this could be spent would take place in consultation with Ward Members and the local community. The questionnaire compiled by Ward Members provides options on how public realm contributions could be spent within Oakwood and included a list of such enhancements. These included schemes such as the restoration of Oakwood Clock, landscaping around Oakwood Clock, re-paving private forecourts, trees within the pavement, resurfacing of the pavement between Tesco and Oakwood, community information boards, replacement pedestrian railings, and community art.

1.24 Of the responses received, the resurfacing around (10 responses) and the restoration of Oakwood Clock (9 responses) were the most popular choices, followed by the planting of trees (8 responses), re-paving of forecourts (7 responses), replacement pedestrian railings (7 responses), resurfacing of pavements (6 responses), community art (4 responses), and finally community information boards (3 responses). Other suggestions included improved pedestrian crossings, hanging baskets, seating, improvements to bus stops, new frontages to shops, an environmental commitment from Tesco, improvements to tennis courts at Roundhay, new public toilets, redevelopment existing vacant toilets and reduction in width of the road and widening the footways.

1.25 In response, some of these improvements would not be feasible as part of any s106 agreement as they include third party land such as existing shopfronts and the private forecourt areas. Improvements to the tennis courts would not relate to the development as advised by Circular 05/05, while improvements to bus stops would take place as part of the Metro contribution. Tesco's new proposed store incorporates environmental principles including rooflights, wind catchers, water recycling, combined heat and power and the use of a timber framed building and cladding.

1.26 As set out at para. 1.25 above, Circular 05/2005 'Planning Obligations' gives guidance on the use of planning obligations. Section 106 Agreements are "...intended to make acceptable development which would otherwise be unacceptable in planning terms" (para. B3). Such agreements can be used to mitigate a development's impact. The Circular progresses to state that a planning obligation must be relevant to planning, necessary to make it acceptable in planning terms, directly related to the proposed development, fairly related in scale and kind to the proposed development and reasonable in all other respects. In this instance the enhancement of the environment of the Oakwood centre would serve to make it a more attractive location to shop thereby serving to help mitigate the impact of the

new Tesco's store. The restoration of the Oakwood Clock, a local landmark, would help to reinforce and enhance the identity of the Oakwood Centre. Improving pedestrian links between the new Tesco's store and the Oakwood centre would have similar benefits. Having regard to the scale of the store and the extent and nature of environmental improvements that are required a sum of £300,000 would seem proportionate in that it would facilitate the undertaking of the enhancement of the Oakwood centre and links to it. In terms of narrowing down what realistically could be provided within Oakwood within the £300,000 sum offered, it is evident that environmental enhancements could include the restoration of Oakwood Clock and associated landscaping as well as the provision of replacement footways along the western side of Roundhay Road, linking the store to the rest of the District Centre. It is also likely that there would be money left to pay for information boards, artwork, trees and pedestrian railings. In light of the results of the consultation exercise the Panel's views are requested as to whether they wish officers to negotiate a Section 106 Agreement on the basis set out above.

1.27 Public Responses

Since the previous Panel meeting on 27th August, a further 21 letters of objection have been received from local residents. The issues raised by objectors reiterate many of the concerns and objections already received which are set out in Section 6 of this report. Additional issues raised relate to the lack of provision of a north bound cycle lane in front of the store, concerns over the range of comparison goods sold and the impact upon some shops within Oakwood, impact on the Farmer's market, and concerns over the consultation procedure on public realm enhancements recently carried out.

1.28 In response, a north bound cycle lane is proposed and this is shown on the proposed site layout plan. A condition will be imposed restricting the types of goods and services, while the proposal provides a different retail offer to that of the Farmer's Market and therefore will not be significantly harmed. In terms of consultation, the Local Planning Authority considers that it has far exceed the statutory requirements in terms of advertising the application and involvement with Ward Members and attendance at a public meeting. The recent public consultation on public realm enhancements was carried out by Ward Councillors who carried out an independent survey/questionnaire, the results of which are reported to the Plans Panel in accordance with the Panel resolution.

1.29 Summary

The applicant has provided the necessary information relating highways and the impact of the store on the HOV lane, as well as information on sustainability and the impact upon Oakwood Centre, drawing upon examples of other stores and their impact on the respective centre. Public consultation has also taken place on public realm enhancements for Oakwood Centre. This has highlighted a desire to restore Oakwood Clock and its landscape setting, as well as upgrading the footway between Tesco and the rest of the shops, all of which could be achievable with the contribution currently offered by Tesco but would be subject to more detailed discussions and consultation with Ward Members and the local community.

2.0 **PROPOSAL:**

2.1 The application seeks full planning permission for the demolition of the existing Tesco and Homebase stores at the site, and the erection of a replacement A1 retail store with covered and surface car parking, a new petrol filling station (PFS), and landscaping.

- 2.2 The existing Tesco and Homebase stores at the site have a floorspace of 5,295sqm gross/3,469sqm net and 3,437sqm gross/2,947sqm net respectively. The proposed replacement store would have a total gross floorspace of 11,204sqm and a net sales area of 7,072sqm. The net uplift in retail floorspace is therefore 656sqm. Proposals would allow the store to sell a wider range of goods than the current store, with an increase in the amount of comparison goods that would be available.
- 2.3 The following documentation has been submitted in support of the application:
- Detailed drawings;
 - Design, Access and Sustainability Statement;
 - Planning and Retail Statement;
 - Transport Assessment;
 - Travel Plan;
 - Landscape and Visual Statement;
 - Desk Study Report and Site Investigation Proposal;
 - Flood Risk Assessment;
 - Environmental Noise Assessment; and
 - Community Engagement Statement.
- 2.4 The replacement store is proposed in the northern part of the site, closer to the site frontage and the rest of the district centre than the existing Tesco store. The new building would be 2 storey in design, accommodating the store on the first floor with an undercroft car park below. External surface parking is also proposed to the south of the store. The proposed PFS would be located in the southern part of the site.
- 2.5 The store has a contemporary appearance, comprising significant elements of glazing and timber larch cladding. The service area, which is proposed to the west of the store at first floor level, is to be screened with oyster coloured cladding. The development is proposed to be an 'environmental store', including elements which seek to reduce the store's carbon footprint, including:
- Use of rooflights and glazing to increase levels of natural light into the store;
 - Improved ventilation, reducing the need for air conditioning;
 - On-site Combined Heat and Power (CHP) generation.
- 2.6 The proposed vehicular access is in a similar position to the existing access point in the southern part of the site. The proposed access would be wider than the existing, and it is proposed to provide a signalised junction with pedestrian crossing points at the site entrance and on Roundhay Road. 665 car parking spaces are proposed, which represents an increase of 70 spaces at the site. Additional pedestrian access points are proposed to the front of the store, where cycle parking is proposed, and in the north eastern corner of the site, via a pedestrian footbridge from Roundhay Road to the store entrance. The existing pedestrian access point from Gledhow Wood Road, to the south west of the site, is to be retained. Access to the store from the car parking areas is provided via travelators, lifts and stairs within a glazed atrium on the store's eastern elevation.
- 2.7 It is proposed to retain many of the existing trees along the site frontage, and to supplement this with additional planting. It is proposed to remove some vegetation from within the site, mainly within the existing parking area and along the western boundary where the service yard is proposed. Additional tree planting is proposed to the front of the store along the Roundhay Road frontage, and to the east and south

of the proposed PFS in the southern part of the site. Additional planting is also proposed along Gledhow Wood Road to the south west, and within the proposed external car parking area.

- 2.8 The store is proposed to be open 24 hours Monday to Saturday, and from 10am to 4pm on Sundays. In terms of the proposed delivery hours, Tesco would accept similar conditions to those imposed on the existing store in this respect, although their preference would be to extend these on Sundays.
- 2.9 Details submitted with the application advise that there are 299 existing members of staff at Tesco and 65 at Homebase. The details submitted advise that the existing Tesco staff would be retained, and that up to 200 new jobs would be created, with Homebase staff being offered the opportunity to secure alternative employment at the new Tesco store. This would result in a net increase in jobs of 135 overall.
- 2.10 A draft Section 106 agreement has been submitted, covering the following matters:
- Public transport infrastructure contribution – a sum of £319,241 has been agreed in this respect;
 - Metro contribution to bus stop upgrades – a sum of £46,000 has been agreed in this respect;
 - Travel plan and monitoring fee of £4,500;
 - Training and employment of local people;
 - Contribution of £300,000 towards Public realm enhancements in Oakwood District Centre. This could include enhancements to pavements to provide a more unified surface leading from the store to the centre, lighting and planting.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises the existing Tesco and Homebase store on Roundhay Road in Leeds, together with their associated parking and servicing areas. The existing Tesco store is a single storey, brick building with a pitched, red pantile roof, and occupies much of the southern part of the site. The Homebase store, a more modern building with a glazed frontage, is located in the north western part of the site, and is set further back from Roundhay Road. The site has a large external parking area to the north east of the Tesco store and to the east of Homebase, with service yards to the south of the Tesco building and the north east of Homebase.
- 3.2 The site has two existing vehicular and pedestrian access points from Roundhay Road, together with an additional pedestrian access point from Gledhow Wood Road, to the south west of the existing Tesco building.
- 3.3 Although the site itself is relatively flat, Roundhay Road slopes upwards from north to south, and the land to the west is at a significantly higher level than the site. As a result, the site is enclosed to the west by high retaining walls, with smaller retaining structures at points along the frontage and in the north eastern corner of the site. There are a number of mature trees along the Roundhay Road frontage, a number of which are protected by a Tree Preservation Order (TPO).
- 3.4 The site is in the southern part of Oakwood District Centre, with commercial properties within the centre to the north, and also to the south of the site, including offices and a petrol station. There are residential properties on Ravenscar Walk to the north, and, at a higher level than the application site, on Gledhow Wood Court to the south west. Residential properties to the south east are set further back and at a

higher level than Roundhay Road, and are screened by existing trees. There are large areas of woodland to the north west and to the east of the site. Gipton Wood, to the east, is part of Roundhay Conservation Area. The woodland to the north west is designated as protected greenspace and as a Leeds Nature Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline permission for the existing Tesco store was granted in February 1987 (application H30/39/86/), and full permission for the store was granted in May 1987 (application H30/69/87/). Permission was granted to vary the condition on the approval relating to delivery hours in December 1995 (application 30/330/95), allowing deliveries to take place between 7am and 11pm Monday to Saturday and between 8am and 6pm on Sundays.
- 4.2 An extension to the front and side of the Tesco store was approved in March 1999 (application 30/339/98/FU).
- 4.3 The existing Homebase store was approved as a retail warehouse in February 1987 (application H30/305/85/). Permission was subsequently granted for the laying out of a garden centre to the side of the retail warehouse in December 1987 (application H30/326/87). Permission for a greenhouse extension to the side of the store was approved in April 1991 (application H/30/420/90), and to use an area of the car park as part of the garden centre in January 1997 (application 30/339/96/FU).
- 4.4 The original permission for the Homebase store was subject to a legal agreement restricting sales to certain items, including garden equipment, self-assembly furniture, building materials and plants. An application to vary this agreement was approved in 2003, allowing unrestricted A1 use at the store.
- 4.5 In addition to the above, there have been various applications for alterations and signage to both the Tesco and Homebase stores over the years.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application, pre-application discussions have been ongoing with Tesco for over 2 years. Issues discussed have included siting, design, landscaping, highways, and the impact of the proposed store on Oakwood District Centre. These negotiations have culminated in a Planning Performance Agreement (PPA) with Tesco, whereby the local planning authority are working to pre-agreed timescales to determine the application.
- 5.2 Following comments from the landscape officer, revised plans have been submitted, which provide further clarification regarding the retention of trees and supplementary planting, and on matters such as levels, boundary treatments and planting specifications. In response to comments from the design officer, revisions have also been made to the design of the store, to incorporate more glazing to the elevations facing the car park and Roundhay Road. Variations in the colour of cladding to the service yard have also been introduced to minimise its visual impact, and the colour of the windcatchers on the roof, have been changed from blue to grey. Minor alterations have also been made to the designs of the windows on the northern elevation.
- 5.3 Following concerns that the store's footprint may impinge on a culvert crossing the site, further investigations have been carried out by the applicant, who have now confirmed that the culvert would not physically impact on the proposed store

footprint, and that they do not consider that the position of the culvert would cause any insurmountable problems for the redevelopment of the site.

- 5.4 Further investigation has been carried out by the applicant's agent regarding the impact of the store on Oakwood centre. This includes an analysis of all of the units in Oakwood, and an assessment of the level of competition anticipated between each unit and the proposed Tesco store. The findings of this analysis are discussed in the appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised as a major application and as affecting the character of a conservation area by means of site notices, posted 20th May 2009, and a press notice, published 21st May 2009.
- 6.2 604 letters of objection have been received. 270 of these are copies of a standard duplicate email submitted by individual objectors with their own personal comments added. Two sets of duplicate letters, signed by individual objectors, have also been submitted, totalling 70 +138 of the objections. The following concerns have been raised:
- Close to Roundhay Road and overbearing. Existing stores are further back in the site and do not dominate the streetscene.
 - Design, appearance and layout not in keeping.
 - Rear elevation is dull grey and will not blend into the area – Tesco have suggested to residents that they will provide a 2.8m screen fence along Ravenscar Walk/View. This is not a satisfactory solution.
 - Scale of development not appropriate to the site or to a residential area – better suited to an out of town location. 'Identikit' stores result in loss of local identity.
 - Negative impact on conservation area.
 - Materials not in keeping – brick or stone would be more appropriate.
 - Damaging to conservation of buildings, trees and natural environment.
 - Impact on outlook from neighbouring properties.
 - Increased noise for local residents – from traffic, construction and deliveries.
 - Service area too close to neighbouring residential properties, and noise will be heard 24 hours a day. Increased numbers of deliveries will worsen this.
 - Residents will be living in an industrial area.
 - Site was formerly a quarry, and noise levels are amplified by the variations in levels around the site.
 - Noise report does not provide sufficient evidence that there will be no impact on neighbouring properties.
 - Light pollution.
 - More traffic in an already congested area.
 - Customers of existing store park on neighbouring residential streets.
 - Rat running in nearby streets.
 - Insufficient parking.
 - Undercroft parking is a fire and security risk. Can emergency vehicles access the site appropriately?
 - Only having 1 vehicle access is inadequate – will lead to congestion on Roundhay Road.
 - Not pedestrian friendly – have to negotiate 4 zebra crossings to cross the site access.
 - No taxi pick-up point on the plans – taxis will not drive into undercroft area.
 - Park and ride suggested.

- Can Oakwood have 2 Whizzgo cars?
- Not sustainable – will not encourage cycle or public transport use.
- Loss of trees and greenery, which at present provide a pleasant contrast to development as you drive out of Leeds.
- Pollution from traffic – impact on health and on vegetation.
- Impact on nature conservation in adjacent woodland.
- Has a flood risk assessment been submitted. Concerns regarding flooding from Gledhow Beck affecting properties in the Well Houses.
- Not sustainable to demolish 2 existing stores and replace with a new one.
- 'Eco store' claim is misleading.
- Litter dropped in an around the site has caused problems with vermin.
- Insufficient community engagement – information distributed about public exhibition was misleading.
- Significant increase in retail floor space if PFS is taken into account.
- Existing Homebase not directly comparable to new, larger Tesco. Homebase is quieter and not 24 hours.
- Impact on local shops – existing store has caused closures, store is likely to include pharmacy, optician etc, all of which exist in Oakwood.
- Oakwood is not identified in UDP as a centre where existing provision falls short of residents' needs.
- Impact on local centre at Harehills.
- Loss of local shops and difficulty in getting around such a large store will impact on older residents living nearby.
- Loss of jobs.
- No need for larger supermarket – good range of supermarkets and smaller shops in the area already. Not planners' job to prevent 'leakage' of Tesco customers elsewhere. Has a retail impact assessment been done?
- Competition Test to be introduced soon which would prevent applications like this from succeeding. The Council should take this into account.
- Already a petrol station just down the road – no need for another one. This could lead to closure of existing petrol station, leaving a derelict contaminated site. Existing petrol station more convenient (e.g. opening 24 hours on Sundays).
- Loss of Homebase DIY store – loss of variety and increase in car journeys if people have to go elsewhere.
- Existing Tesco could be run more efficiently.
- Section 106 contribution is insufficient to reflect the disturbance and impact the development will have on the area.
- A swimming pool and sports facility would be more appropriate for the site.
- Inaccuracies in supporting document with regard to number of existing pedestrian accesses – one is missed off.
- Impact on views from neighbouring properties.
- Tesco has enough shops in Leeds, including an existing large Tesco Extra at Seacroft. This will increase their monopoly.
- Impact on property values.
- No Environmental Impact Assessment submitted.
- Social costs of multinational food production - low wages and poor working conditions for employees, impact on local food producers.
- Increased carbon footprint – food miles and industrial food production.
- Morally objectionable.
- Tesco is too powerful, too dominant and non-accountable
- Larger supermarket with wider range of food will worsen obesity problems.
- Loss of 250 jobs within 15 mile radius (Homebase, BP, Somerfields);
- No new investment to replace empty premises;

- That research shows that multinational retailers such as Tesco, money flows away from a local area to shareholders and Tesco headquarters;
- For every £10 spent in a local business £7 stays in the local economy whereas this drops to only £3 for big supermarkets;
- Research in the US points towards evidence that large stores (such as Wal-Mart) result in closure of existing stores and a loss of jobs;
- There will be no “spin off” trade from the proposal. An example is Morrisons at Yeadon where numerous local business closed as a result of an expansion of retail floorspace;
- Disagreement with impact figures within applicant’s retail study;
- Example of impact on Proudfoot local supermarket in Withernsea cited;
- Conflict with PPS6, particularly with regard to the scale and impact of the development;
- Tesco will not create any higher skill opportunities in terms of new jobs;
- Conflict with PPS1 in that the concept of demolition and new-build is not sustainable and lack of community engagement;
- Disagreement over the figures cited in the applicant’s Transport Assessment;
- Objector points towards an appeal decision in Bridlington where the Inspector commented that the scale of the proposed store would jeopardise the entire street trade in convenience goods

6.3 Two letters of objection has been received from a charity shop and the City Stationers in Oakwood centre, raising the following concerns:

- Do not believe that plans will increase number of people visiting Oakwood shops, more likely that people will do all of their shopping at Tesco and then drive home again. Even if one or two shops in Oakwood close, this will have a huge detrimental impact on the area.
- Tesco will stock goods that are comparable to those sold in existing shops (newspapers, stationery etc).
- Increase in traffic and environmental damage.
- Local businesses should be allowed to grow to maintain individuality and diversity of Oakwood.

6.4 3 letters of objection have been received from the directors of the existing petrol station to the south of the site, raising the following concerns:

- Design and appearance not appropriate to character of the area.
- Impact of development on conservation area.
- Noise for local residents.
- Many customers visiting Tesco will be doing so only for fuel and will therefore increase vehicle journeys to the area – will exacerbate queuing problems on Roundhay Road.
- Fuel volumes projected for a supermarket PFS are in the region of 12-20 million litre – this is 4-5 times that of a standalone non-supermarket PFS.
- Tesco traffic projections don’t take into account increase in traffic from PFS.
- No provision for staff car parking at new store – parking levels are inadequate.
- No parking facilities at petrol station.
- Proposed single entry/exit to Roundhay Road is inadequate – traffic will queue.
- Parking on nearby streets will increase.
- No dedicated delivery access.
- Development will not create any new jobs in reality – as Homebase staff will be made redundant.
- Hours of use restriction due to intensification in use of site.
- PFS should be included as net retail area.

- Impact on nearby district centres.
- Impact of new PFS on business at existing BP garage, there are already several PFSs within a 1 mile radius, including a Tesco extra site. No need for another.

6.5 Two letters of comment has been received. One advises that while the author has no objections to the application, they wish Leeds City Council to ensure there are significant financial contributions via the Section 106 agreement towards the future vitality and viability of Oakwood centre. Suggestions include public realm and shop front/signage improvements and the appointment of a dedicated town centre manager. The second letter raises concerns regarding the provision of an additional petrol station, the loss of the DIY store, felling of trees which has taken place and that the proposed store would have a 'warehouse feel', whereas the existing has some architectural merit, and advises that they would prefer the site to be redeveloped for residential uses. However, they advise that the relocation of the store closer to Oakwood centre seems to make sense, and that this is an opportunity to improve the local community which should not be missed.

6.6 Councillor Kendall has advised that she remains concerned about the following aspects of the proposals:

- Impact on the BP garage – may lead to a derelict site.
- Traffic – hard to understand how a single entrance could cope with current volume of traffic, let alone likely increase from an enlarged store.
- Impact on Oakwood centre – Somerfield already trades under shadow of Tesco. If larger Tesco store leads to closure of Somerfield, the centre will lose its anchor and much of its custom, and individual traders may close.

6.7 Councillor Lobley has made the following comments regarding the application:

- No overall objection to a new store, but some concerns about the design.
- While retail sales space not markedly increased, the overall size and visual massing of the store will be much larger.
- Regard needs to be given to the vista when travelling along Roundhay Road and the impact on Gipton Wood. May be better to move the store further back into the site.
- Concern that claims regarding new jobs do not take into account loss of other jobs at Homebase. Not clear whether new jobs are full or part time. Doesn't take into account possible loss of jobs in wider area.
- Increase in traffic – needs modelling and thoroughly checking. Need to look at additional journeys at peak times, and some independent advice on shopping habits is needed.
- Impact of PFS – concerns regarding potential of a derelict site if BP garage were to close – associated problems with tipping and antisocial behaviour.
- Potential impact that moving store closer to Oakwood would have on existing Somerfield. Impact on centre if Somerfield were to close. Views should be actively sought from Somerfield.

6.8 Councillor Wadsworth has submitted a letter putting forward a number of comments which can be summarised as follows:

- The design has not been modified significantly in recent weeks;
- Impact / loss of trade on the nearby BP garage;
- Concerns over the layout of the petrol station and potential traffic queues, similarly to that at Tesco Seacroft;
- Height of building is too prominent and should be reduced or set back;

- Concerns over the undercroft parking area and impact from noise on nearby residential properties;
- Concerns over parking on Gledhow Wood Road;
- Lack of figure relating to public realm enhancements. Officers should negotiate a figure for the Panel to consider or the Panel should defer the application in the absence of a figure. Public realm enhancements should be fully costed.
- The new Tesco store would be an improvement to the current situation. The suggested safeguards would ensure that this would be an additional asset to Oakwood.
- The report on the application does not fully reflect public opinion.

6.9 Fabian Hamilton MP has objected to the application, and refers to the following concerns of his constituents:

- Impact on traffic.
- Scale of development not appropriate to the site or the area.
- Impact on local shops.
- Increased noise levels from deliveries.
- Increase in parking spaces – will affect local community and surrounding area as well as the environment.

6.10 Leeds Civic Trust have raised concerns that the proposed store would be much larger externally than the existing one, despite the retail floorspace increase being relatively small, and have raised concerns that the proposals would result in the overdevelopment of the site. They also advise that they consider the proposed PFS unnecessary and that the development will have adverse effects on traffic and on the commercial viability of existing shops in Oakwood, Chapeltown and Harehills.

6.11 The Roundhay Planning Forum raises a number of concerns relating to the design, scale and massing of the store; the impact of the highway and traffic measures on the character of Roundhay Road and its wooded green landscape setting. Any s106 Agreement should also seek public realm improvements, shopfront/signage improvements and the appointment of a dedicated town centre manager. Concerns are also raised over the loss of the Homebase store and the impact upon the existing Somerfields Supermarket.

6.12 Gledhow Valley Conservation Area Group have raised the following concerns:

- Impact on Oakwood centre – possible closure of varied local shops.
- Tesco claim this is an ‘eco’ store – not sustainable to use energy and materials in demolish and rebuild when existing building could be adapted.
- Health of planting around the site needs to be considered.
- Increased traffic – more parking spaces will encourage car use. More incentives needed for pedestrians, facilities for cyclists and free bus links to other shopping districts.
- Number of existing Tesco shops in north Leeds.
- Drainage – loss of open space to create hard surfaces.
- Views into the site – green aspects need to be enhanced.

6.13 417 letters of support has been received, of which 389 are copies of a standard letter distributed in the existing store by Tesco, and signed by individual customers. The following comments are made:

- People currently have to travel to the Tesco store in Seacroft for more choice. New store will improve variety of products.
- There is already traffic going to and from the site to Homebase and Tesco.
- A new store will brighten up the area.

- Improved shopping environment.
- A café would be welcomed to provide a break from shopping.
- Store will have environmentally friendly initiatives.
- Significant investment in Roundhay.
- Will not impact on Oakwood district centre, its entrance is closer and people will park in Oakwood and walk to Tesco. Will help keep Oakwood centre alive.
- Development will bring much needed new jobs to the area and safeguard existing employment.
- Road layout is much improved and will lead to free-flowing traffic.
- Existing store is struggling as there are too many customers. An expanded store would be welcomed.
- Homebase lease is running out, if Tesco don't re-use the site then another retailer may still come in who may want to redevelop the site. How is this better? It will still bring increased traffic.
- No reason for anyone but a few residents nearby to object to petrol station – BP garage may object, but their petrol prices are higher than other nearby supermarkets and people drive elsewhere for petrol. BP and Asda both operate in close proximity on York Road.
- Will have no environmental impact on the area – Tesco have made the store as efficient as possible, and have tried to keep as many trees as possible.
- The majority of objections relate to the fact that Tesco is a large company, that stopping Tesco will save the planet, and that people believe competition between petrol stations is to be frowned upon.

- 6.14 A further letter of support has been received from a tailors shop in Oakwood centre, which makes the following comments:
- Expansion will benefit Oakwood parade and local employment. No shops in Oakwood would be in direct competition with Tesco except Somerfield.
 - Additional traffic and people in the area can only benefit local shops, making people more aware of the goods and services available in Oakwood.

- 6.15 A letter has been received from a local resident advising that one of the duplicate letters of support submitted in their name was not actually submitted by them. This letter has now been removed from the application file, and is not reported in the figures above. Approximately 1000 letters of representation on the proposals have been received so far. This appears to be an isolated case, as no other residents have come forward to advise that they have been misrepresented.

- 6.16 A public meeting was held on 24th June 2009 at Roundhay Methodist Church, which was attended by approximately 150 local residents and local business owners. Representatives from planning and highways, and from Tesco and their highway consultants, together with the three Ward Members for Roundhay, were also present. Residents and local business owners raised concerns regarding the size of the store, increases in traffic on Roundhay Road, and the impact on local residents, shops in Oakwood and Harehills district centres, and the BP garage to the south of the application site.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 Highways

Environmental Studies have endorsed the submitted air quality assessment, and Transport Planning have indicated that the design of the junction would be

compatible with the Council's High Occupancy Vehicle (HOV) proposals along Roundhay Road.

The levels of cycle parking and car parking are considered acceptable. Some minor revisions to the plans have been requested, including confirmation of parking space dimensions and motorcycle parking provision. Additional details have been supplied in this respect, and are currently under consideration. A service management plan is required with regard to the management of deliveries and a condition is recommended requiring this.

In terms of the design of the new signalised junction and the impact of the development on the highway network, including the Fforde Green and Oakwood Clock junctions, further information was requested from the Council's Urban Traffic Control (UTC) team. This is now under consideration, although it is considered that any minor concerns are likely to be overcome.

Non-statutory:

7.2 Contaminated Land

No objections, subject to conditions.

7.3 West Yorkshire Police

Recommend that anti-terrorism measures are included in the undercroft parking area – measures have been agreed with Tesco. Lighting should be in accordance with the relevant British Standard and the car park should meet 'Park Mark' Safer Parking Award standards.

7.4 Transport Policy (Travelwise)

Comments and recommendations regarding the submitted draft travel plan have been provided. Negotiations are ongoing in this respect. A Travel Plan Monitoring and Evaluation fee of £4,500 has been requested and this should be included within the s106.

7.5 Public Transport

A contribution of £319,241 towards public transport infrastructure should be sought under the adopted SPD. [*The developer has agreed to pay this sum*].

7.6 Access Officer

Recommendations are made regarding the location and layout of disabled parking spaces, the provision of tactile paving at pedestrian crossing points, the gradients of access points and the footbridge, and the design of steps and glazed entrances, in the interests of providing appropriate access to the building for all users.

7.7 Neighbourhoods and Housing

No objections, subject to conditions covering the following matters:

- Restrictions on noise levels from fixed plant
- Delivery hours to be restricted to 7am-11pm Monday to Saturday and 8am-6pm on Sundays, which are the current permitted hours for the existing store.
- Recycling facilities not to be used at night.

7.8 Mains Drainage

Concerns had been raised regarding the presence of a culvert at the site and whether this would impact on, or be affected by, the proposed development. Further investigation in this respect has been carried out. The applicant's agent has now confirmed that the culvert would not physically impact on the proposed store footprint, and that they do not consider that the position of the culvert would cause

any insurmountable problems for the redevelopment of the site. Comments from Mains Drainage and from the Environment Agency in this respect are awaited.

7.9 City Services

The bin collection arrangements for the site appear to be acceptable.

7.10 Metro

Would welcome the extension of the High Occupancy Vehicle (HOV) lane into the proposed widening of Roundhay Road to reduce delays for buses passing the site. The signalised junction should be installed with traffic light priority for buses.

The local bus infrastructure is poor given the level of service on this corridor. The redevelopment of the store provides an opportunity for this to be addressed. The proposed new store access will require the relocation of a bus stop on Roundhay Road. Should this be agreed, the associated kerb works should be provided, along with a shelter with real time information display. A shelter on the opposite side of the road should be upgraded with real time information and kerb works. Metro should be consulted should this require relocation. The applicant has agreed to fund improvements to the nearest southbound bus stop, and the relocation of the northbound bus stop. These matters are covered by the Section 106 agreement.

The development should be required to join the West Yorkshire Travel Plan Network.

7.11 Yorkshire Water

No objections, subject to conditions.

7.12 Environment Agency

No objections, subject to condition.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan comprises 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.

8.2 The following RSS policies are relevant to the proposed development:

E2 – Relates to town centres where the focus should be for local services and facilities.

ENV5 – Relates to renewable energy. Encourages the use of combined heat and power and states that developments of over 100sqm floorspace should secure at least 10% of their energy from renewable or low carbon sources.

8.3 The site is within Oakwood District Centre. A number of the trees within the site and along the frontage are protected by a TPO. Land to the north west of the site is designated as Greenspace and Leeds Nature Area, and Gipton Wood, to the south east, is within Roundhay Conservation Area. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations;

GP7 – Planning obligations to enhance quality of development;

N12 – Urban design principles;

N13 – Design of new buildings;
N19 – Development within or adjacent to conservation areas;
N50 – Development and Leeds Nature Areas;
T2 – New development and highway safety;
T2B – Requirement for transport assessment;
T2C – Requirement for travel plan;
T2D – Public Transport contributions;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
S2 – Development in town centres;
S3 – Enhancement and maintenance of town centres;
S3A – Priority to refurbishment and enhancement of Harehills Corner;
BD3 – Access to public buildings for disabled people;
BD5 – New buildings, design and amenity;
LD1 – Landscaping proposals.

8.4 Supplementary Planning Guidance/Documents
Public Transport Improvements and Developer Contributions SPD.
Draft Street Design Guide SPD.
Travel Plans SPD.
Roundhay Conservation Area Appraisal.

8.5 National Planning Policy and Guidance
PPS1 – Delivering Sustainable Development
PPS6 – Planning for Town Centres
PPG13 – Transport
PPG15 – Planning and the Historic Environment.

9.0 MAIN ISSUES

1. Principle of development and retail issues.
2. Scale, design and impact on character of area.
3. Highways.
4. Impact on nearby residential properties.
5. Trees and landscaping.
6. Planning Obligations.
7. Other issues.

10.0 APPRAISAL

10.1 Principle of development and retail issues
The site is within Oakwood District Centre, and is currently occupied by two unrestricted A1 retail stores. The replacement store would result in a total net retail floorspace of 7,072m², which represents an increase in net retail floorspace of only 656m² over the net floorspace of the existing stores on the site. The increase in convenience goods floorspace rises from 2,618m² to 3,910m², representing an increase of 1,292m² (50%). In terms of the proposed split between convenience and comparison goods, the application proposes a floorspace of 3,910m² for convenience goods and 3,162m² for comparison goods. This results in a percentage split of 44.7% for comparison goods and 55.3% for convenience goods. A planning condition would prevent any percentage increase in the amount of comparison goods floorspace, while another condition would restrict the range of goods available. The proposed petrol filling station (PFS) kiosk would provide a further 70m² of retail floorspace, and 12 petrol pumps would be provided within the forecourt.

- 10.2 The retail statement submitted with the application advises that, at present, the relatively limited range of goods available at the existing store results in people travelling outside of the Oakwood area to shop. Other destinations include Sainsbury's at Moor Allerton, Tesco at Seacroft and Asda at Killingbeck. This information was derived from a household survey undertaken by the applicants which involved 1,970 interviews of people within the study area. The proposed replacement store would also bring the store entrance significantly closer to the rest of the district centre than the entrance to the existing Tesco store. A new pedestrian bridge is proposed which facilitates pedestrian access from street level on Roundhay Road, straight into the store.
- 10.3 Government guidance in the form of PPS6 (Planning for Town Centres) provides advice on how proposals for retail development should be considered and is more up-to-date than the relevant retail policies contained within the UDP. In particular, PPS6 provides guidance on how local planning authorities (LPA's) should assess retail proposals, taking into account need (quantitative and qualitative); scale; the sequential approach to site selection; impact; and accessibility. PPS6 also advises that LPA's should also consider relevant local issues and other material considerations. In addressing each of these issues, PPS6 advises that it is not necessary to demonstrate the need for retail proposals for main town centre uses located within identified centres. Equally, PPS6 further advises that the sequential approach to site selection should only be applied for sites that are not in an existing centre. Accordingly, given the site's location within the District Centre, there is no requirement to identify need and to carry out a sequential approach. The matters relating to scale, accessibility and impact are therefore relevant.
- 10.4 In terms of scale, PPS6 advises that the scale of development should relate to the role and function of the centre within the wider hierarchy and the catchment served. It is clearly evident that the proposal would result in a much larger retail store than the existing Tesco store. However, regard needs to be taken to the existing Homebase store which is to be demolished. Whilst it is recognised that the Homebase store generally attracts fewer customers than a supermarket, it must be stressed that this store is unrestricted in terms of the range of goods that could be sold. In effect, this store could be operated by a supermarket or other retail operator without any restrictions. Regard therefore needs to be had to this potential fall-back position as a material consideration.
- 10.5 Whilst the uplift in net retail floorspace is only 656m² above the net floorspace of both stores which currently exist, it is apparent that the retail offer would be materially different, with an overall increase in the amount of both convenience (increase of 1,292m²) and comparison goods floorspace. It is therefore a question of whether the scale of this proposal is appropriate to Oakwood District Centre. Guidance within PPS6 advises that district centres will generally be appropriate locations for large scale new development. Accordingly, as the proposal is situated within a district centre (the second hierarchy of centres within Leeds after the city centre), this would suggest that such centres are appropriate for large scale retail proposals. The scale of the replacement store is considered to be appropriate given the limited increase in net retail floorspace, coupled with the fall-back position of the Homebase store which has an unrestricted open A1 consent. The entrance to the store will also be moved closer to the rest of the district centre, while a financial package towards public realm enhancements should help reinforce this physical link within Oakwood Centre. Other matters relating to retail impact and accessibility are considered in detail below.

- 10.6 In terms of accessibility, the site is currently located adjacent to a main public transport route, connecting the northern parts of Leeds to the city centre. It is also located within the district centre and within easy walking distance to a number of residential properties. The site can therefore be regarded as relatively sustainable. The applicant proposes to increase the number of car parking spaces by a further 70 spaces given the potential for increased custom. However, the applicant also proposes to improve the accessibility of the store through other measures, including walking, cycling and by public transport. Pedestrian and cycling connections and facilities are proposed to be improved while the highway improvements and a package of public transport measures, secured through a Section 106 Agreement, will be secured. This would provide a contribution of £319,241 towards public transport infrastructure improvements in accordance with the SPD, a contribution of £46,000 for Metro to upgrade bus stops and the provision of a relocated bus lay-by to immediately outside the front of the proposed store. It can therefore be concluded that accessibility by other means of transport other than the car to the site would be improved as a result of the proposals.
- 10.7 The impact of the proposed development on identified centres must also be considered, given the guidance within PPS6. The applicant's retail impact study provides conclusions on the impact on these centres, including Chapel Allerton, Meanwood, Moor Allerton, Moortown Corner, Harehills Lane and other isolated stores. The study concludes that there would be no significant impact on these centres. More importantly, the study provides conclusions on the impact upon Oakwood District Centre itself, as well as the nearby Harehills Corner centre which is recognised under Policy S3A as an insecure centre where priority will be given to its refurbishment and enhancement to expand the range of facilities. With regard to the impact on Harehills corner, it is considered that there would be little if no impact as the scale and nature of the retail offer is different to that of the Tesco offer, with many independent ethnic stores and other stores that are used for top-up style shopping prevalent at Harehills Corner. Any impact must also be balanced against the fact that the existing Homebase is unrestricted in terms of the range of goods that can be sold and that any other retail or supermarket operator could trade from this site. It is also considered that none of the other centres identified would be harmed in terms of their vitality and viability.
- 10.8 In terms of the impact on Oakwood District Centre, it is relevant to highlight the objections received from residents which relate to the impact on the existing shops within Oakwood, including the Somerfields store. Two businesses within Oakwood have objected to the proposals, including a nearby charity shop and the City Stationers. Following these concerns from local residents, further details were requested regarding the impact that the replacement store would have on traders within Oakwood Centre. A detailed analysis of existing shops within Oakwood centre has been carried out, with the use and nature of all shop units noted, and an assessment made as to how directly Tesco would compete with each shop. The study found that, of the 51 shops/premises within the centre, 31 (61%) are in A1 retail use. Of these, only Somerfield was identified as being in direct competition with Tesco. It is anticipated that a number of shops (for example, a newsagents, opticians, pharmacy and post office) would experience moderate competition, with clothes shops experiencing limited competition. However, the study advises that, of the 31 A1 units in Oakwood centre, 17 would experience no direct competition, as the goods and services offered by these shops (for example tailors (who support the application), jewellers, charity shops, travel agent, printing shop and hairdressers) would not be affected by the Tesco store proposed. It is considered that this assessment is robust and there are no reasons to dispute this analysis. In addition, a condition would be imposed to restrict the range of goods available. It is also

considered that the retail offer of Somerfields, whilst in direct competition with Tesco, would mainly provide top-up style shopping, thereby resulting in no significant impact. It is also worthy to note that Somerfield have not objected to the proposal, although it is recognised that this in itself does not signify that they necessarily support the proposals.

- 10.9 In seeking to mitigate any retail impact and to encourage linked trips, the applicant has agreed to a financial contribution as part of a Section 106 Agreement which would be used to fund public realm enhancements. A figure of £300,000 would be used to improve and enhance the public realm within Oakwood District Centre, including resurfacing of the footway which is in a poor state of disrepair, lighting and tree planting between the proposed store and the remainder of Oakwood centre on the western side of Roundhay Road. This would improve visual and physical links between the store and the district centre, and should help to encourage visitors to the store to visit other shops and services in the centre. It is therefore considered that the proposed redevelopment would not detract from the vitality or viability of Oakwood or other local centres identified.
- 10.10 The guidance within PPS6 also advises that local issues and material considerations are taken into account in assessing retail applications, and that these may include matters relating to physical regeneration, employment, economic growth and social inclusion. In this regard, the proposal would provide a replacement building which would take the opportunity to improve the character and quality of the area with the removal of the existing Tesco and Homebase stores. The proposal would also provide additional employment opportunities, both in terms of construction and at the replacement store with an additional 135 jobs being created. The proposal would also represent a symbol of economic growth, albeit in the retail market given the investment into the local area as a result of the development.
- 10.11 In summary, in view of the relatively small increase in net retail floorspace proposed, and notwithstanding the increase in convenience goods floorspace, the improved links and public realm enhancements between the proposed store and Oakwood centre, the number of jobs created and the limited impact on Oakwood and Harehills Corner centres, it is considered that the principle of the replacement store is acceptable.

Scale, Design and Impact on the Character of the Area

- 10.12 At the Plans Panel meeting on 2nd July, Members raised concerns regarding the scale of the proposed building, and stressed that the planting along the site frontage should be retained and enhanced. Concerns have been raised by local residents regarding the design, scale and positioning of the building.
- 10.13 The site at present is characterised by high levels of planting along the Roundhay Road frontage, with the Tesco building close to the southern and eastern boundaries, and the Homebase building set back further into the site. The existing buildings on the site are not considered to make a significant contribution to the visual character of the area, and there is no objection in principle to their demolition.
- 10.14 Although the scale of the proposed building would be greater than that of the existing buildings, the variation in levels between the site and Roundhay Road would serve to screen some of the lower ground floor area from view, particularly towards the northern part of the site. In addition, it is proposed to retain the majority of the trees along the site frontage, and to supplement this with additional tree planting, providing screening of the building, and maintaining the landscaped street frontage which characterises this part of Roundhay Road. It is therefore considered

that the proposed development would not appear unduly prominent within the streetscene.

- 10.15 Following discussions with the design officer regarding the detailed design of the building, revisions have been made to incorporate greater levels of glazing in the elevation facing the car park, and to provide more regular glazing heights in the front elevation. Minor revisions to the office windows in the northern elevation have also been made. It is considered that these alterations and incorporation of greater levels of glazing, particularly to the southern elevation facing the car park, help to break up the massing of the expanses of timber cladding on this elevation. It is also considered that the proposal to incorporate timber cladding into the design of the building would help to assimilate the development into a site which is surrounded by trees and woodland to the east and west.
- 10.16 Concerns had also been raised that the light grey cladding proposed to screen the service yard would be too light, giving this area undue prominence. A continuation of the timber cladding to this area was not considered appropriate, since this would further increase the horizontal emphasis of the main building. In revising the proposals to provide darker cladding to the lower parts of this screen, with lighter panels above, it is considered that an appropriate contrast and visual break between this area and the main building has been achieved, while ensuring that the service yard area is less visually dominant in views into the site and from the car park. The colour of the windcatchers to the roof has also been revised from blue to grey, which was considered more appropriate in visual terms.
- 10.17 Following receipt of revised plans as discussed above, it is considered that the scale and design of the proposed new store would appear appropriate within the site, and would not detract from the character of the streetscene or the wider area.
- 10.18 Although the site is across the road from part of Roundhay Conservation Area, this part of the conservation area is a wooded area, with some residential properties set back from the road. Through the retention and enhancement of the planting along the site frontage, it is considered that the landscaped character of this part of Roundhay Road would be preserved. The Conservation Officer has advised that he has no objections to the proposed development, and it is not therefore considered that the proposed development would detract from the character or appearance of the adjacent conservation area.
- 10.19 The proposed petrol filling station would be located in the southern part of the site. It is proposed to increase the depth of the planting area to the east of this area, along the Roundhay Road site frontage, and to provide replacement planting along Gledhow Wood Road to the south of the proposed PFS. It is not considered that the canopy and kiosk for the PFS would be of such a scale that they would appear overdominant, and it is considered that the proposed planting would provide an appropriate level of screening of this area. It is not therefore considered that the proposed PFS would detract from the visual character of the area.

Highways

- 10.20 It is proposed to remove one of the site's two vehicular access points onto Roundhay Road, and to relocate and widen the second one, providing a signalised junction with pedestrian crossing points. Vehicular access to and from the car park, service yard and PFS would be via a single roundabout toward the rear of the site. 665 car parking spaces are proposed – an increase of 70 spaces over the existing car park – which would be provided in an undercroft parking area beneath the store and an external parking area to the south. This level of parking is deemed to be

acceptable. The applicant has confirmed that there would be no restrictions on the use of this car park. However, a condition is recommended that in the event that Tesco would want to control parking, then agreement from the Council would be required.

- 10.21 The service and delivery yard for the store would be at first floor level to the rear of the store, accessed via a ramp from the central roundabout. A lay-by would be provided alongside the drive between the internal roundabout and Roundhay Road to provide for deliveries of petrol to the PFS.
- 10.22 It is proposed to retain pedestrian access points from Gledhow Wood Road to the south of the site, and from Roundhay Road to the east. Additional pedestrian access points are also proposed along Roundhay Road to the front of the proposed store, with cycle parking provided in these areas. These access points would lead into the lower ground floor area of the travelator hall to the front of the proposed store, with travelators and lifts providing access to the first floor retail area. To the north eastern corner of the site, a pedestrian footbridge would lead directly from Roundhay Road to the first floor of the building.
- 10.23 The Highways Officer has advised that the vehicle and cycle parking levels proposed are appropriate and that the service yard would appear to be of an appropriate size to function satisfactorily, but that a service management plan relating to delivery arrangements and the frequency and timings of recycling collections is submitted. A condition to this effect could be attached to any permission.
- 10.24 In terms of the acceptability of the new signalised junction and the impact on the local highway network, including the nearby junctions at Fforde Green and the Oakwood clock, further information was sought from the applicant from the Council's Urban Traffic Control (UTC) section. This information relates to minor re-modelling of the traffic model and has been provided by the applicant's highways consultant. Although comments are awaited from the Council's UTC team, it is considered that the principle of the new junction and impact on Roundhay Road and nearby junctions is likely to be acceptable.
- 10.25 At the previous Panel meeting where a position statement was reported to Members, some of the Panel expressed concerns over the potential impact of the proposed petrol filling station on the local highway network as a result of vehicles queuing back onto the internal access road and Roundhay Road. In response, it is considered that there is sufficient space within the site to accommodate the anticipated demand for fuel, in terms of the number of pumps available, the queuing space in front of the pumps and the length of the internal access road.
- 10.26 A Travel Plan has also been provided which seeks to promote the use of public transport, walking and cycling, thereby reducing the reliance on the private car. This Travel Plan is considered to be acceptable and agreed by the TravelWise team. Contributions of £319,241 towards public transport infrastructure improvements, and £46,000 towards the upgrade of nearby bus stops and the relocation of another bus lay-by to the front of the store have been agreed. These matters, together with the Travel Plan and monitoring fee, which have now been agreed, would be covered by the proposed Section 106 Agreement.
- 10.27 The access officer had raised concerns regarding the distance of some of the disabled parking spaces from the store. The applicant's agent has advised that, while the majority of the disabled parking spaces would be within the undercroft

parking area, and closest to the store entrance, it was recognised that some disabled visitors would have higher vehicles, and therefore some of the disabled parking bays had been proposed in the external parking area. A condition is recommended requiring the disabled spaces to be retained in accordance with the approved layout plan. The access officer also provided advice regarding tactile paving, access and footbridge gradients, and glazing. The applicant has advised that all steps and walkways are designed to be DDA compliant, and that the disabled parking spaces were designed to appropriate dimensions.

- 10.28 Concerns have been raised that no parking would be provided at the proposed petrol filling station. Five spaces are proposed adjacent to the proposed kiosk, which is considered appropriate for this part of the development.
- 10.29 In summary, although final comments are outstanding from the Council's UTC team, it is considered that these relate to matters of fine detail, and do not alter the view that the scheme is acceptable in highway terms. The level of parking proposed and new signalised junction is considered to be acceptable, while the package of measures put forward to improve public transport and other travel plan measures are deemed to be appropriate and would improve accessibility to the site. It is concluded that the proposed development would not have an adverse impact on highway safety in compliance with the relevant UDP policies and the guidance contained within PPG13.

Impact on nearby residential properties

- 10.30 Neighbours' concerns regarding noise and disturbance from the proposed store are noted. The closest residential properties to the site are those on Gledhow Wood Court, to the west, and Ravenscar Walk to the north. The service yard for the store is proposed in the western part of the site, at first floor level, and would be at least 25 metres from the nearest neighbouring property on Gledhow Wood Court, according to the submitted plans. Screening and cladding of the service area is proposed. The existing woodland to the west of the site would provide further screening for properties on Ravenscar Walk.
- 10.31 A noise report has been submitted with the application, which has been assessed by the Council's Scientific Noise Officer. While the Scientific Officer has raised no objections to the proposed store, conditions have been recommended to cover the following matters:
- Details of any fixed plant to be submitted to and approved by the local planning authority prior to installation.
 - Restriction of delivery hours to 7am-11pm Monday to Saturday and 8am to 6pm on Sundays (as is permitted at present). This includes tanker deliveries to the petrol station.
 - Delivery and service vehicles to disable reverse beepers and refrigeration units prior to entering the site.
 - Limits on construction hours (8am-6pm Monday to Friday, 9am-1pm Saturday with no working on Sundays and bank holidays).
 - Restrictions on lighting.
- 10.32 Subject to these conditions, and in view of the distance between the service yard and the nearest neighbouring residential properties which are some 30m away, it is not considered that the proposed development would impact significantly on the amenities of nearby residents.

- 10.33 The Scientific Officer raises concerns regarding noise from the proposed petrol filling station, which would be open 24 hours. However, he concludes that, on balance, as no complaints have been received regarding noise from cars on other Tesco forecourts, or from the existing BP garage to the south of the site, which is open 24 hours and has houses to the rear, it would be difficult to justify refusal of the application on these grounds.
- 10.34 Concerns were raised by some local residents that the sample size of measurements in the submitted noise report was insufficient to demonstrate that noise would not be a problem. The Scientific Officer's comments on this have been sought, and he has advised that the sample size of 3 locations for day and night time noise level recordings was considered appropriate.
- 10.35 Concerns regarding the impact of the proposed new store, which would be 3m higher than the existing Homebase store on the site, on the outlook from neighbouring properties, are noted. The nearest neighbouring properties which overlook the site are on Gledhow Wood Road, to the south, and Ravenscar Walk and Ravenscar View, to the north west, and are situated at a higher level than the application site. According to the submitted plans, the north western corner of the proposed building would be almost 40 metres from the nearest dwelling on Ravenscar View. The nearest building on Gledhow Wood Court, to the south west, would be 30 metres from the edge of the service yard. In view of these separation distances, the variation in levels between the site and neighbouring residential properties, and the screening provided by existing trees along Ravenscar Walk, it is not considered that the proposed building and service yard would appear oppressive when viewed from neighbouring dwellings.
- 10.36 Neighbours' concerns regarding increased litter at the site are noted. A condition requiring details of the provision of litter bins at the store and PFS is recommended as part of any approval, to ensure that the level of provision at the site is appropriate.
- 10.37 It was suggested at the Panel meeting on 2nd July that the cladding to the rear of the building be extended to ground level to prevent noise from the undercroft parking area, which has open sides as proposed. The applicant's agent has advised that the sides of the car park would need to be open to provide appropriate ventilation to the car park. In view of the separation distance between the car park and neighbouring properties, the variation in levels, and the screening provided by the trees to the west of the site, it is not considered that the refusal of the application on these grounds could be justified. Environmental Health have raised no concerns regarding noise in this respect. The parking spaces in this rear area of the car park are some 75 metres from the store's entrance atrium, and it is unlikely that they would be used late at night, as spaces closer to the entrance to the store are more likely to be available.

Trees and landscaping

- 10.38 Although it is proposed to remove a number of trees from within the site, predominantly those within the existing car parking area, it is proposed to retain many of the existing mature trees and planting along the site's Roundhay Road frontage and along the northern boundary of the site, and to supplement this with additional planting to the front of the proposed store and in a dense belt to the front of the proposed petrol filling station, to provide screening of the proposed development. Further planting is proposed around the eastern and southern boundaries of the proposed surface parking area, and along Gledhow Wood Road to the south. It is considered that, in general, the proposed landscaping will help to

screen the development, The landscape officer is satisfied with the proposals, subject to conditions, which are recommended as part of any approval.

Planning Obligations

10.39 The submitted draft Section 106 Agreement covers the following matters:

- Public transport contribution – a sum of £319,241 has been agreed in this respect.
- Metro contribution – relocating one nearby shelter and upgrading another - £46,000.
- Travel plan and monitoring fee of £4,500 – a draft travel plan has been submitted, and is under consideration.
- Training and employment of local people – the obligation is for Tesco to use reasonable endeavours to offer positions of employment to local people, in associated with the Council's Jobs and Skills service.
- Contribution of £300,000 towards public realm improvements to include resurfacing of footways, potential restoration of Oakwood Clock, lighting and landscaping.

Other matters

10.40 In addition to the matters raised above, a number of other material planning considerations have been raised in the representations received. These are discussed in turn below.

10.41 Concerns had been raised regarding a culvert which crosses the site, and whether this would impact on or be affected by the development. Following further investigation, the applicant's agent has confirmed that the culvert would not physically impact on the proposed store footprint, and that they do not consider that the position of the culvert would cause any insurmountable problems for the redevelopment of the site. The Mains Drainage Officer and Environment Agency have been reconsulted on this matter, and have confirmed that they have no objections to the proposals, subject to conditions.

10.42 Concerns that the proposed development would increase flooding in the area are noted. As discussed above, the impact of the proposed development on the culverted watercourse crossing the site has been carefully investigated. A Flood Risk Assessment for the development has been submitted, and neither the Council's drainage officers nor the Environment Agency have raised any objections in this respect.

10.43 Concerns have been raised regarding the security of the undercroft parking area. The police architectural liaison officer has been consulted on the proposals, and has advised that anti-terrorism measures (which have been agreed with the applicant) are included in the undercroft parking, and that lighting should be in accordance with the relevant British Standard. Conditions covering these matters are recommended.

10.44 The directors of the existing PFS to the south of the site and local residents have raised concerns regarding the impact of the proposed PFS at the Tesco site on this existing business, with the possible result that, were the BP garage to close, this would leave derelict site. Although, in accordance with the requirements of PPS6, regard has been given to the impact of the proposed development on the vitality and viability of nearby district centres, the existing PFS is not within the district centre, and competition between individual businesses, such as would be the case here, is not a material planning consideration. As such, little weight can be given to this

matter in the consideration of the application, and refusal on these grounds could not be justified.

- 10.45 Concerns have been raised regarding the impact of the proposed development on wildlife. Although the site is adjacent to a Leeds Nature Area, the development itself would not encroach into this area, and it is not proposed to remove any trees in this area.
- 10.46 Some residents have queried whether an Environmental Impact Assessment (EIA) for the proposed development has been submitted. The development falls below the threshold for which an EIA would be required.
- 10.47 Concerns regarding the loss of the existing Homebase DIY/garden centre store are noted. The lawful use of this existing store was as an unrestricted A1 unit, meaning that planning permission would not be required for any other A1 retailer to move into this unit. The loss of this specific retail use from the site can therefore be given little weight in the consideration of the application.
- 10.48 Some residents have expressed concern regarding inaccuracies in the plans and supporting documentation. Where reference has been made to specific inaccuracies, such as the annotation of an existing pedestrian access as 'new', this has been taken into account in the consideration of the proposals. The level of information submitted is considered appropriate to make a comprehensive and appropriate assessment of the application.
- 10.49 Matters such as the impact of the development on property values, the number of existing Tesco stores in the area, and the social and environmental impacts of multinational retailing are not material planning considerations and therefore cannot be given any weight in the consideration of the application.

11.0 CONCLUSION

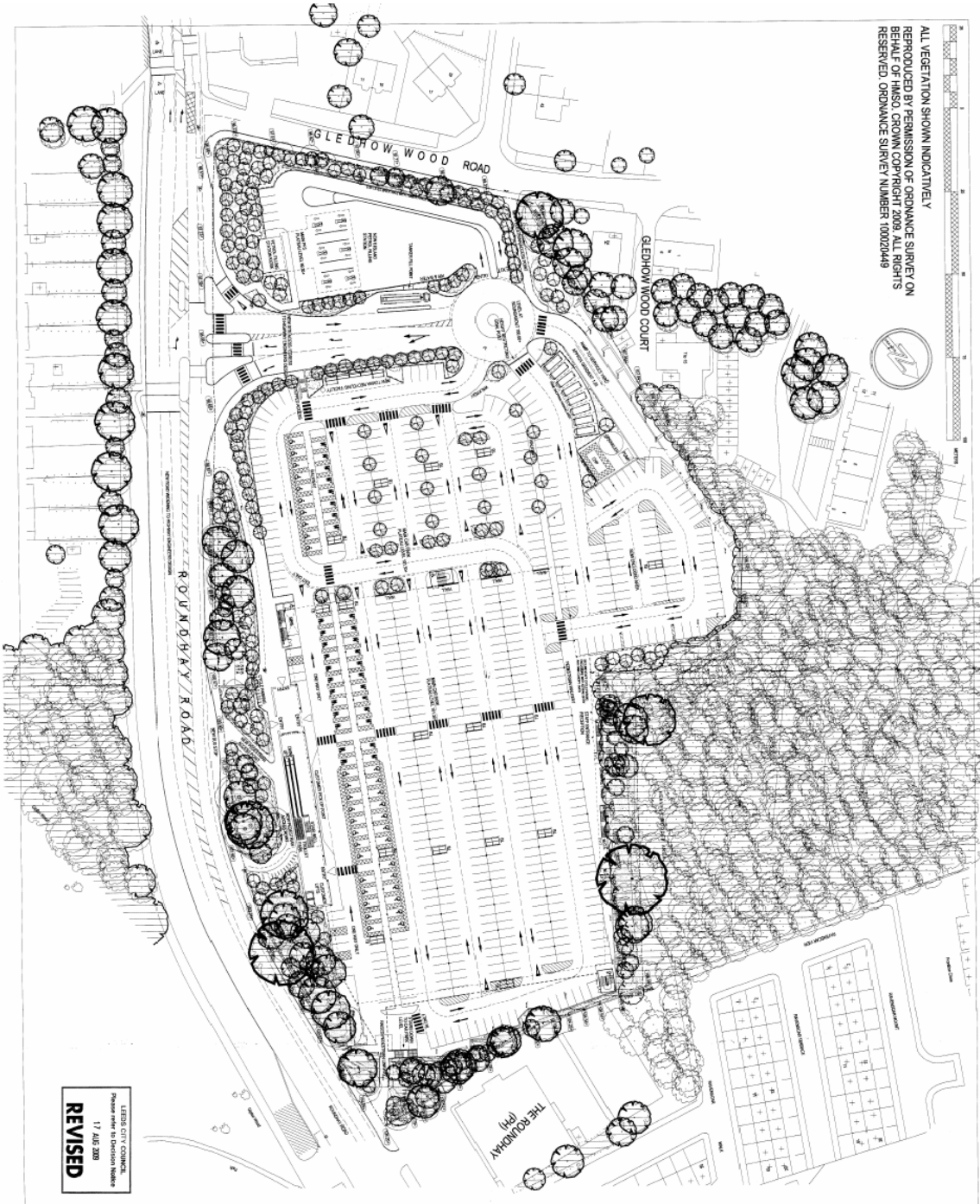
- 11.1 The scheme has been considered against the relevant policies contained within the RSS and the UDP, as well as the guidance contained within PPS6 and the scale of the existing unrestricted A1 retail use of the site. It is considered that the scale of the proposal in this District Centre is appropriate. Furthermore, it is not considered that the increase in the scale of the store would have an adverse impact on the vitality and viability of Oakwood Centre and other nearby centres, including Harehills Corner. Indeed, the contributions would improve the environmental quality of Oakwood with replacement surfacing, lighting and landscaping, while public transport facilities would be improved through the s106 package.
- 11.2 The development will also result in an increase in the number of jobs, while the design and scale is acceptable within the streetscene and would not detract from the character and appearance of the locality. The proposed signalised junction, the impact on the local network and the number of car parking spaces are acceptable, resulting in a scheme which would not have an impact on highway safety. Furthermore, it is not considered that the proposed development would impact significantly on the amenities of nearby residents. As such, the proposed development is considered to comply with the relevant UDP and RSS policies and national planning guidance, and officers have balanced the proposal against other material considerations. In light of the above, the application is considered to be acceptable, and approval is recommended subject to the specified conditions and completion of a s106 Agreement.

Background papers:

Application and history files.

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LEEDS CITY COUNCIL
 Planning Paper in Discussion Number
 17 AUG 2009
REVISED

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TESCO
 TESCO STORE
 ROUNDHAY ROAD
 LEEDS

PROPOSED SITE
 PLAY/TOUR PARK
 LEVEL

Scale: 1:500 @ A1 MAY '09
 Date: 4/08/04
 Author: H

PLANNING

09 / 01993

ROUNDHAY ROAD 4060



EAST PLANS PANEL



Scale 1/ 3000

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Originator: Marianne Adams

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October 2009

Subject: APPLICATION 08/04840/FU – 4 storey block of 6 retail units with 16 two bedroom flats over; and 4 storey block of 6 two bed flats and laying out of 22 car parking spaces at 133-135 Chapeltown Road, Chapeltown, Leeds LS7 3DU.

APPLICANT

M Hussain

DATE VALID

06/11/2008

TARGET DATE

05/02/2009

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 of development to the Chief Planning Officer subject to the specified conditions and following the completion of a Section 106 Agreement to cover the following matters: Contribution to Greenspace provision, contribution to public transport improvements, and subsidised travel cards and provision of affordable housing constituting 4 of the 22 residential units.

1. Implementation within 3 year from the date of the granting of planning permission.
2. Materials to be submitted, approved and implemented.
3. Landscaping and its implementation.
4. Laying out of car parking area.
5. Large scale drawing of doorways and fenestration to be submitted, approved and implemented.
6. Ground conditions report to be submitted.
7. Restriction on the number of retail units to be a maximum of 6 and a minimum of 3.
8. Restriction of retail use to fall within Class A1.

Reasons for approval:

The application is considered to comply with policies SA1, SA2, SA5, SA7, GP5, GP11, N4, N12, N13, N19, T2, T5, T6, T17A, T24, H4, H9, H10, H11 S2, S3, BD2 and BD5. of the UDP Review, as well as guidance contained within Neighbourhoods for Living and Designing for Community Safety and having regard to all other material considerations, as such the application is recommended for approval.

i. UPDATE:

i.i At the April '09 Plans Panel meeting, Members deferred the determination of the application so that the requirement for landscaping to the frontage could be considered and also for clarification of the commuted sums involved in the Section 106 agreement. In addition, Members wished to consider reducing the statutory time limit for commencement of development from 3 years to 1 year

i.ii In respect of **the landscaping issue** - the applicant Mr Hussain has commented that he has had contact with ward members regarding the landscaping issue and has been advised that the provision of hanging baskets and window boxes might be a compromise. However at the April Panel meeting officers advised Members that such provision could not be realistically controlled. The proposed density of the development would preclude any significant increase in landscaping provision. Therefore, if the scheme is redesigned with a reduction in number of units and related car parking spaces to allow the whole development to be pushed back within the site to provide tree planting along the street frontage, this would raise a significant issue in terms of financial viability. The earlier approved scheme, with fewer units, did not prove to be financially viable apparently as funding could not be secured. In addition the extent of landscaping shown on the approved scheme is of similar amount proposed now. Even if the number of car parking spaces were slightly reduced the building could not be pushed back within the site to allow the provision of trees without a reduction in the rear block units which again would not be viable. In addition, local residents are concerned by the limited on site parking provision and the potential increase in on street parking with the resultant highway dangers.

i.iii To clarify the required **commuted sums** and associated fees:

- greenspace contribution - £44,584
- public transport contribution - £10,000
- subsidised travel cards – the exact cost is not known at this time
- S106 legal/administration fee - £2229.20
- monitoring fee -£2400
- council's legal fees -£1800

The total financial commitment raised by the section 106 agreement would be a total of £61,013.20 plus the travel cards. In addition there is the requirement to provide 4 of the residential units as affordable homes.

i.iv In respect of the **reduction of the statutory time limit** for commencement of development, Mr. Hussain has commented that there is no planning justification for reducing the standard time limit of 3 years but he does appreciate that ward members and local residents wish to see the site developed as soon as possible however such a reason would not comply with government advice i.e. Circular 11/95. Mr. Hussain has also stated that practically he requires more than 1 year in order to discharge

precommencement conditions, obtain funding and apply for building regulation and other consents.

- i.v **Ward councillors** have commented as follows:
"Having considered the applicant's detailed comments, it appears that achieving more landscaping to the front of the proposed building would involve a fundamental redesign and reduction which it is asserted would not be viable. Therefore, the ward councillors' view would be not to insist on this requirement in the interests of achieving development on this long standing derelict site. In addition, having again considered the detailed comments made by the applicant, his planning advisor and planning officers, it appears that reducing the period for commencement of development from 3 years to 1 year would not be practicable or in accordance with Government advice. Therefore, the ward councillors' view would be not to insist on this."
- i.vi In respect of the wish of Ward Member's (and members of East Plans Panel) to see this land developed at an early date. The overall feeling is that whilst Members understand the problems the applicant faces, they are of the opinion that this long standing derelict site is affecting the regeneration of Chapeltown Road. They are keen to see it developed in an acceptable time frame, and, if no significant progress is made on site the Council may take steps to seek arrangements and consider options for alternative redevelopment.
- i.vii Since April Plans Panel, planning application 09/02703/FU for a car wash for a 3 year temporary period on the site was refused on 20/8/09 on the grounds that it was considered detrimental to the conservation area. This followed an earlier refusal (on 23/4/09) for a permanent car wash with canopy planning reference 09/00696/FU. An associated advert application (09/00767/ADV) for signs relating to the proposed hand car wash was withdrawn on 26/5/09.

1.0 INTRODUCTION:

- 1.1 This application is for a scheme on a very prominent site located on a busy arterial route into the city centre. It is also located within the Chapeltown Conservation Area and due to the large number of objections received mainly on the grounds of the impact on on-street car parking it is considered appropriate for Panel to consider the proposal.

2.0 PROPOSAL:

- 2.1 The proposal is for the erection of – 4 storey block of 6 retail units with 16 two bedroom flats over; and a 4 storey block of 6 two bed flats and laying out of 22 car parking spaces at 133-135 Chapeltown Road. This equals 22 two bedroom flats in total. The six retail units will be on the Chapeltown Road frontage. Servicing and car-parking for the flats and shops will be from the rear.
- 2.2 The block on the Chapeltown Road frontage will follow the line of the roads resulting in a trapezium rather than a rectangular shaped block on the Chapeltown Road frontage
- 2.3 The materials are to be agreed in detail, however it is anticipated that the buildings will be a mixture of brick, render and cladding. The top floor will be set back from the

edge of the building to provide visual interest and reduce the bulk and massing of the building. Modern fenestration is anticipated throughout.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located towards the southern end of Chapeltown Road and was previously a petrol filling station that has been cleared from the site for some considerable time. It is considered a key site in the Conservation Area and for the re-generation of the Chapeltown Road Corridor.
- 3.2 To the south of the site is Savile Road, to the North Savile Place and to the west Mexborough Road. These roads all serve the terraced residential properties that lie to the north and west of the site. To the east of the site is Chapeltown Road beyond which is a Methodist church building and associated accommodation.
- 3.3 Further north along the Chapeltown Road frontage the properties become predominantly commercial in nature. Remaining predominantly residential in the roads feeding off Chapeltown Road itself. These roads are typified by terraced housing with no, or limited, off street parking provision.

4.0 RELEVANT PLANNING HISTORY:

34/342/04/FU – 3 Storey block of 6 retail units and 12 flats – Refused – 22nd February 2005

06/01043/FU – 3 Storey block of 6 retail units (class A1) and 12 flats with 18 car parking spaces – Approved with time limit of 12 months for implementation. – 15th January 2007

09/02703/FU – car wash for 3 year temporary period – Refused as considered detrimental to the conservation area – 20th August 2009

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Negotiations with the developers agents commenced on a revised scheme in early 2008. It was explained that the earlier permitted scheme (06/01043/FU) when looked at more closely was unworkable because it would have never have received building regulation approval.
- 5.2 In order for the scheme to work both from a building regulations perspective and economically, it would need to be re-designed from scratch. However this would necessitate an intensification of the number of flats on the site to 22.
- 5.3 The applicants were advised that this would be considered, however careful consideration would be given to design issues given the site's prominent location in the streetscene and its importance in terms of the Conservation Area. Advice was also given in respect of the need to provide affordable housing levels and provision for open space which would be off site in this instance given the intensity of development on the site.
- 5.4 During the negotiations with the developer, issues of design were discussed with the case officer and the Conservation Officer in some detail and the only outstanding issue at the end of the negotiations prior to the submission of the application was the large plinth that would be created as a result of the architects insistence of introducing a single slab floor. This would raise the development out of the ground at the southern end of the site and sink it into the ground on the northern end. The

developers were advised that this would be considered unacceptable in Conservation and streetscene terms.

5.5 In addition, the Highways officer was involved in the negotiations to ensure that minimum standards for car parking and access were met.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The proposal was advertised by means of site notices posted near to and around the site and by advertisement in the Leeds Weekly News as a development likely to affect the Character of the Chapeltown Road Conservation Area. These various forms of advertising expired on 11th December 2008.

6.2 Ward Members have informally commented in that whilst they appreciate the concerns of the local residents particularly in regard to the car parking concerns, they also wish to see the site developed in an appropriate manner.

6.3 As a result of this neighbour notification process, 29 Letters and, 2 petitions with 16 and 24 signatures respectively objecting to the proposals and three letters of support have been received.

6.4 The reasons for objections relate to:

- On street car parking.
- Too many flats.
- Noise pollution during construction.
- Overcrowding.
- Overshadowing of exiting properties.
- Noise.

6.5 Within the letters of objection and the three letters of support to the development are comments relating to the desirability of the sites development in the interests of helping to re-generate the location and improve the streetscene.

7.0 CONSULTATIONS RESPONSES:

Statutory:

None.

Non-statutory:

Conservation Officer – Concerns over the original submission but supports re-designed proposals

Travel Wise – seeks a contribution to public transport infrastructure

Contaminated Land – No objections subject to the imposition of conditions

Affordable Housing – No objection subject to the provision of units within the blocks to be peppered throughout blocks

Highways – No objection subject to the laying out of the accesses and car parking spaces. The spaces are to be provided on an un-allocated basis.

Mains Drainage – No objection

8.0 PLANNING POLICIES:

- 8.1 The Local Plan for the area constitutes the Regional Spatial Strategy and the Leeds UDPR. It is considered that there are no direct implications for the development as a result at this stage.
- 8.2 The site is unallocated on the UDPR however to the north lies a primary shopping frontage allocation and to the south is a secondary shopping frontage and therefore the site is to be assessed in this context.
- 8.3 Of the UDPR the following policies are considered relevant:
- SG3 – To ensure the legitimate needs of the community are met in particular for housing, employment land, retailing etc.
 - SA1 – to secure the highest possible quality of the environment through the district.
 - SA2 – To encourage development in areas that will reduce the need for travel, promote the use of public transport and other sustainable modes of transport.
 - SA3 – to ensure adequate supply of land for housing and targeting provision for social housing.
 - SA5 – to ensure that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport.
 - SA7 – To promote urban regeneration, taking account of the needs of local communities.
 - GP5 – Development proposals should resolve detailed planning considerations at the application stage.
 - GP11 – Where applicable development must ensure it meets sustainable design principles.
 - N4 – The provision of Greenspace when considering residential developments.
 - N12 – Fundamental Principles of Urban Design.
 - N13 – Good design that is complementary to its surroundings will be encouraged including contemporary design.
 - N19 – New buildings in Conservation Areas should preserve or enhance the character of the Conservation Area.
 - T2 – Highways considerations.
 - T5 – Provision of safe and satisfactory access for pedestrians and cyclists to be provided to new development.
 - T6 – Satisfactory access for people with disabilities within new development.
 - T17A - Provision of secure cycle parking facilities within new development.
 - T17B – Provision of secure motorcycle parking facilities within new development to be provided.
 - T24 – Provision of parking according to published standards.
 - H4 – Housing development on unallocated sites will be supported subject to meeting certain criteria and been in sustainable locations.
 - H9 – Balanced provision of housing types.
 - H10 – Provision of housing suitable for a range of people including those with special needs or mobility disabilities.
 - H11 – Provision of affordable housing.
 - H12 – Affordable housing to mix to be provided.
 - H13 – Ensures the affordability of property will remain available to subsequent occupiers.
 - S2 – The vitality and Viability of Town Centres will be maintained and enhanced.
 - S3 – Enhancement of S2 Centres will be maintained and encouraged by amongst other things, residential developments to maintain life and vitality.
 - BD2 – The design and siting of new buildings should complement and where possible, enhance existing vistas, skylines and landmarks.
 - BD5 – The design of buildings should give consideration to their own and neighbours amenity.

In addition to this, the contents of:

SPG: Neighbourhoods for Living is considered relevant.

Affordable Housing Targets as Agreed for Interim purposes by Executive Board on 16th July 2008

SPG: Designing for Community Safety.

The contents of PPS 1- Delivering Sustainable Development and PPS 3 – Housing are also considered relevant.

9.0 MAIN ISSUES

1. Principle of development.
2. Sustainability of site.
3. Design and impact on character of Conservation Area.
4. Access and Public Transport.
5. Amenity – including Greenspace provision.
6. Car parking Provision

10.0 APPRAISAL

Principle of Development:

- 10.2 The site is currently vacant having previously been used as a petrol filling station. The petrol filling station having been demolished has left a fairly clear site with only the hard standing of the forecourt area remaining. It is clear that the site constitutes previously developed land therefore re-development of this site is acceptable in principle.
- 10.2 The site lies within the defined S2 Centre of Chapeltown and therefore the principle of retail development is considered acceptable.
- 10.3 The development proposal constitutes 6 A1 retail units with 22 flats. Chapeltown Road is dominated by retail frontage and therefore the principle of retail activities at ground floor level is in keeping with this general approach. Upper floors of the existing retail premises are variously in use for residential, office, and storage uses. In addition, the streets off Chapeltown Road rapidly give way to predominantly residential uses and therefore the principle of residential development is also considered acceptable.

Sustainability of site:

- 10.4 The site is located on a main arterial route into the City Centre and benefits from good public transportation links. Also its location on the southern part of Chapeltown Road means that other means of transport such as walking and cycling is more likely to be utilised for access to and from the City Centre. Chapeltown Road itself has a good range of local services that are easily accessible from the site.
- 10.5 It is considered therefore that the site is located in a sustainable location for the end use residents and by providing retail units within the development will itself contribute to the sustainability of site in that it will offer local services from the site to residents living in the newly developed flats and the wider community.

Design and Impact on Character of Conservation Area:

- 10.6 The design of the proposal has been negotiated at length with the developers over a period of nearly 12 months. It has been a conscious decision to follow a contemporary design which takes its cues from the surrounding older properties.
- 10.7 The design is in the form of a trapezium as it was considered preferable that the built form on the site followed the shape of the roads rather than attempt to sit a regular shape into the irregular site. This is it considered reflects the historic form of development on other nearby sites. The block is four storeys high with the top floor set back to appear as a penthouse type structure. Materials are expected to be brick, render and cladding.
- 10.8 The Chapeltown conservation area was extended in October 2007 whereupon this site fell within the newly extended area. The site falls within Character Area 3 Buslingthorpe Recreation Ground, Savile Drive & Savile Mount. The site is identified as having a negative impact on the character of the Conservation Area. Therefore the sympathetic redevelopment of this site would be welcomed as a matter of principle.
- 10.9 The application was originally submitted with a single level floor-slab which meant the building sunk into the ground on the northern end and was elevated out of the ground on the southern end. The designers had been advised throughout the pre-application negotiations that this was considered unacceptable as it resulted in a stark monolithic plinth which not only was unacceptable in general streetscene terms but also would have an adverse impact on the character of the Conservation Area.
- 10.10 The result of this was that access for people with mobility difficulties to the shops would have been twice as long at the southern end due to the inclusion of a ramp which traversed the frontage of the property twice in order to achieve the necessary gradient.
- 10.11 This associated with the design comments has led to the scheme that is now under consideration which staggers the internal floor levels and provides direct level access to the shops and a more traditional approach in the design which staggers the depth of the shop windows albeit in a contemporary way. This misalignment has not been transferred through to the upper floors of the units over the shops and the upper floors on the Chapeltown Road frontage is designed as a single entity sitting atop the shops.
- 10.12 To the south the shop window wraps around the corner of the building and provides some visual interest to Savile Road. This has not been repeated on the northern corner and is due to the proportions of the retail shop windows being consistent on the Chapeltown Road frontage.
- 10.13 The frontage building fills the entire width of the site and follows the line of the roads so that the resultant building is not a simple square or rectangular block but is seen to respect the constraints of the site and again is in keeping with other blocks along Chapeltown Road that also follow this pattern of full width frontage in-filling.
- 10.14 The upper floors of the main frontage have been broken up visually with the inclusion of projecting elements that help to reduce the bulk and massing that a flat frontage building would result in. It is proposed that these elements are in a contrasting material to the main face of the building to accentuate their presence. The design is also assisted by the use of predominantly vertically orientated windows (except for the projecting elements), It is considered that this emphasis helps to break up what would otherwise be a horizontally dominated building and helps the overall design of

the frontage to harmonise with the vertical grain of the more traditional Victorian buildings nearby.

- 10.15 There is a recessed roof level which helps to reduce the impact of the bulk and massing of the development and from longer distances provides relief to the otherwise regular block of the main part of the building.
- 10.16 The projecting block of apartments to the rear of the main block and which gives the site its "T" shape takes its architectural references from the main block on the frontage but is somewhat plainer in design which is also typical of the style of Victorian developments. The use of modern materials will be consistent throughout, and this block provides an interesting deviation from the norm in that its two principle elevations facing north and south respectively are at variance with each other offering some visual interest to the streetscene that it is considered, positively contributes to the character of the Conservation Area.
- 10.17 Likewise there is also precedent along Chapeltown Road for developments hard up against the pavement and so in that manner make a positive contribution to the urban streetscene. Given the amount of negotiations undertaken in respect of the design and the positive contribution that the scheme would make to Chapeltown Road and the Chapeltown Conservation Area, it is considered that a development hard against the pavement is appropriate in this instance as the significance of the building in the street scene will be emphasized.

Access and Public Transport:

- 10.18 The site is highly accessible by public transport. There are bus stops within very easy walking distance on both sides of Chapeltown Road and the bus services into and out of the City are very frequent. It is therefore considered that the site is in a highly accessible location. A contribution towards the provision of improvement of real-time passenger information and provision of subsidised bus passes has been requested by WY-Metro and this provision is been incorporated into the draft section 106 agreement that is currently been negotiated.
- 10.19 The proposal has been assessed by the Councils Access Officer and it was this advice that led to the additional pressure for alterations to the shop front and the improvement in design. The shops are now accessible to people with mobility difficulties in a way that is acceptable to the Access Officer.
- 10.20 Access to the apartments and within the blocks of apartments is acceptable however the car-parking space allocated as the disabled parking space is slightly sub-standard. Given that there is a requirement for a single disabled space and that the space is still essentially useable it is considered that this should be accepted in the interest of maintaining the layout and form of development proposed and the benefits that will accrue from the site's development.
- 10.21 The layout has been designed such that access to service the shops from the rear is separated from access to the apartments.

Amenity – including Greenspace provision:

- 10.22 The site coverage ratio of building to open space is very high and there is no room for open space provision or private amenity space within the boundary of the site. The windows have been located in such a way that they meet minimum standards

for distances between neighbouring properties and therefore loss of amenity due to overlooking is avoided.

- 10.23 Because of the lack of space on the site in to provide open space within the sites boundary, the developer has agreed to enter into a section 106 agreement to make off site provision which in this instance is likely to be in the form of a financial contribution. The contribution will be £44,584.00.

Car parking Provision:

- 10.24 The provision of one space per unit is considered acceptable given the sites proximity to good public transport links and other local services within easy walking distance. However it is predominantly this aspect that has led to many of the objections to the proposals.
- 10.25 The residents of the nearby terraced properties have raised concerns that car parking from this development will spill out onto the streets near to them and deprive them of their on-street parking facility. Whilst this is noted the assessment is that the provision is adequate and in terms of encouraging reliance on other forms of transport than the private motor vehicle the provision of one space per residential unit is acceptable.

Other Issues:

- 10.26 Another common thread of the local residents' objections is the provision of flatted development. The surrounding area will have some flatted development especially over the retail and commercial units facing Chapeltown Road but otherwise the predominance of residential properties in this area are traditional two storey houses. This predominance of traditional housing is not in-itself a reason to reject flatted development and the increased intensity of the use of the site over that which traditional housing would provide means that the site is maximising its potential adding weight to the sustainability argument of providing a mix of units in a location that has good public transport links and access to local services.
- 10.27 The number of units to be provided triggers the need to provide affordable housing and this has been calculated to be just over 3 units. The developer is seeking to make 4 of the 22 units available as affordable units and again this is under negotiation for inclusion in the section 106 agreement.
- 10.28 The earlier development for 6 retail units and 12 flats was granted consent but with an implementation condition of 12 months from the date of decision. This was imposed at the time to ensure that the development was implemented within a reasonable time frame in the interests of the regeneration of the Chapeltown Road corridor. That permission was obviously never implemented and discussions have taken place as to the benefit that such a short implementation time makes to the likelihood of a scheme been commenced.
- 10.29 Given that the standard time limit is now three years before the permission expires and given the current decline in the economy, it is considered that to impose such a time limit of 12 months for commencement of the development will have a detrimental effect on the likelihood of the developer to be able to raise the necessary funds to implement the approved scheme. Therefore given the high quality of design, the general support for the development in terms of bringing a redundant site back into use and the conservation area status the standard 3 year implementation period condition is recommended.

11.0 CONCLUSION:

- 11.1 The site currently vacant does not provide a positive contribution to the Conservation Area and detracts from the streetscene in general terms. The development of the site in a sustainable and acceptable way will, it is considered make a positive contribution to the Streetscene, the Character of the Conservation Area and to the broader aims and objectives of assisting in the regeneration of the Chapeltown Road corridor. Therefore it is considered that planning permission should be granted subject to the conditions outlined in this report and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in respect of; off site Greenspace provision, affordable housing provision, public transport infrastructure contributions.

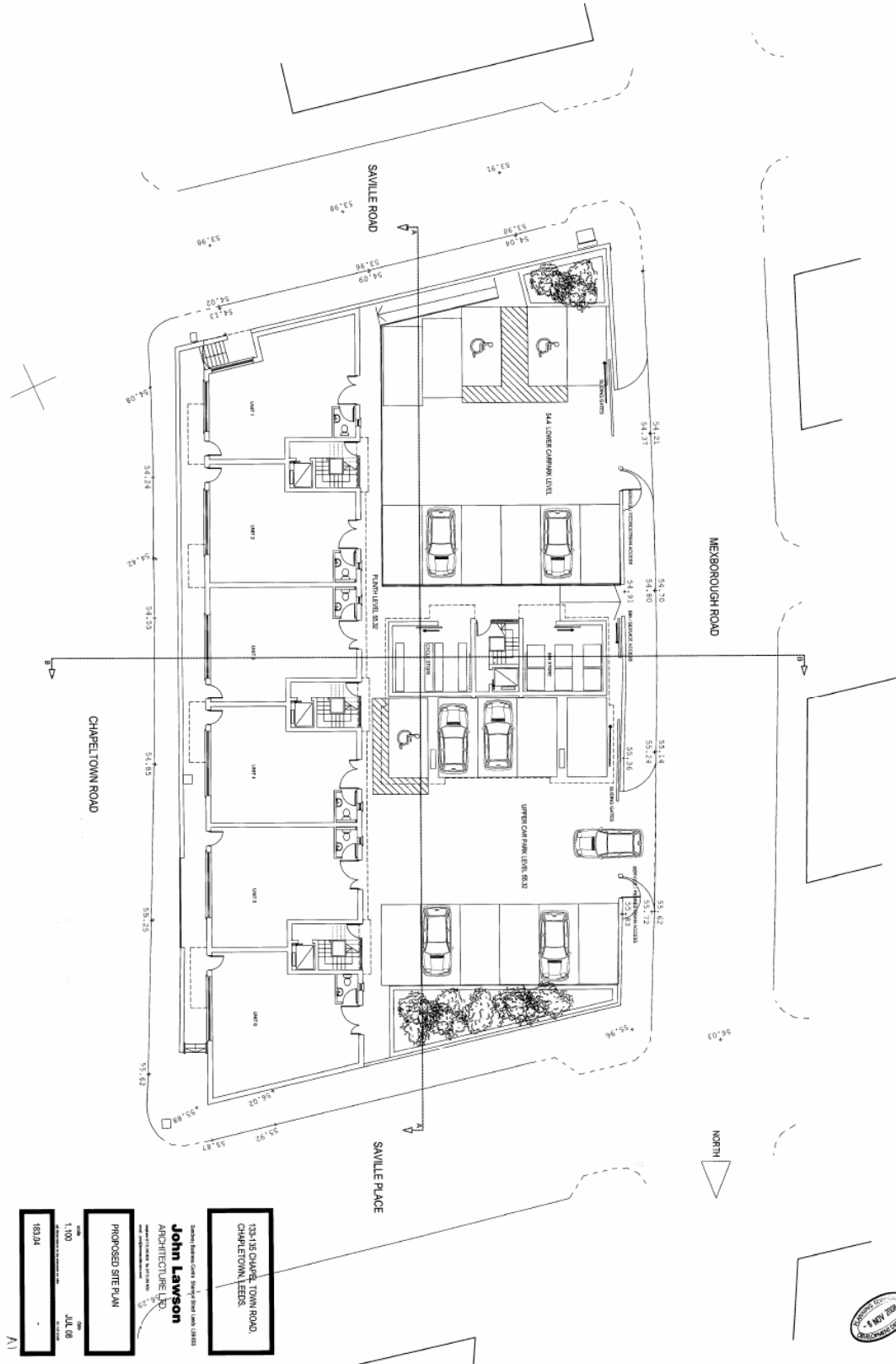
Background Papers:

Application and history files.

08/04840/FU

06/01043/FU

Certificate of Ownership signed by applicant as the owner of the site.

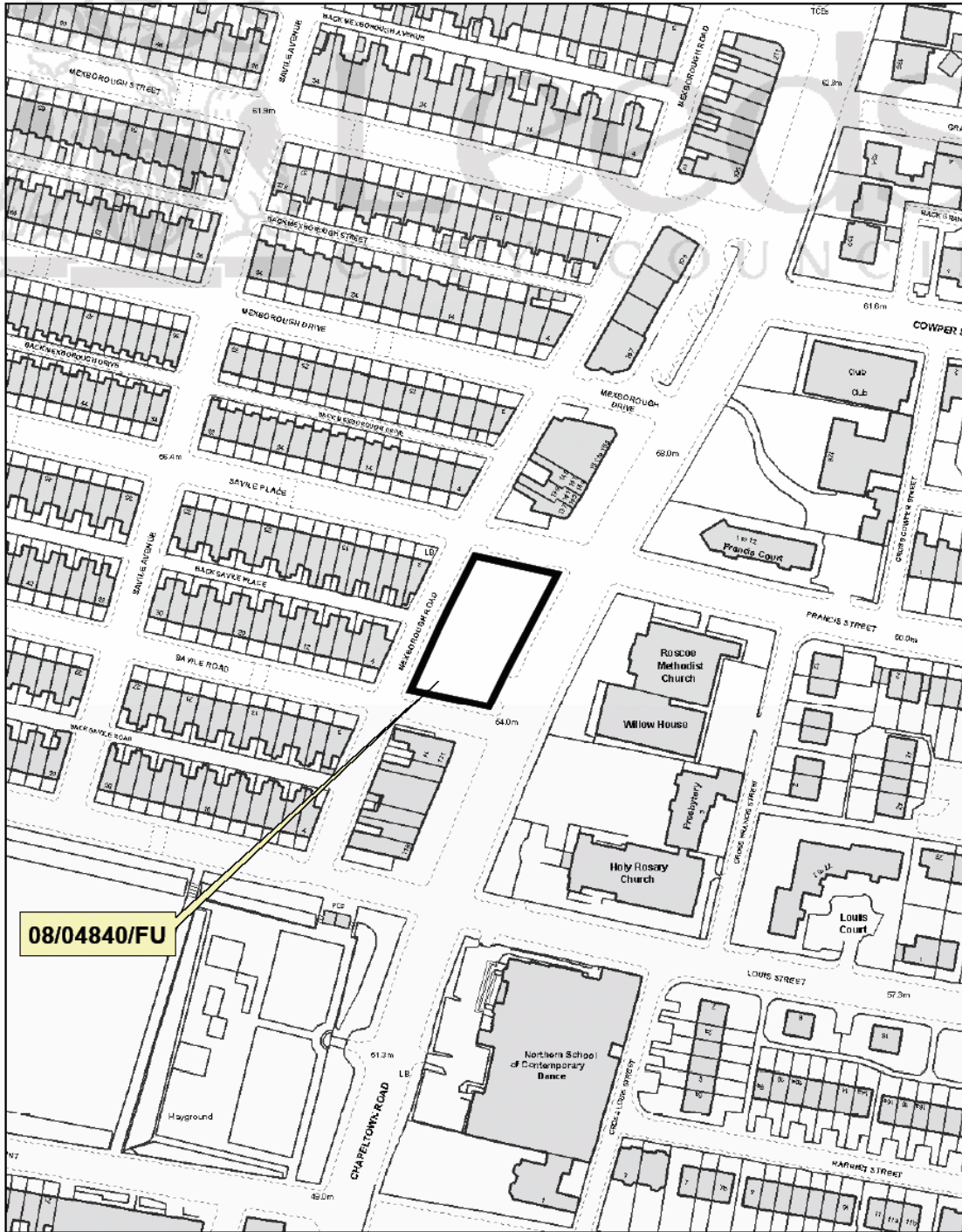


133-135 CHAPEL TOWN ROAD
CHAPEL TOWN, LEEDS

John Lawson
Architect
1100 208
2008

PROPOSED SITE PLAN

163/04



EAST PLANS PANEL

Scale 1/1500

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Originator: Adam Ward

Tel: 395 1817

Report of the Chief Planning Officer

PLANS PANEL EAST

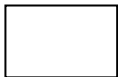
Date: 22nd October 2009

Subject: APPLICATION 09/03251/FU & 09/03252/CA – Part demolition of house and addition of 2 storey side and 3 storey rear extensions to form 9 flats and erection of part single storey and part two storey 4 four bedroom houses at Beech Lodge, 1 Park Avenue, Roundhay.

APPLICANT	DATE VALID	TARGET DATE
Bradbury Executive Trust	24/07/2009	23/10/2009

Electoral Wards Affected:

Roundhay



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

09/03251/FU - GRANT PERMISSION subject to the following conditions and the completion of a unilateral agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations; Greenspace sum of £21,163 payable prior to first occupation and index linked.

09/03252/CA – GRANT Conservation Area Consent subject to the specified conditions.

Conditions – 09/03251/FU

1. Time Limits
2. Samples of Materials
3. Sample panel of stonework
4. Surfacing materials
5. Boundary treatments
6. Areas to be used by vehicles laid out
7. Landscape Scheme
8. Implementation of Landscaping
9. Protection of Trees
10. Replacement of Trees

11. Tree retention method statement
13. Contamination
14. Drainage details
15. Implementation of bat mitigation measures
16. Construction Methodology
17. Re-siting of gate piers
18. Removal of pd rights: extensions, roof alterations outbuildings and windows.

Reasons for approval: The application is considered to comply with Policies GP5, H4, N2, N4, N12, N13, N18A, N18B, N19,, N20, N23, N25, N26, LD1, BD2,BD5, BC7, T2 and T24 of the UDP (Review 2006), as well as guidance contained within the Council's SPG 'Neighbourhoods for Living' and, having regard to all other material considerations.

Conditions – 09/03252/CA

1. Time Limits.
2. Contract for carrying out works approved by 09/03251/FU

Reasons for approval: The application is considered to comply with Policies GP5, N18A, N18B, N19, N20 and BC7 of the UDP (Review 2006), as well as guidance contained within the Council's Roundhay Conservation Area Appraisal and, having regard to all other material considerations.

1.0 INTRODUCTION:

- 1.1 The scheme proposes the redevelopment of a vacant Edwardian villa and its associated garden within the Roundhay Conservation to provide a total of 13 dwellings. Conservation Area consent is sought for the demolition of an existing 2 storey side extension, while planning permission is sought for the conversion and extension of the house to 9 flats with the erection of 4 houses towards the rear. This application is reported to the Plans Panel at the request of Councillor Lobley. This is due to concerns over the design, impact on the character of the Conservation, traffic, drainage and the concerns of local residents.

2.0 PROPOSAL:

- 2.1 The scheme relates to a full planning application for the demolition of the existing two storey side extension and conversion and extension of the building to form 9 flats. The existing rendered side extension would be demolished while the original part of Beech Lodge would be retained. Extensions are also proposed in the form of a 2 storey side extension in a similar location to the existing extension and a 3 storey rear extension. In terms of scale, both extensions would be set down from the eaves and ridge lines of the retained lodge, providing sympathetic and ancillary additions. With the extended lodge, a total of 9 flats are proposed including 4 x 1 bedroom flats, 4 x 2 bedroom flats and 1 x 3 bedroom flat. A separate application has been submitted for Conservation Area consent for the demolition of the side extension.
- 2.2 Towards the rear on the elevated section of the site it is proposed to erect 4 four bedroom dwellings. The proposed dwellings would be terraced and would be 2 storeys in height including accommodation within the roof. The houses would measure 5.4m to the eaves and 8.8m to the ridge. Each of the proposed houses features a first floor terrace above a ground floor projecting element. Opposite the proposed houses are 3.5m high timber car ports with garden stores. In terms of internal layout, the proposed houses are set behind the retained lodge and

orientated 90 degrees so that the gable end of the row of houses is orientated towards the rear elevation of the extended lodge. A separation distance of 13.2m separates the houses and the extended lodge with this area proposed as communal amenity space for the flats.

- 2.3 Access is gained from the existing vehicular access point from Park Avenue which would be widened and the gate posts relocated. An access would then sweep into the site and past the eastern side of the lodge, extending towards the proposed houses. A turning area for refuse vehicles is proposed towards the front, with a continued pedestrian route in a resin bonded aggregate. The existing pedestrian gate within the south west corner would be retained. Each of the proposed houses have at least 2 car parking spaces each, while a total of 17 car parking spaces are proposed for the 13 flats. These are located along the eastern side boundary and broken up with landscaping in between. With regard to trees, a number of proposed for removal in order to facilitate the access and the rear extension to the lodge. However, the majority of trees within the site would be retained.
- 2.4 In terms of design and materials, the side and rear extensions to the lodge have been designed to be subservient. Materials include the use of matching stonework, render and glazing as well as lead and natural slate to the roof. The new houses would also be constructed from stone and render with a natural slate roof.
- 2.5 The application includes a submitted draft unilateral undertaking under Section 106 of the Town & Country Planning Act. This proposes a commuted sum of £21,163 Towards Greenspace which would be paid prior to occupation of the development and index linked.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a large detached three storey Victorian lodge that features a two storey part stone and part rendered side extension. The building is currently vacant and has been so for a number of years. The building is set within an expansive plot within the Roundhay Conservation Area and features a substantial front garden with a central access point with stone gate piers and a low stone front boundary wall. Towards the rear is a substantial sized garden, part of which is elevated due to a stone retaining wall. Consequently, the rear part of the site is higher than the Park Avenue frontage.
- 3.2 In terms of boundary treatments, towards the rear are 5-6m high conifers which screen the site from the two storey houses within Oakhampton Court. A boundary wall runs along the site's eastern boundary as well as conifer hedging, while a low stone wall and timber hoardings enclose the site to the front for security purposes. Along the western boundary is a boundary wall apart from a 20m gap towards the middle section that leads into an open area of overgrown land to the west.
- 3.2 The site is set within a residential area that is partly characterised by large houses set within spacious plots. Within some plots are subservient outbuildings and garages. To the north is Oakhampton Court, which is 1980 residential development of a higher density. On the opposite side of Park Avenue are two storey detached dwellings which are set at a lower level due to the general topography of the area. Beyond the vacant open land to the west are two large detached houses known as The Orangery and Westways which were approved in 1993. To the north of these is Woodlands Hall, which was originally built as a grand house in the 1880's, and previously used as a nursing home until its conversion to flats in the 1990's.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The planning history of the application site has, in the past, also been associated with a larger area of land to the west. However, the application site's planning history can be summarised as follows:
- 4.2 08/06251/FU & 08/06252/CA – Demolition of side extension and conversion and extension of lodge to form 10 flats and erection of 4 houses with detached garages: Withdrawn.
- 4.3 07/07026/FU & 07/07025/CA – Demolition of side extension and conversion and 3 storey side and rear extensions to lodge to form 9 flats and erection of 3 storey block of 5 townhouses: Withdrawn.
- 4.4 30/286/00/FU – Change of use and extension of Beech Lodge to form 6 flats and erection of five bedroom house and 2 blocks each comprising 2 houses and 2 flats on land to the west: Approved but not implemented. This application included Beech Lodge and its rear garden as well as the vacant land to the west. The rear part of the garden to Beech Lodge included one of the blocks containing 2 houses and 2 flats located within an L-shaped block.
- 4.5 30/182/98/FU - 4 four bedroom link detached houses: Withdrawn.
- 4.6 H30/371/89 – Laying out of access and erection of 4 detached link houses, each with double garage, to rear garden of Beech Lodge: Approved.
- 4.7 H30/854/80 - Alterations including new windows to existing flats and laying out of access and siting of 2 storey block of 4 x 2 bedroom flats: Approved.
- 4.8 H30/1025/79 – Outline application to rear of Beech Lodge to layout access and erect 2 storey block of 4 x 2 bedroom flats with garages: Refused.
- 4.9 In terms of land to the west of the site, a planning brief was first prepared in 1987 and included land to the south of Woodlands. The brief indicated that the site could accommodate a small number of detached dwellings of flats. A Planning Brief for a more extensive piece of land, including Woodland itself, was produced in 1992. The brief did not include Beech Lodge. It indicated that residential development would be appropriate. The following planning history is therefore relevant, with the most recent listed first:
- 30/400/93/FU – 2 x 6 bedroom houses and 1 x 4 bedroom house: Approved and implemented. These houses are known as The Orangery and Westways and the house within the upper part of the walled garden area to Woodlands.
 - H30/322/80 - 7 x 4 bedroom detached houses to vacant site: Approved.
 - H30/1356/78 – Laying out of access and erection of 7 four bedroom detached houses and attached double garages: Withdrawn.
 - H30/833/75 – Outline application to layout access road and erect 3 storey residential development including 25 flats and 13 houses: Approved.
 - H30/656/75 – Outline application to erect block of 12 flats to garden of existing house: Refused.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Negotiations have been on-going with the applicant and agent since the first application which was submitted in 2007. Following concerns over the scale, siting and design of the development the applicant has amended the proposal to seek to address the concerns of officers. This has resulted in a third planning and Conservation Area consent applications for this site in the last two years. Amendments have related to scaling down the size of the proposed extensions to Beech Lodge in order that they appear more subservient in appearance and less dominant. The depth of the rear extension has also been reduced in order to create additional space between the extended lodge and the proposed new houses, which in themselves, have also been reduced in scale and the design amended. Discussions have also taken place over the proposed access and the visual prominence of the hardstanding areas and parking spaces. Amendments have taken place in this regard and additional landscaping has been incorporated into the proposed development. No significant amendments have been made to this current application since it was originally submitted for consideration.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Following the advertisement of the application by way of site notices posted on 12 August 2009 and a press notice published on 20 August 2009, advertising the applications as a major development affecting the character of a Conservation Area, a total of 6 letters of objection have been received. The issues raised by local residents relate to the following issues:

- Overlooking and loss of privacy;
- Overshadowing and loss of light;
- The houses would be visible from the houses within Oakhampton Court;
- Loss of trees within the gardens of Oakhampton Court (not as a result of the proposed development) will increase visibility of the development;
- Lack of community consultation from the developer;
- Lack of time to respond to Council's consultation procedure;
- Council should meet with developer and residents of Oakhampton Court;
- Townhouse would be overbearing;
- Unsuitable development, too close to rear boundary;
- Over-development of the site with insufficient greenspace;
- Loss of greenspace and out of character with the area;
- Insufficient car parking;
- Parking on the road would not be desirable or safe;
- The number of houses towards the rear should be reduced to three;
- Detrimental to the visual amenity of the Conservation Area;
- Access road would result in loss of amenity to neighbours;
- Loss of trees;
- Proximity of bin stores and impact on amenity;
- Height of houses and proximity of garages to eastern boundary;
- Loss of outlook;
- Increased noise and disturbance;
- Design is modern and not in keeping with other houses in Park Avenue;
- Noise during construction works

6.2 **Ward Members** – Councillor Lobley objects to the proposals on the following grounds:

- Parking drainage – due to more hardstanding there will be pressure on drainage adding to a cumulative effect in the area;
- Traffic – concerns over the number of cars entering and leaving the site onto Park Avenue;
- Important that the front façade is retained;
- Design of building looks cumbersome and has no real design merit;
- Cumulative impact – continue a precedent for over developing sites and replacing large period houses in the area with flats and filling garden with flats;
- Proposal will detract from the Conservation Area, rather than enhance it.

6.3 **Roundhay Conservation Society** – The Society is pleased to see that the site is to be developed, but have reservations over the rear extension, while the side extension destroys the symmetry of the house. Refusal is recommended.

7.0 **CONSULTATIONS RESPONSES:**

Statutory

7.1 None

Non-Statutory Consultations:

7.2 **Highways:** No objections are raised subject to the imposition of conditions. No road safety concerns are raised.

7.3 **Yorkshire Water:** No objections subject to the imposition of conditions.

7.4 **Drainage:** No objections subject to the imposition of conditions.

7.5 **Contamination:** No objections subject to the imposition of conditions and further information.

7.6 **Metro:** A contribution of £10,000 should be sought towards providing a real time display unit for an existing bus stop, while the developer should provide subsidised travel cards for future occupants.

8.0 **PLANNING POLICIES:**

8.1 The development plan comprises 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

8.2 Unitary Development Plan (Review 2006) Policies:
Policy GP5: General planning considerations

Policy H4:	Housing on unallocated sites
Policy BD2:	Views and vistas
Policy BD5:	New buildings should not cause loss of amenity
Policy N2:	Greenspace
Policy N4:	Greenspace
Policy N12:	Urban design
Policy N13:	Design of new buildings
Policy N18A:	Demolition within Conservation Areas
Policy N18B:	Redevelopment following demolition within Conservation Areas
Policy N19:	New development within Conservation Areas
Policy N20:	Demolition within Conservation Areas
Policy N23:	Incidental open space around new development
Policy N25:	Boundaries of sites
Policy N26:	Landscape schemes
Policy BC7:	Use of traditional materials within Conservation Areas
Policy T2:	Transport and highway safety
Policy T5:	Safe and secure access
Policy T24:	Car parking provision (Appendix 9)
Policy LD1:	Landscape proposals

8.3 SPG: “Neighbourhoods for Living”.
 SPD “Designing for Community Safety – A Residential Guide”
 SPD “Street Design Guide”

8.4 PPS1: Delivering Sustainable Development
 PPS3: Housing
 PPG15: Planning and the Historic Environment

8.5 Roundhay Conservation Area Appraisal – Beech Lodge is identified as a positive building within the Wetherby Road and Park Avenue character area. The area is characterised by large houses with extensive front and rear gardens and smaller coach houses, stables and subservient accommodation towards the rear. Mature trees within front gardens are also a characteristic.

9.0 MAIN ISSUES

- i) Principle of Development
- ii) Design and Impact upon Character and Appearance of Area
- iii) Impact on Living Conditions of Neighbours & Future Occupants
- iv) Highway Safety
- v) Trees, Landscaping and Nature Conservation
- vi) Consideration of Objections
- vii) Conclusion

10.0 APPRAISAL

Principle of Development

10.1 The land constitutes previously developed land as it comprises the land currently occupied by a building which was previously used for residential purposes together with its associated front and rear garden areas. The proposal is considered to meet the tests set out within Policy H4 of the UDP and therefore the principle of residential development would appear to be acceptable subject to all other material planning considerations as set out below.

10.2 Such matters relate to the acceptability of design and its impact on the Roundhay Conservation, parking and highway safety, the impact on the living conditions of neighbours and impact on trees. It is also relevant to take into account the planning history of the site and previous permissions on this site, all of which have not been implemented and have since lapsed.

Design and Impact upon Character and Appearance of Area

10.3 The proposal involves the demolition of the existing side extension to the lodge and the addition of a two storey side extension and a three storey rear extension, although the third floor is within the roof with the use of dormers. The side extension would be located in a similar position to the existing extension and projects westwards by 3.8m and rearwards by 10.3m. It is set back 0.5m behind the main front façade of Beech Lodge. The extension is part single storey and part two storey with a flat roof and parapet wall detail. The highest part of the side extension is 6.7m, and is 1.2m lower than the existing eaves height. The 3 storey rear extension spans the full width of the existing building and projects rearwards by 7.3m. The roof of this extension is a mansard type structure featuring dormers to both sides with glazing. The eaves level of this extension measures 6.7m (1.1m lower than the eaves height of the lodge), while the ridge height measures 9.5m (1.6m lower than the main ridge line of the lodge). Materials proposed will match that of the existing lodge, while the window proportions and dentil details will match the main house.

10.4 The proposed houses to the north of the lodge have been designed to be subordinate to Beech Lodge and have been sited a distance of 13.2m from the extended building. Four 4 bedroom terrace houses are proposed, with a ground floor gap between the central two which facilitates an alleyway through to the rear gardens of the middle two houses. The proposed houses measure 5.4m to the eaves and 8.8m to the ridge. The houses are located on land which slopes upwards from south to north which means that the northern most house is 1.3m higher than the house nearest to the lodge. Each of the proposed houses features a first floor terrace above a ground floor projecting element. Proposed materials include the use of stone, render, glazing and natural slate. Opposite the proposed houses are timber car ports with garden stores. These would be constructed from timber with pitched roofs which measure 2.2m to the eaves and 3.5m to the ridge. These would be located 2m and 1m from the site's eastern boundary. The proposed houses would be segregated from the main lodge by a new stone wall, punctuated by a sliding gate. In terms of comparing the proposed houses to Beech Lodge, the ridge height of the southern most house is 1.4m lower than the highest part of Beech Lodge, while the northern most house is 0.4m lower (due to the sloping site).

10.5 The overall scale, height, massing, siting and design of the development must be considered in the context of the character of this part of Park Avenue and upon the character and appearance of this part of the Roundhay Conservation Area. In this respect, regard needs to be taken to the guidance contained within PPG15 and the Roundhay Conservation Area Appraisal. The latter identifies the site as being a positive building located within the Wetherby Road and Park Avenue character area. The appraisal notes that Park Avenue was constructed for sale as large plots for individual villa development. These large houses have extensive front and rear gardens with smaller coach houses, stables and subservient accommodation towards the rear. In terms of landscape pattern, planted trees provide the dominant feature of the area with Park Avenue being defined by mature planting in front gardens and the treed boundary of Roundhay Park. In terms of materials and details, sandstone and ender are the primarily walling materials in this area, the

stone being mainly coursed and pitch faced. Welsh and Westmorland slate rood occur but red plain clay tiles predominate in certain areas.

- 10.6 The planning history of the site is also considered to be a material planning consideration, although there is no extant permission on the site due to a previous consent which has since lapsed. The most recent application which was approved in November 2001 and expired 5 years later in November 2006, permitted an extension to Beech Lodge which was attached the west elevation and extended significantly rearwards, beyond the main rear elevation of the lodge to create an L-shaped footprint. This facilitated the conversion of the lodge into 6 large flats). Towards the rear within the back garden of Beech Lodge and within the vacant land to the west, the scheme included 1 five bedroom house and 2 two storey blocks, each containing 2 houses and 2 flats. Each of these blocks was L-shaped to reflect the shape of the extended Beech Lodge, with one of these blocks located entirely within the rear garden area of the lodge. Access to this building was via a curved road from West Avenue to the west which led into parking areas located along the northern boundary (adjacent to the rear gardens of Oakhampton Court). To the Rear of the block would be the private gardens to the houses and the communal amenity space for the flats.
- 10.7 The aforementioned application was approved with regard to advice contained within PPG15 given the site's location within the Conservation Area. As such, the scheme permitted the development of 4 residential units within the rear garden area of Beech Lodge together with a substantial extension to Beech Lodge itself. However, since then, revised government guidance has been issued in the form of PPS1 and PPS3, while the Revised UDP was adopted in July 2006 and the Roundhay Conservation Area Appraisal adopted in 2004 as supplementary planning guidance. It is also relevant to note that PPG15 remains the same, and has not been amended since the date the previous application was determined.
- 10.8 Having regard to the above factors it is considered that the concept and overall layout of the development is appropriate, and results in a sympathetic development which would preserve the character of the Conservation Area. In particular, the scale and design of the extensions to the lodge are considered to be sympathetic in appearance and subservient in overall scale. The unsympathetic side extension would be removed and replaced with one which is in keeping with the design and character of the lodge. Such extensions would be set down from the main eaves and ridge lines and would still result in the lodge to dominate the site when viewed from Park Avenue. Indeed, the proposed rear elevation would not be visible when viewed from the frontage within Park Avenue.
- 10.9 The proposed houses have been designed to be subservient in scale and sympathetic in their architectural design and use of materials. The proposed houses would be set behind the main lodge building but with sufficient separation distance to ensure that the spaciousness of Beech Lodge is retained. The houses would be located some 68m from the Park Avenue frontage and substantially screened by Beech Lodge which sits towards the centre of the site. Views of the tops of the houses would be visible from the access road which leads to The Orangery, Westways and Woodlands Hall. However, these would be 50m from this access road and therefore would not be prominent or harmful to this part of the Conservation Area.
- 10.10 The existing access would be widened to facilitate two way passing while the existing gate piers would be relocated. Discussions have taken place over the width of the access road and the visual prominence of the necessary refuse turning area

and residents car parking spaces. Amendments have taken place to reduce the prominence of this, resulting in a smaller turning area and the use of tegular blocks instead of tarmac. Furthermore, the car parking spaces and a bin store would be partially screened by landscaping. The majority of trees within the site frontage which is a characteristic of the Conservation Area would be retained, while the existing circular route within the frontage would be reinforced and enhanced with the use of resin bonded aggregate as a route for pedestrians.

- 10.11 In summary, it is considered that the proposals would preserve the setting and spaciousness of Beech Lodge while the sympathetic extensions and new houses will help facilitate the conversion of this positive building within the Conservation Area which has been vacant and remained unsightly for a number of years. The proposals are considered to comply with the advice contained within PPG15 and with the Roundhay Conservation Area Appraisal.

Impact on Living Conditions of Neighbours & Amenity of Future Occupants

- 10.12 The impact upon the residential amenity of existing adjacent occupants as well as the intended future occupants of the development must be considered. In this respect and with regard to the former, it is not considered that the proposed development would give rise to loss of light, overlooking or would create an overbearing sense of enclosure to the detriment of residential amenity of occupants of nearby properties. In terms of the properties to the rear within Oakhampton Court, these are set at a higher level to the site with the rear elevation of these houses set a distance of 24m from the gable elevation of the northern most house. No habitable room windows are located within this elevation, while the 4-5m high conifer hedge which would be retained, acts as a significant buffer, resulting in only the tops of the gable ends of the end dwelling being visible from Oakhampton Court.
- 10.13 In terms of the properties to the east, the proposed houses are set 18-19m from the eastern boundary, while the separation distance to the western elevation of Redlea Cottage (marked as Briar Wood on the plans) and the front elevations of the proposed houses scale at 31m, and are in excess of the distances advised by Neighbourhoods for Living. The proposed houses would therefore not be detrimental to the living conditions of adjacent neighbours.
- 10.14 The proposed conversion and extension of Beech Lodge has been assessed in terms of its impact on the living conditions of neighbours. The building is located 14m from the eastern side boundary and screened by a number of mature trees. This meets the guidance within Neighbourhoods for Living and is considered to be acceptable. In terms of the impact on the living conditions of the occupants to the west within Carr Head, the side extension which features secondary windows meet the guidance within the SPG, while the rear extension is set further away from the western side boundary. It is therefore considered that the proposal would not be harmful to the living conditions of the occupants of Carr Head.
- 10.15 The access road, car parking spaces and timber car ports are all located along the eastern boundary of the application site and have the potential to impact on the living conditions of neighbours. However, the car parking spaces are intersected by landscaping and set away from the immediate boundary by 1m. It is considered that landscaping and the existing wall would help alleviate any visual impact as well as the existence of a number of trees. Although this would no doubt lead to an increase in vehicular activity, it is considered that the scale of this would not significantly impact upon the living conditions of neighbours.

10.16 In terms of the impact upon the amenity of future occupants, it is considered that the scheme provides a satisfactory standard of accommodation for the intended occupants of the 19 apartments. A satisfactory communal amenity space is proposed to the front, rear and side of the building, while the applicant has agreed a contribution towards Greenspace in the local area. Each house has its own 10m long rear garden and first floor terrace and is considered to be appropriate for each unit. All properties have been designed to provide an adequate level of amenity in terms of outlook and sunlight and daylight.

Highway Safety

10.17 Proposals involve the retention and widening of the existing vehicular access point from Park Avenue to allow two way passing. The existing gate piers would therefore need to be relocated. The internal access road leads into 17 car parking spaces towards the side of the site, intended for occupants of the 9 flats. A total of 3 car parking spaces are proposed for each of the 4 houses, including one space within a covered timber car port. It is considered that the level of parking proposed is acceptable in this location. Furthermore, it is considered that the proposed vehicular entrance is acceptable and that the proposals would not be detrimental to highway safety.

10.18 Metro have requested that the developer contributes £10,000 towards the provision of a real time display at a local bus stop on Wetherby Road, as well as providing Metro cards for future occupants. Whilst the principle of these requests may appear to be acceptable, the development is below the threshold which would warrant any public transport contributions under current planning policies contained within the RSS and the UDP.

Trees, Landscaping & Nature Conservation

10.19 In terms of the impact upon existing trees, the majority of these are automatically protected given the Conservation Area designation. The applicant has submitted a tree survey with the application together with a plan which identifies trees for removal and recommended root protection areas for those existing trees which would be retained. The proposal results in the removal of 3 trees, including a Scots Pine which is on the site of the proposed rear extension to the lodge. Two Yew trees of low visual amenity will be removed in order to facilitate the proposed access. The remaining trees within the site frontage would be retained.

10.20 The majority of trees adjacent to the access road and car parking spaces are located off-site within the neighbours garden. Changes in levels are proposed in this area, and therefore it is important that any changes do not impact upon the roots systems of these trees. It is therefore recommended that a condition is imposed requiring the submission of a method statement.

10.21 The off-site trees towards the north are located within the rear gardens of the properties within Oakhampton Court, while the conifers within the application site act as a dense screen. At the time of publication of this report, the Landscape Officer was unable to determine whether these trees had been plotted in the correct location and whether the development would have a harmful impact. A further site visit is therefore required to determine this and this would be reported verbally at the Panel meeting. The submitted indicative landscape scheme is acceptable in principle, although a condition is recommended requiring the submission of a detailed scheme.

10.22 A bat survey has been submitted given the vacant state of the building and the location adjacent to a number of mature trees and proximity to Roundhay Park. The

survey has identified the presence of bat roosts within the building and puts forward a number of bat mitigation measures within the new development. Such measures include temporary bat boxes to be located within the trees, as well as permanent roosts between the slates in Beech Lodge and within bat brick in the new houses. A condition would be imposed requiring such measures to be fully implemented and in any event, the applicant would need to obtain a Natural England European Protected Species Licence.

10.23 Consideration of Objections

The Ward Member, the Roundhay Conservation Society and 6 local residents raise a number of objections and concerns. It is considered that the proposal is sympathetic to the character and appearance of the Conservation Area and is appropriate having regard to planning policy and previous planning history. It is further considered that the proposal would not significantly harm the living conditions of adjacent neighbours, while the scheme raises no highway safety concerns. The proposed houses would be marginally visible from Oakhampton Court, while the sense of spaciousness would not be reduced to the detriment of the character of the area. The loss of 3 trees is considered to be acceptable as replacement planting will be provided as part of the new landscaping scheme. Lack of consultation between the developer and the local community is unfortunate, while the impact during construction would be controlled through environmental health legislation.

11.0 CONCLUSION

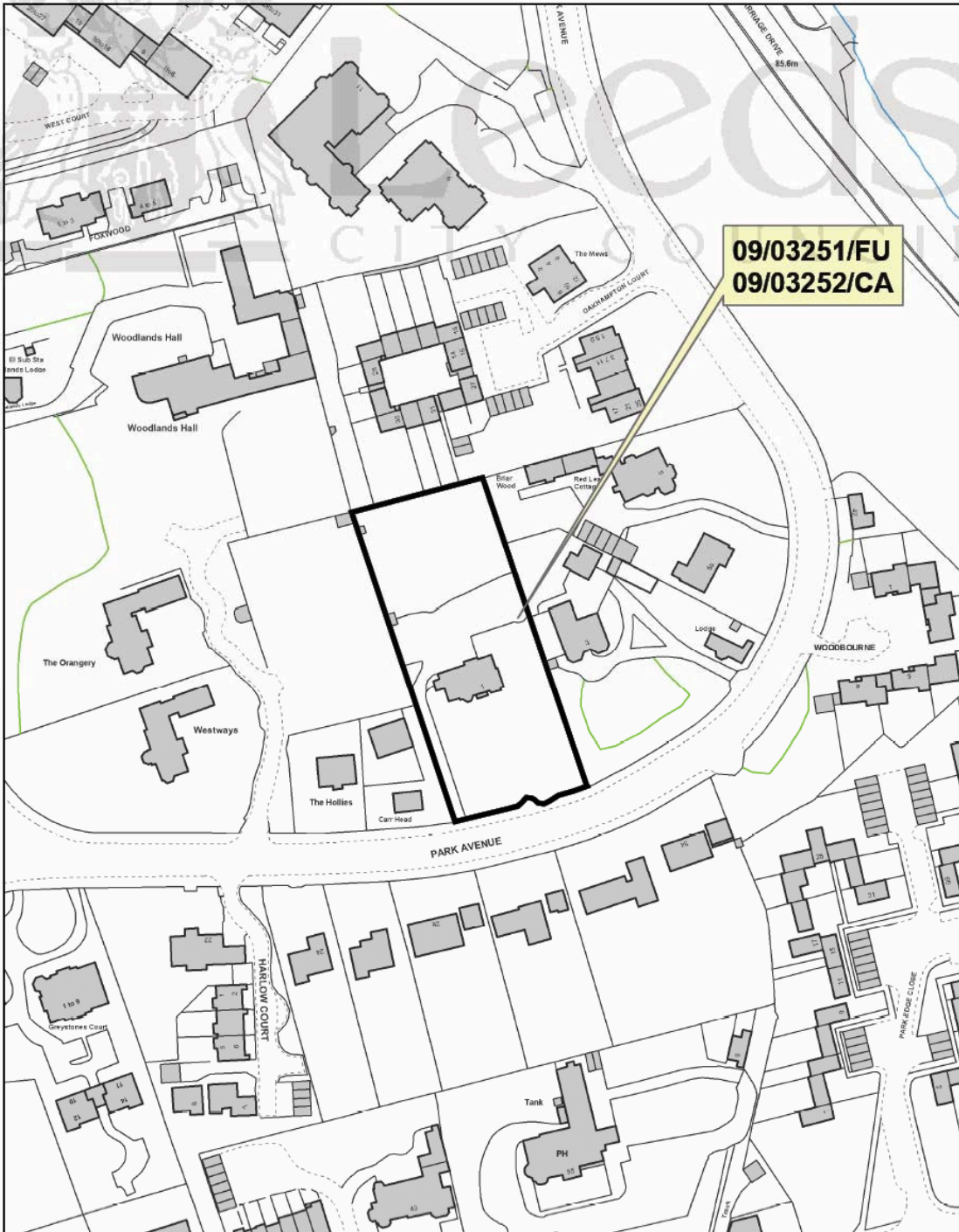
- 11.1 In conclusion, consideration has been given to all the matters raised, and it is recommended that planning permission is granted subject to the completion of a legal agreement to secure a contribution towards Greenspace, a copy of which has been drafted and submitted by the applicant. . It is considered that the proposal complies with the relevant policies in the UDP, the Roundhay Conservation Area Appraisal and national planning guidance, and officers have balanced the proposal against other material considerations including the site's planning history and bringing Beech Lodge back into use. On balance, and in light of the above, the application is considered to be acceptable, and approval of both applications is recommended.

Background Papers:

Application files 09/03251/FU, 09/03252/CA and history files.

Ownership Certificate:

Signed as Applicant.



EAST PLANS PANEL

Scale 1/1500

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Originator: B Patel
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October 2009

Subject: APPLICATION 09/02818/FU- Amendment to previously approved application 09/01034/FU for single storey extension to side and rear of existing garage with new pitched roof over and canopy to front (Conversion of existing garage to habitable room is permitted development). 9 The Paddock, Thorner, Leeds, LS14 3JB

APPLICANT	DATE VALID	TARGET DATE
Mr. Michael Spong	11.8.2009	6.10.2009

<p>Electoral Wards Affected:</p> <p>Thorner</p> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; vertical-align: middle;"></div> Ward Members consulted (referred to in report)
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<p>Specific Implications For:</p> <p>Equality and Diversity <input style="width: 40px; height: 20px;" type="checkbox"/></p> <p>Community Cohesion <input style="width: 40px; height: 20px;" type="checkbox"/></p> <p>Narrowing the Gap <input style="width: 40px; height: 20px;" type="checkbox"/></p>

RECOMMENDATION:
GRANT PERMISSION subject to the specified conditions:

Conditions

1. Time limit
2. External walling and roofing materials to match
3. No insertion of windows in the side elevation facing no. 10 The Paddock
4. Implementation of Trees
5. Protection of Beech hedge on the south west boundary/Hedge preservation and protection

Reasons for approval: The application is considered to comply with Policies GP5, BD6, N19 and LD1 of the Unitary Development Plan Review, not cause harm to the character or appearance of the Conservation Area, nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillor Rachael Procter and because a previous scheme for the property has been considered by Panel and subject of an appeal. (33/189/04/FU)

2.0 PROPOSAL:

- 2.1 The proposal is to amend a previously approved application 09/01034/FU for a single storey extension to side and rear of the existing garage with new pitched roof over and canopy to front (Conversion of existing garage to habitable room is permitted development).
- 2.2 The current proposal is to increase the height of the approved roof by 1.0m whilst infilling the valley in the side elevation. The rest of the work has been given approval in a previously approved application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located in the Thorner Conservation Area and is a 1970's detached chalet style property constructed of stone with a tiled pitched roof. The property is set slightly forward of the neighbour at 10 The Paddock and is located at the rear of Main Street in a small cul-de-sac of similar aged properties. The dwellings situated on The Paddock vary in terms of size, types design and style. In the immediate vicinity of the site are a number of terraced properties that back onto The Paddock. These are predominantly of coursed stone and timber cladding construction with concrete tiled roofs and most have garages that back onto The Paddock. The adjacent neighbour No. 10 The Paddock is of a similar design to the host property. A 2.0m high hedge is present along the side party boundary with no. 10 The Paddock and a 1.8m high fence is present along the rear boundary of the property. Vegetation approximately 2.0m high forms the rear boundary treatment. To the side there is an attached garage along the side party boundary with the application site and dormer windows on the north-eastern pitch of the roof. The windows in the dormer are obscured glazed. The area is residential in character. To the side of the host there is a flat roof garage and a car port.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H33/125/83/ - Alterations and enlarged chimney stack to detached house. Approved 27/6/1983.
33/1/04/FU - Two storey side extension. Refused 18/2/2004. Appeal subsequently dismissed.
33/189/04/FU - Two storey side extension. Appeal against non determination. Panel indicated that they would have refused the application. Subsequent appeal was dismissed.
09/01034/FU – Single storey side and rear extension. Approved 1/5/2009.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

Parish/Town Council:
Press Advert:

Thorner Parish Council –11/8/2009
Boston Spa and Wetherby News – 21/8/2009

Site Notice: Posted –21/8/2009
Date of letters sent out: 11/8/2009
Expiry Date of Notification: 11/9/12009

6.1 One letter supporting the application has been received. Three objection letters have been received including one from Cllr Rachael Procter, a six signature petition and one further letter. Thorner Parish Council also object to the application.

6.2 Cllr R Procter considers that the increase in roof height will be harmful.

6.3 Thorner Parish Council objects to the application and made the following comments:

In 2004 similar application to the current application was refused and the dismissed at appeal. The main reason for refusing the application was loss of visual amenity in particular the way in which the roof structure would obscure views and sightlines.

The recent approval (09/01034/FU) proposed two differently pitched roofs with the large front facing The Paddock. The two pitched roofs would be lower than current proposal for a single pitched roof. The approved design beaks up the building mass and obscures little views through Conservation Area.

The current proposal is significantly higher than the approved application. Although not as high as the 2004 application, the height will obscure views and dominate streetscene. The domination is exaggerated by the increase in the footprint area. The new roof is wider.

The proposal is too large for the site and the scale of the bungalow and its conservation area setting. The increased height will be overbearing and result in loss of visual amenity to the streetscene.

The proposal will eliminate many sight gaps between buildings and views.

The Parish Council disagrees with the submitted Design and Access Statement that the proposal will not impinge on the vistas noted within the Conservation Area Management Plan. The Parish Council also object to the statement that in the Design and Access statement that local residents have been consulted and have no objections.

6.4 A petition of 6 signatures and a further single objection letter setting out the following objections has been received.

The previous owners have had two appeals dismissed. The current proposal resembles the dismissed appeals. The proposal would create an incongruous feature in the streetscene and damage the Conservation Area and Policies N19, BD5, BD6 and planning PPG15.

The amendments reduce the impression of spaciousness and does not preserve or enhance the character of the Conservation Area and the streetscene.

The overall visual mass of the roofscape remains a challenge to the scale and form of the original building and will dominate the streetscene.

Other objections received in the petition have been raised by the Parish Council.

The change in the roof design adds substantially to the massing to the original building and the approved scheme.
The amendment will be dominant.

It is hoped that the approved Thorner Conservation Area Appraisal and Management plan and recent submission of Thorner Village Design Statement will be taken in to account during the assessment of the application.

7.0 CONSULTATIONS RESPONSES:

None

8.0 PLANNING POLICIES:

8.1 The development plan comprises 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

8.2 Unitary Development Plan (Review 2006) Policies:

Policy GP5: General planning considerations
Policy BD6: General planning considerations
Policy N19: Development in conservation areas
Policy LD1: Landscape proposals

8.3 Thorner Conservation Area Appraisal and Management Plan (Approved January 2009). The application site is located within Character area 1 "Main Street and back lanes". The Paddock is not a road that is identified on the list of back lanes. The building itself is identified as being a neutral structure. The predominant characteristics of the area identified include:

- Variation in building types
- Buildings are consistently two stories
- 2 or 3 bayed properties
- Variation in windows
- Predominant material is local sandstone and slate, pan-tile and stone slate tiles
- Main Street has little space between structures with the identified back lanes having a more spacious layout.

9.0 MAIN ISSUES

9.1 The key issues for consideration are:

Conservation Area
Design and Character
Differences with previously approved and refused schemes
Over dominance / Overshadowing
Representations

10.0 APPRAISAL

Conservation Area

- 10.1. The property is located within the Thorner Conservation Area. Policy N19 states that all buildings and extensions within a Conservation Area should preserve or enhance the appearance of that area by means of siting, scale, detailing and materials. Thorner Conservation Area is characterised by modest 18th and 19th coursed stone dwellings with slate roof and of a simple design. The dwellings in The Paddock including number 9 and 10 are modern built in the 1970's and the style and materials do not particularly complement the character and appearance of the wider Conservation Area. The materials proposed for the extension will match the existing and are considered to preserve the existing character in this location and are appropriate in their context.
- 10.2. The proposal involves raising the height of the roof on the extension to the side by 1m over the height approved in the previous application. This will increase its prominence within the streetscene. However the roof proposed will still be visually subservient and set well down from the ridge height of the host by 1.3m. It does not incorporate living accommodation. Some reduction in views over the garage will occur but this is not considered so significant so as to justify refusing planning permission as such viewpoints are limited and it is considered that a sense of space between buildings will be maintained. Accordingly the character of the conservation area is considered to be preserved.
- 10.3. The proposed development does not conflict with the guidance set out in the Conservation Area Appraisal. Neither the building itself, or its immediate setting, contribute to those characteristics that are identified as being important in the Appraisal.

Design and Character

- 10.3 The current proposal is not fundamentally different from the previously approved application (09/01034/FU). The only change being a modest increase in ridge height of 1m. The proposed extension is considered to be in keeping with the character and style of the host property. It is single storey and set down from the ridge of the host. As such it is considered to be in keeping with the wider streetscene. The materials and detailing are proposed to match the host and as such it is considered acceptable.

Differences between approved and refused schemes

- 10.4 The proposal is different in design to the previously refused applications. These applications incorporated a higher ridge line with dormers to front and rear incorporating additional living accommodation. Their massing was significant in relation to the wider area. The 33/001/04 FU application was set in line with the front main wall of the dwelling with a width of approximately 6m. A pitched roof to a height of 4.2m to the eaves and 6.2m to the ridge was proposed. The 33/189/04/FU application was revised and set back a distance of 2.8m from the existing main front elevation of the dwelling with a width of 5.0m. A pitched roof proposed was at a height of 2.3m to the eaves and 6.0m to the ridge. The current amendment is reduced in scale, the roof is at least 1.0m below and fundamentally different from the two 2004 applications as it does not involve first floor living accommodation. This small increase in height, 1m above the approved application, is not considered to compromise the design and character of the host or wider streetscene. The side

elevation of the proposal will have a simpler design than the previously approved double gable feature.

Overdominance /overshadowing

- 10.5 The modest increase in roof height is not considered to appear unreasonably dominant. The proposal is off set approximately 0.3m from the party boundary and set 1.0m below the existing ridge reducing any possible dominance impact on the adjacent property. It is acknowledged that there will be some increase in overshadowing to the adjacent neighbor during the early morning. However, given that the would be over the garage/drive of the neighboring property it is not considered to result in any significant loss of residential amenity of the occupiers of this neighbouring property. Furthermore it should be noted that the appeal inspector in her decision stated that the 2004 applications (with a higher roof and more massing) would not have an overbearing effect on the living conditions of No. 10 The Paddock, given the separation distance and the slightly forward positioning of the host property. The inspector further stated that there would be no adverse affect on loss of daylight/sunlight to the occupiers of No. 10. The current proposal is of a lesser mass than these appealed applications.

Representations

- 10.6 In relation to specific objections raised the proposal is not considered to be similar to the 2004 applications dismissed at appeal. It is reduced in scale and massing and does not incorporate first floor accommodation. On the other hand , the approved application was of a lesser mass because of its double gabled roof design which kept the overall roof height lower. The roof now proposed is simpler , being single gabled but as a result sits higher.
- 10.7 The slightly increased roof height will impact on the views through the site to some degree however the roof tops of the building at the rear will still be visible and it is considered that a sense of space between buildings will be maintained.
- 10.8 The proposal is not considered to be too large for the site as there is adequate amount of garden space surrounding the host dwelling. The increase is not considered to be overbearing and result in loss of visual amenity as the increase in roof height is considered to be modest.
- 10.9 The appeal Inspectors' comments are noted. The current proposal differs significantly from the 33/01/04 and 33/189/04 applications. The overall scale and massing is reduced. The Inspector noted in her decision that that the main dwelling of No. 10 The Paddock is set behind a high party boundary and is separated by its single storey garage and although there are two windows in the side elevation of No. 10 facing the host property, the windows are obscured glazed and that the proposal then would not have an overbearing effect on the living conditions of No. 10. The Inspector further stated that although the host dwelling is slightly set forward of No. 10 the 2004 applications would not have had an overbearing effect on the front garden of No. 10.
- 10.10 The advice in Conservation Area Appraisal has been considered in assessing the application. The application is not contrary to the advice in the appraisal as it is considered to maintain the sense of space between buildings in this part of the conservation area. It is noted that loss of views through the conservation area has been raised as an objection. However, the amendment is not considered to be

significantly greater than the approved scheme and some views and space will remain.

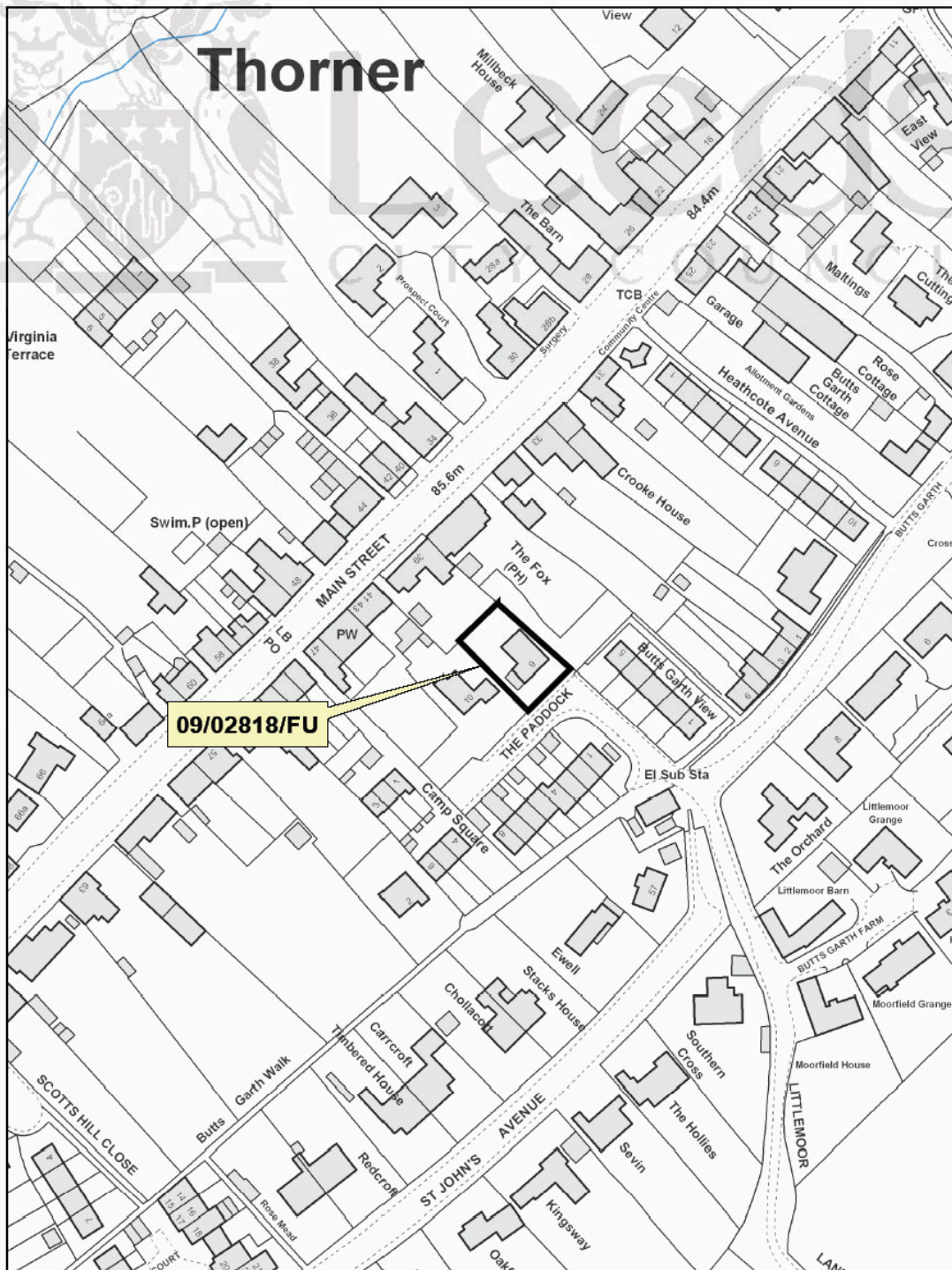
10.11 The application has been advertised in accordance with the requirement of planning legislation. This has involved notifying neighbours, newspaper advert and the posting of a site notice given the conservation area location.

11.0 CONCLUSION

11.1 The proposal is considered to be a modest increase over the approved application and is of a much reduced scale and mass compared to the previous refusals which sought to incorporate living accommodation in the roof space through the use of dormers and increased roof height. It is not considered to be harmful to the host dwelling or the character of the conservation area or wider streetscene. Therefore on balance approval is recommended.

12.0 Background Papers:

12.1 Application and history files.
Certificate A signed by the applicant declaring that all land is owned by applicant.



EAST PLANS PANEL

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Scale 1/ 1500

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Originator: B Patel
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October 2009

Subject: APPLICATION 09/03387/FU –First floor side extension. 2 Syke Lane, Scarcroft, Leeds, LS14 3BQ.

APPLICANT	DATE VALID	TARGET DATE
Mr & Mrs M Forster	31.7.2009	25.9.2009

Electoral Wards Affected:

Harewood

 Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
REFUSE for the following reasons;

The proposal by reason of its scale and massing in close proximity to the side boundary of the site in a prominent location would significantly alter the spatial relationship between buildings, resulting in the loss of the existing visual gaps between buildings which forms a positive characteristic of the present streetscene. As such it is considered that the proposal would be detrimental to the character and appearance of the present streetscene, contrary to policy GP5 of the Leeds Development Plan (Review) 2006 and advice contained within PPS1: Delivering Sustainable Development.

1.0 INTRODUCTION:

1.1 This application is brought to Panel at the request of Councillor Rachael Procter. Councillor Procter has stated her support for the scheme and feels that it does not harm the streetscene.

2.0 PROPOSAL:

- 2.1 The applicant seeks full planning permission to construct a first floor extension to the side of a detached property. The extension will be situated above an existing study room to the side of the property. It will be set 1.5m back from the main front elevation of the house, measuring 2.6m in width, 8.1m in length and have a hipped roof which will run along side the existing ridge. Windows are proposed to the front and rear elevation. The proposal will create two new bedrooms one with an en-suite at first floor level.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a two storey, brick built detached property with a pitched roof. The property has a porch to the front and an attached single storey extension situated along the party boundary to the south west side of the property. The area is predominately residential in character with properties which vary in sizes, scales and designs. The property occupies a location in the streetscene whereon the whole there are generous gaps between dwellings. The neighbouring property at 4 Syke Lane is a hipped roof bungalow, set slightly back from the application site. No 2 and No 4 Syke Lane are located in very close proximity to one another with no gap remaining to the boundary.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H31/679/79/ - Three bedroom detached house with attached garage to cleared site. Approved 31.12.1979.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application the agent has proposed an amendment (as he was advised that the proposal could not be supported) with a set back of 3.5m from the front elevation. The changes are not considered to overcome concerns.

6.0 PUBLIC/LOCAL RESPONSE:

Parish/Town Council:	Scarcroft Parish Council.
Press Advert:	None
Site Notice:	None
Date of letters sent out:	7/8/2009
Expiry Date of Notification:	4/9/12009

- 6.1 Scarcroft Parish Council made the following comments:
The proposal is acceptable so far as the applicants site is concerned. The proposal seems to be in clear conflict with normal space around the dwelling.

7.0 CONSULTATIONS RESPONSES:

- 7.1 None

8.0 PLANNING POLICIES:

- 8.1 The development plan comprises 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. However, the RSS

is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

- 8.2 Unitary Development Plan (Review 2006) Policies:
Policy GP5: General planning considerations
Policy BD6: General planning considerations

- 8.3 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.

9.0 MAIN ISSUES

1. Design and character/ streetscene.
2. Privacy.
3. Overshadowing/Dominance.
4. Representations.

10.0 APPRAISAL

Design and character/ streetscene

- 10.1 The materials of the proposed extension are considered acceptable, as they are to match the original dwelling. The scale of the side extension in relation to the host is also considered to be acceptable as the proposal is of modest width. However; the proposed side extension is situated along the side party boundary of the site. The existing streetscene is characterised by significant visual gaps between dwellings, especially at first floor level. The proposed extension due to its scale and massing up to the side party boundary of the site will significantly reduce the visual gaps between dwellings. The proposal is therefore considered to detract from the general character of the area and be detrimental to the character and appearance of the existing dwelling and the present streetscene.

Privacy

- 10.2 One window is proposed within the side elevation of extension. However; overlooking is not anticipated as the window proposed is to serve an en-suite and is likely to be obscured glazed. The rear bedroom window will be located closer to the shared boundary and will result in some increased levels of overlooking. The extension will not project beyond the front or rear walls of the existing property and as such will not have a significantly different outlook than the existing property and as such the proposal is therefore not considered to cause significant harm to the privacy of any neighbouring occupants.

Overshadowing/Dominance

- 10.3 The neighbouring bungalow at 4 Syke Lane contains no windows within its side elevation. There are windows in the front elevation and rear elevation of that property although significant increase in terms of overshadowing to these windows above that which currently exists is not anticipated. The proposal will appear dominant from the wider streetscene in relation to No 4 Syke Lane however given that the impact would be to the roof of this neighbouring property rather than

amenity areas or living space no undue loss of light or over-dominance concerns are foreseen in relation to the occupants of that property as a result of the proposal.

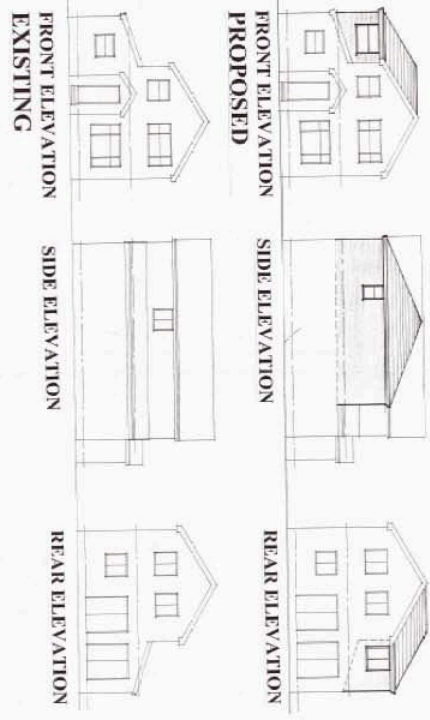
11.0 Conclusion

- 11.1 The proposal, although proportionately designed in relation to the host dwelling raises some concerns given the location of the extension in relation to the side boundary and adjacent property as it will close an existing visual gap between properties which is characteristic of the wider streetscene. On balance the application is recommended for refusal due to concerns in relation to the appearance on the extension in the wider area.

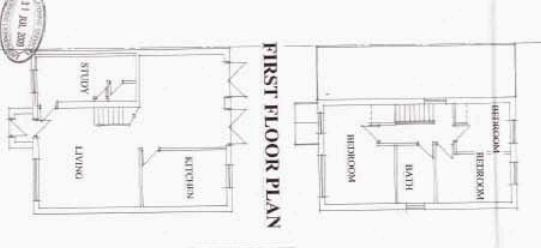
Background Papers:

Application and history files.

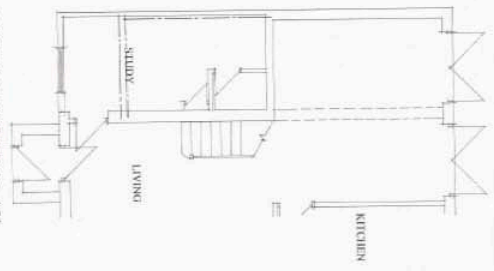
Certificate of Ownership signed by applicant



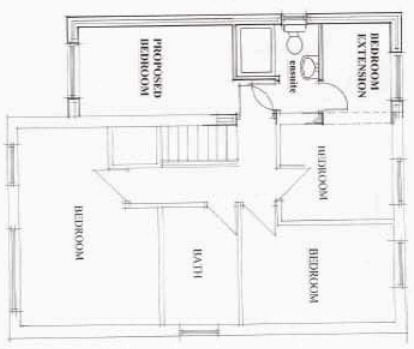
FRONT ELEVATION PROPOSED
 SIDE ELEVATION
 REAR ELEVATION



FIRST FLOOR PLAN EXISTING
 4 JUL 2009



GROUND FLOOR PLAN PROPOSED

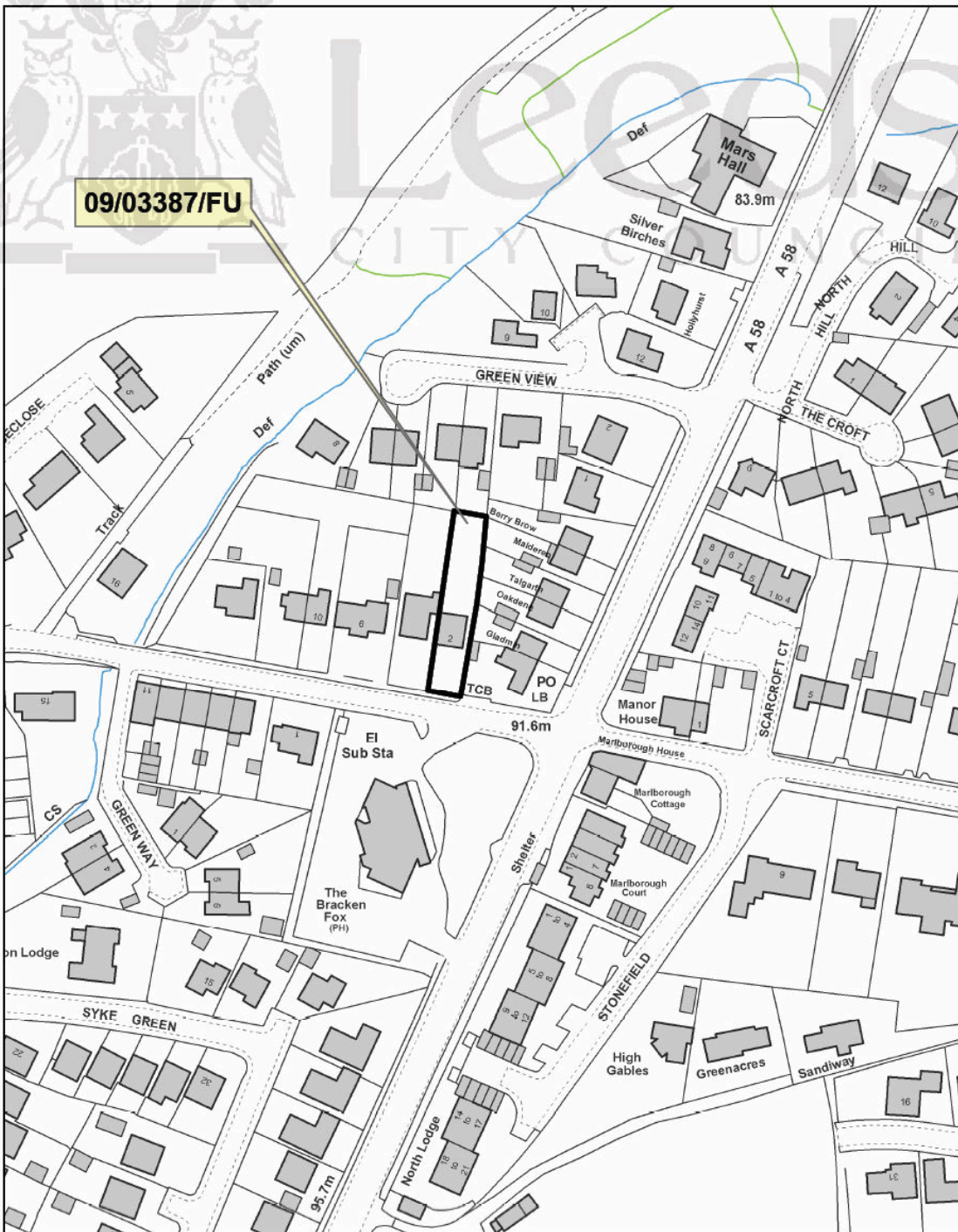


FIRST FLOOR PLAN PROPOSED



Please note: These drawings are for Planning and Building Applications only.
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 The Architect is not responsible for any errors or omissions in these drawings.
 The Architect is not responsible for any errors or omissions in these drawings.

Client Mrs & Mrs M FORSTER
Project PROPOSED FIRST FLOOR EXTENSION AT 2 SPICE LANE, SCARBOROUGH LEEDS LS14 3BD
Drawings EXISTING & PROPOSED FLOOR PLANS, ELEVATIONS AND SECTION
Scale 1:50 & 1:100
Date JULY 2009
Drawn by 101721



EAST PLANS PANEL

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Scale 1/1500

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Originator: R Platten

Tel:0113 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October 2009

Subject: APPLICATION 08/03375/FU – Retrospective application for 1.58m high raised decking to front with 1.09m high handrail above and bin store below at 55 St. Aidans Road, Great Preston, Leeds, LS26 8AY

APPLICANT	DATE VALID	TARGET DATE
Mr. Liversidge	03.08.2009	28.09.2009

<p>Electoral Wards Affected: Garforth and Swillington</p> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block; vertical-align: middle;"></div> Ward Members consulted (referred to in report)
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RECOMMENDATION:
REFUSE for the following reasons:

Reason for Refusal:

The Local Planning Authority considers that the proposed decking and handrail above, by reason of its height, positioning to the front of the host property, and prominence within the street, represents an incongruous addition within the wider streetscene which significantly harms the visual amenity and character of the street. As such it is considered that the proposal is contrary to the aims of Planning Policy Statement 1: Sustainable Development and Leeds Unitary Development Plan (Review) 2006 policies GP5, N25, and BD6.

1.0 INTRODUCTION:

1.1 This application has been brought to Plans Panel at the request of Councillor Mark Dobson. Councillor Dobson has stated his support for the scheme. He has stated that the financial circumstances of the applicant mean that he and his family, like many other residents of his ward, are unable to move home in order to acquire a larger property. Therefore the applicant should be allowed to extend his current home in order to meet his family's needs.

2.0 PROPOSAL:

- 2.1 The applicant seeks retrospective planning permission for a 1.58m high raised decking area with a 1.09m handrail above and bin store below. The decking area is situated to the front of the host property and has a floor area of 1.32m by 3.37m. The handrail is situated to the front and both sides of the decking area. A storage area for wheelie bins is situated below the decking.
- 2.2 The proposal aims to serve three purposes. The first is to provide an area for off-street bin storage. The second is to prevent the applicant's young children from becoming injured by falling off an existing coal store which is set back from the front boundary by approximately 3m and is void of a guard rail. The third is to provide a display area for planting.
- 2.3 The applicant has also stated that it is his intention to add doors to the front of the wheelie bin storage space and climbing plants to the sides of the decking area in the future. This does not form part of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached property (previously two semi-detached properties which have been converted into one) situated on St. Aidans Road in Great Preston. The host property is situated in a row of dwellings of similar sizes, scales, and designs. The host site slopes from west to east with the front garden of the host property being situated over two ground levels. An existing retaining wall covers the majority of the site frontage which is built of stone and measures approximately 1.5m in height. This wall retains an area of garden which is set above street level. To the north of this wall are steps leading up to the front door of the host property with the decking area situated to the north of this, above an area of hardstanding which is at the same ground level as the public footpath.
- 3.2 There are no similar examples of decking within the immediate streetscene with the majority of properties on St. Aidans Road containing modest sized walls to the front. Although there are a number of front boundary treatments on the street which are above the 1m height allowed under permitted development none of these boundary treatments appear to have been granted planning permission.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/00799/UHD3 - Enforcement Enquiry (Ongoing)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application is the result of an enforcement enquiry from a member of the public received on the 2nd July 2009. An enforcement case was opened at which time the applicant was given the option to return the site to its previous use or submit a planning application in an attempt to gain planning permission for the development.
- 5.2 The planning application was received on the 26th August 2009 and discussions were held with the applicant until the 18th September 2009. No acceptable solution to amend the scheme to gain a planning approval was found in this time. During the aforementioned discussions the following suggestions were put to the applicant in order to gain a planning approval at the site:

- Amendments to the scheme incorporating the removal of the decking and handrail parts of the proposal in order to accommodate a bin store of suitable design at the site;
- An new guard rail above the existing coal bunker to protect the safety of the applicants' children which would be of a suitable height, and set back from the site frontage, in order to overcome streetscene concerns; and,
- An extension of the existing stone boundary wall at the site and a raising of the ground level of the front garden in the north east corner of the site to the level of the rest of the front garden.

The possibility of constructing fences and railings under permitted development rights were also discussed. These are alternatives which could provide solutions to the safety concerns at the site.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Great and Little Preston Parish Council have offered comments in relation to the application. They state that they support the applicants intention to construct gates to the front of the bin store and climbing plants to hide the decking and railings. They have however stated they have concerns with regards to the opinion of neighbours, the potential fire hazard created from the bin store, and the degree of planting which will provide screening.

7.0 CONSULTATIONS RESPONSES:

- 7.1 None.

8.0 PLANNING POLICIES:

- 8.1 The development plan comprises 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. As the RSS is a strategic document, it is considered that there are no specific policies which are relevant to this application.

- 8.2 National - Planning Policy Statement One: Sustainable Development
 "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".

- 8.3 Local – Leeds Unitary Development Plan (Review 2006) Policies:
 The following policies are relevant:
 GP5: "Development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety, and to promote energy conservation and the prevention of crime".

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

N25: "Boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area".

9.0 MAIN ISSUES

- 9.1 Townscape/ Design and Character
 - Bin Storage
 - Privacy
 - Safety
 - Consideration of public/ local response

10.0 APPRAISAL

Townscape/ Design and Character

- 10.1 The decking and handrail is considered to be harmful development in two respects. For the purposes of this appraisal the impact of the structure will be assessed both in terms of the nature of the addition, as decking to the front of the property, and in terms of its formation as part of the front boundary treatment of the site.
- 10.2 The nature of the structure, as decking to the front of the host property, is considered to be an inappropriate addition which is uncharacteristic of the street. There are no examples of similar developments within the immediate locality with neighbouring gardens displaying soft and hard landscaping elements which are common features of front gardens. The front garden, like many other properties within the street, is situated over two levels. Although a design has been sought which seeks to fulfil the purposes outlined in paragraph 2.2 above, it is not considered that decking of the height and prominence proposed is the most appropriate design solution at the site. The decking is considered to represent design which is inappropriate for its context (as required by PPS1) and an addition which is out-of-scale and inappropriate in form as an addition to the front garden of the host property (as required by Policy BD6). The prominence of such an addition is also considered to harm the visual appearance of the street which is protected by Policy GP5.
- 10.3 The location of the addition also results in the decking and handrail forming part of the front boundary treatment of the site. The immediate streetscene surrounding the host property is characterised by a range of front boundary treatments which vary in style, design, and construction materials. It is noted that there are a number of examples of inappropriate front boundary treatments on St. Aidans Road which have been built without planning permission. However, the presence of these boundary treatments would not allow the planning policy to be overlooked in this instance as these unauthorised developments are not in the majority and so cannot be said to be forming a fundamental characteristic of the area. It is also noted that in order to compensate for the changing ground levels at many properties front boundary treatments are above the 1m height allowed under permitted development rights in order to act as retaining walls. This is the case at the host site and front boundary treatments serving this purpose are not generally considered to be inappropriate given the circumstances. This being said, the decking and handrail proposed goes beyond the practicalities of serving this purpose and is considerably greater in height, at 2.67m, than other front boundary treatments in the street. The prominent location of the structure means that design must be a key consideration and, in this instance, it is considered the proposal has not been designed in a positive manner which is appropriate to the character of the street (as is required by Policy N25).
- 10.4 One further point which must be considered is the potential for a precedent to be set by the development. If planning permission were to be granted for the application

this would set a harmful precedent for similar developments at neighbouring properties. The combined impact of front decking at a number of properties within the street would significantly impact on the appearance and character of the public realm. If decking were to be allowed at numerous sites on St. Aidans Road this would create a physical barrier between front gardens and the public footpath leading to an undesirable relationship between the two for pedestrians and highway users.

Bin Storage

- 10.5 The applicant has expressed an intention to add doors or gates to the front of the bin store in order to improve its appearance. It is considered that this area of the site is an appropriate location for the storage of bins and the Local Planning Authority has expressed a willingness to discuss alternative bin store designs in order to gain a planning approval at the site. The applicant has stated that this would not be satisfactory for his needs.

Privacy

- 10.6 The location of the decking does raise overlooking concerns in relation to the adjacent neighbouring property at 57 St. Aidans Road. However, it is considered that the resulting overlooking impact would not be so significant as to result in a loss of privacy which would warrant a refusal of permission.

Safety

- 10.7 The safety of children is of paramount importance and design should always look to take this into account as a key planning consideration. It is acknowledged that the decking and handrail constructed has improved upon the previous situation with regards to health and safety and this is a desired outcome from any design solution at the site. However, it is considered that there are other options available to the applicant to protect the safety of his children which would conform with the relevant planning policies and allow the same level of protection. Due to the viability of alternative options it is considered that little weight can be given to the consideration of child safety in relation to the determination of the application.

Consideration of public/ local response

- 10.8 Councillor Dobson has stated his support for the scheme citing reasons of financial circumstances and the inability of the applicant to move home. It is not considered that these are material planning considerations which are relevant in this instance. The personal financial circumstances of an applicant is not a material planning consideration and cannot be taken into consideration as part of the planning decision. Councillor Dobson has also stated that the inability to extend a property can lead to applicants being effectively 'locked' in their homes. It is noted however that the application put forward is for decking which does not create any additional living space at the host property. It is not considered that the removal of this decking would have a significant impact on the living conditions of the applicant and his family, and as such it is not considered that this is a valid planning concern which can be afforded substantial weight in the above appraisal.
- 10.9 Great and Little Preston Parish Council have commented on the scheme. They have stated that they would be prepared to support the application if the applicant were to add gates to the bin store and climbing plants to lessen its visual impact. Although the addition of gates or doors would improve the appearance of the bin store it is not

considered that this would overcome the Local Planning Authority's concerns in relation to the decking and railings above. It is also considered that screening in the form of planting would not overcome the harmful visual impact of the decking discussed in paragraphs 10.1 to 10.4 above.

- 10.10 The Parish Council have also expressed concerns that neighbours may object to the proposal, that there may be a potential fire risk created by the bin store due to the possibility of arson attempts from neighbours, and they have questioned whether the addition of climbing plants could be enforced against if this did not come to fruition. Although there are no neighbour objections to the planning application it is noted that only the immediate surrounding neighbours have been consulted as part of the planning process and therefore wider opinion has not been gauged. It is not considered that it would be necessary to do this for the purposes of determining the application. It is not considered that the potential risk to the bin store in terms of arson attempts by neighbours is a material planning consideration which can be given considerable weight. Finally, it is not considered that the addition of climbing plants to the front and sides of the proposal would overcome the concerns expressed in paragraphs 10.1 to 10.4 above.

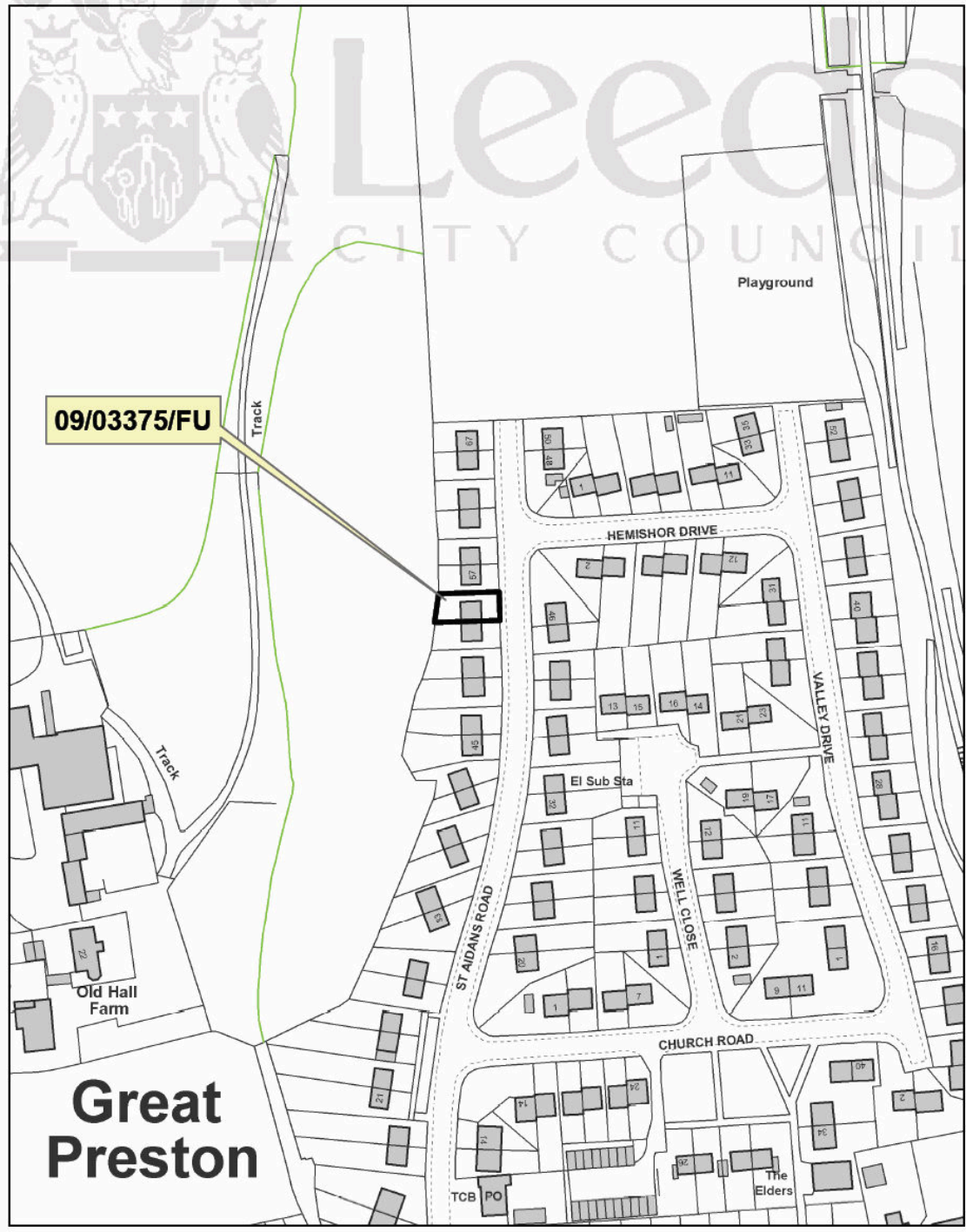
11.0 CONCLUSION

- 11.1 The proposal is considered to represent inappropriate design which significantly harms the character of the streetscene and, if planning permission were to be granted, this could set a precedent for similar developments in the locality which could cause further harm. Therefore the application is recommended for refusal.

12.0 Background Papers:

Application and history files.

Certificate of Ownership signed by applicant.



**Great
Preston**

EAST PLANS PANEL

I

Scale 1/1500

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Originator: Amanda Stone

Tel: 0113 2478054

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22 October 2009

Subject: APPLICATION 09/02973/FU – Demolition of existing public house and replace with single storey A1 retail unit at the Old Golden Fleece, Elland Road, Churwell, Morley, Leeds, LS27 7TB

APPLICANT

Mr J Baker

DATE VALID

28 July 2009

TARGET DATE

22 September 2009

Electoral Wards Affected:

Morley North



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions;

Conditions:

1. Standard time limit condition.
2. Material samples.
3. Surfacing materials.
4. Boundary treatment.
5. Surfaces sealed and drained.
6. Service Vehicles to be no greater than 12.6m in size.
7. Details of the proposed signage.
8. Submission of a Service Management Plan providing details of servicing arrangements and access to the store room (including scheme to minimize noise disturbance).
9. Cycle parking.

10. Landscape scheme.
11. Implementation of landscape scheme.
12. No piped discharges of surface water.
13. A feasibility study into the use of infiltration drainage.
14. Water disposal.
15. Details of storage and disposal of litter.
16. Specified opening hours (07.00 – 23.00, Monday to Saturday).
17. 12 month temporary consent for Sunday trading hours (07.00-23.00)
18. Specified delivery hours (between 07.30 – 18.30 Monday to Friday, 9.00 – 18.00 Saturday).
19. Lighting restrictions.
20. Details of extract ventilation system.
21. Provision of grease trap.

Reasons for approval: The application is considered to comply with policies GP5, S8, S9, N12, N13, T2, LD1 of the UDP Review, as well as guidance contained within PPS1 and PPS6. It is considered that although the site falls outside of a designated town centre there is a demonstrable need for a small retail store in this area, to meet local shopping needs. The shop is well located in a proposed shopping centre, close to existing shops. The proposal has been carefully changed to resolve detailed planning considerations and having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION:

- 1.1 The application is brought to Panel for determination at the request of Councillor Leadley on the grounds of its sensitivity given that Churwell is not recognised as having an (S2) local centre in the UDPR. There has also been a great deal of public interest both for and against the proposal.
- 1.2 Councillor Leadley has also requested a site visit so that Members can assess the setting of the proposed development in the townscape and its relationship with neighbouring houses.

2.0 PROPOSAL:

- 2.1 Involves the demolition of the existing public house and seeks planning permission for the erection of an (A1) retail unit on the Old Golden Fleece site off Elland Road, Churwell.
- 2.2 The proposed single storey mini market is to be occupied by 'Tesco' and will comprise 280m² of retail floor space and 90m² of storage space. It will be constructed of brick and render with hipped tiled roof over with a raised section of roof to the right hand corner frontage. The mini market is proposed to the north east part of the site. Access for both customer and service vehicles will be gained from an existing access at the north west corner of the site (adjacent to 37/43 Elland Road). Service vehicles will pull into the service bay at the front and exit the site from an existing access point in a central location of the site.
- 2.3 The remainder of the development comprises of surface parking to the southwest side of the site and a service area to the front, with soft landscaping proposed to the front boundary, northeast boundary (adjacent to Little Lane) and the southeast boundary (adjacent to the rear gardens of properties fronting Back Green).

- 2.4 Sunday trading hours have also been revised and it is now proposed to trade 7.00am until 11.00pm on a Sunday rather than 11.00 am to 4.00 pm as stipulated on the application form. (12 month temporary consent recommended in order to monitor its impact on neighbouring amenity, given that back ground noise on a Sunday will be a lot quieter than any other day of the week).
- 2.5 Trading hours will be 7.00am – 11.00pm, seven days a week. Deliveries will be made up to 6 times a week via a 12.6m articulated vehicle. Deliveries will also be made via 7.5m ton and 3.5 ton vehicles, at ad-hoc times during the day. No deliveries will be made before 7.30am on a morning or after 18.30 pm of an evening – Monday to Saturday and before 9.00am or after 18.00pm on a Saturday. No deliveries will be made on a Sunday. (Conditioned accordingly).
- 2.6 The scheme would create 8 full time jobs and 24 part-time jobs, equivalent to 20 full-time jobs.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a square shaped piece of land which measures approximately 1,860m² located off Elland Road (A643). The site currently accommodates The Old Golden Fleece public house which stands on a large plot with tarmac car parking to the front (north) and side (east). There is also a large beer garden to the south side of the site (rear). Bounding the east side of the site adjacent to Little Lane is a steep grass verge. Boundary treatment at the rear consists of a mix of fencing and hedging approx 2-3m in height. Properties bounding the south-west side of the site sit in an elevated position, served by a 2.0m high retaining wall with fencing over (overall height 3.5m).
- 3.2 The site currently has two access points reached through a lay by off Elland Road. Directly opposite are two junctions which serve Old Road and William Street. Within the immediate vicinity of the site is a varied selection of commercial premises consisting of : three convenience shops, 2 takeaway food shops, a bookmakers, 2 auto spare shops, a barbers, an off license and a bed centre. Further to these shops there are two public houses, New Inn and Commercial. There are also a number of offices, Stanhope Memorial Hall and a building which used to accommodate a co-op store. In addition, there is also Mullen Theatre Studios and further up Elland Road there is a doctors surgery and a pharmacy.
- 3.3 Elland Road sits on a steep gradient which slopes on a decline from the south-west to the north-east. The site is bounded by Little Lane to the east and Back Green to the south which mostly serve residential properties.

4.0 RELEVANT PLANNING HISTORY:

None relevant

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The pre application advice from officers stated that a retail development of this nature was potentially acceptable. Other advice given was that its was important to ensure that any scheme had an 'active' shopping front to Churwell Hill rather than a blank wall, and that the layout /design attracts pedestrian use in order to help strengthen its role as an attractive local centre which is not geared solely to car use.

5.2 Following discussions between the council and the applicants, amendments to the scheme were submitted on 21 September 2009. These amendments included; revisions to the access arrangements; re-positioning of the building to north east side of the site; servicing moved to the front of the site and revisions to the car parking layout with additional car parking spaces introduced (increased from 16 to 21). Further to these revisions, the two disabled parking bays have been moved closer to the building to allow for better access. It is also proposed to retain and recover the existing mosaic (trade mark of Melbourne Brewery) which is currently found on the frontage of the building, and incorporate it as a corner feature at the front of the site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were posted on 28th August 2009 and 22nd September 2009 .

6.2 Following revisions to the scheme the re-notification period does not expire until 6th October, and therefore any additional letters of representation received will be reported verbally to the Plans Panel meeting.

6.3 Councillor Robert Gettings, member for Morley North registered the following concerns to the original proposal:

- Increase of traffic on a very busy narrow road.
- Impact on neighbouring residents from noise associated with late night openings, delivery vehicles and cars.
- Highway safety implications.

Representations - in support

6.4 Morley Town Council made reference to the sensitivity of the proposal in that the site is not situated within a designated S2 centre in the UDPR, however were generally in support of the proposal subject to the following matters being addressed; the provision of more parking spaces, disabled parking bays being moved closer to the store and controls to minimize the risk of on-street parking.

Further representation was received from the Morley Town Council in regards to the revised scheme. Their comments generally welcomed the changes, however again made reference to the site not being located within a defined S2 centre in the UDPR

6.5 A letter of support has also been received from Churwell Action Group (committee members) – Town Councillors; Joseph Tetley, Councillor Joyce Sanders, Councillor Wenda Whitehead, Denise Blower, Margery Kirk, Lewis Beever, Janet Harrison, making the following comments on behalf of the majority of their members:

- The Tesco store will provide much needed fresh food provision i.e. (butchers, bakers, greengrocers etc.) to local residents.
- There are no “fresh” shopping facilities to cover Churwells growth in population.
- The provision of an ATM will reduce the need to travel to draw money from a cash machine.
- The site is in a poor state Tesco will keep it in much better condition than it is at the moment.
- The retail unit will reduce the need to travel by car given that it will mainly be used by local people.

- The site is fronted by a lay-by and has parking facilities plus plenty of room for loading and unloading. The public house coped quite well with this and therefore it should not be a problem.
- It is generally felt that the retail use would be less likely to generate noise nuisance than the public house use .i.e. shouting and fighting up until 1.00am in the morning and on occasion necessitating visits from the police.

6.6 Fifteen letters of support have been received from local residents making the following comments:

- The proposal will bring much needed shopping facilities to the local neighbourhood;
- The current site is an eyesore and a target for local youths to vandalise;
- The new development would be an asset to the local area as existing shops do not sell perishable goods such as fresh fruit and meat;
- The proposed development will be particularly useful for the elderly and disabled who currently have to travel to Morley for their basic shopping needs;
- The shop will have its own parking area therefore will cause no additional traffic problems on Churwell Hill, unlike the existing shops;
- The new development will increase choice for local residents without having a detrimental effect on existing businesses;
- Competition can only be a positive outcome for existing stores who will manage to retain their custom if they research their market well;
- The Old Golden Fleece attracted its fair share of trouble and had a late license which caused much disruption to local residents. This development would reduce this disruption from previous levels;
- The development would provided jobs and services to the community;
- Rejecting the application would risk the building falling into to disrepair through vandalism and runs the risk of increasing crime in the area;
- Delivery lorries accessed the site whilst it was a public house, there is no change in the safety issue in regards to deliveries;
- The road is wider than the road outside Brookfields garage and can handle the traffic adequately;
- Sufficient parking and excellent pedestrian access;
- Should have no adverse impact on residential amenity;
- A good use of the current redundant plot which will afford the community a further retail option;
- The existing shops unfortunately have poor or no parking and have limited stocks concentrating more on the 'off license' sales rather than grocery's and fresh foods etc and over the years have not attempted to improve their situation.
- Undue pressure imposed on local residents to sign petitions in local stores against the proposal. This method of objection is underhand and unfair.
- The area is long overdue a local store of this kind which provides fresh and affordable products, without having to travel to Morely or Leeds.
- Current shops only offer a limited supply of goods and are only open certain hours, where as a Tesco will be open for longer hours which makes it more convenient for the public.
- A zebra crossing of some sort around the site would help as Elland Road is busy and the nearest crossing is further up the hill.

Representations – objecting

6.7 Objections received consist of (11) letters from local residents, 4 petitions with 1008 signatures and (414) duplicated pro-forma letters. The pro forma letters have been reduced in number, as on inspection there were found to be a number of duplicated

letters and also some withdrawals. The petition and pro-forma letters were sent in by 4 local shops (The Brookfield Group, A.K. News, Rays General Store and Churwell Food Market).

- 6.8 In addition to the above representations three letters of objection have also been received from Rapley's, Commercial Property and Planning Consultants on behalf of Brookfields Group (competitors who own the petrol filling station/mini market, off Elland Road in Morley).
- 6.9 **Note:** A small number of residents who signed the letters/petitions (7) have since retracted their objections on the basis that they either knew nothing about their objection or they had felt pressurised by the local shop owners into signing the letter/petition. Six out of these seven correspondents stipulated that they were supportive of the proposal.
- 6.10 Objections to the original and revised proposal are as follows:
- The proposed store is not located in an existing town, district or local centre and as such is considered inappropriate in this location, due to the potential impact upon the vitality and viability of existing shops in Churwell and Morley (contrary to Planning Policy Statement 6 'Planning Town Centres'.
 - The development fails to meet the key tests set out in PPS6 'Planning for Town Centres' in regards to retail unit in out of centre locations.
 - The proposal would have an adverse impact on highway safety given the juxtaposition of the existing access points and their proximity to the junctions of William Street, Little Lane and Old Lane, causing traffic to queue and block adjacent junctions.
 - The proposal will intensify the use of the site attracting high volumes of visitors.
 - The proposed car parking spaces do not meet the car parking standards as set out in Appendix Volume 2 of the UDP and is highly likely to result in on street parking to the detriment of road safety.
 - No staff parking has been allocated.
 - Layout fails to demonstrate how large articulated lorries would access the site in forward gear and exit safely.
 - The layout fails to demonstrate how customers will access the store safely from any parking spaces. No pedestrian routes have been included on the site plan.
 - Disabled bays are inappropriately positioned within the site.
 - The proposal will have a negative affect on local shops leading to closure and erosion of choice and would cause the loss of the post office.
 - Detriment to residential amenity from noise pollution caused by intensification of use and activities associated with such a use i.e. service lorries moving round the site, noise generated from cars starting, doors slamming, reversing sirens and noise associated with customers.
 - Detriment caused to residential amenity from lighting pollution, overlooking and relationship of principal windows of neighbouring properties to the car park and retail store.
 - Parking area would promote anti social behavior.
 - The existing convenience stores are and have been adequate for residential needs.
 - Local choice should not be eroded by a 'Tesco' store.
 - The revised layout fails to demonstrate (by means of swept path analysis) how the 12.5m articulated vehicle will access and egress the site in forward gear.
 - The use of the lay-by, by delivery vehicles is against Highways Officer recommendations as it would potentially cause hazard by; obstructing pedestrian movement across Elland Road and obstructing visibility splays onto Elland Road

for vehicles turning in and out of the site in either direction. The lay-by is also used for shoppers assessing the adjacent shopping parades, if fully utilized, the delivery vehicles would block the main carriageway being unable to park in the lay-by.

- Shortfall of proposed parking spaces compared to the UDPR maximum standards.
- Question the layout in regards to: width of the highway between the proposed disabled bays and opposite parking bay, resulting in vehicle and pedestrian conflict.
- No pedestrian access routes identified on plan
- The revised plans fail to demonstrate where the secure cycle parking space is.
- The revised plans fail to demonstrate where the air conditioning units are located in relation to neighbouring properties and what size they are
- Further notification to neighbours should be given because of the change of Sunday opening hours from 11.00 – 16.00 (as stipulated on the application form) to 07.00 – 23.00.
- Car parking Justification Statement needs updating because there are now more parking spaces than previously submitted.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

None

7.2 Non-statutory:

7.3 Highways: Initial concerns relating to parking, servicing, pedestrian and vehicular access have been addressed in the revised scheme.

7.4 Tracking diagrams have been used to demonstrate that the service yard can be accessed by a 12.6m vehicle without over-running the centre line of either Elland Road or the main car park access into the face of oncoming traffic.

7.5 A total of 21 parking spaces have been accommodated within the latest car park layout which is 4 spaces short of the maximum the UDPR would allow. Whilst more parking spaces would be desirable, it is considered that an objection could not be sustained.

7.6 Traffic management have requested that the lay-by be retained, this has been accommodated in the revised scheme. In addition they also recognise that Traffic Regulations Orders would not be appropriate for a number of reasons and therefore funding of on street restrictions has not been pursued. Traffic management also consider that the proposal is likely to increase demand for pedestrian crossing in the vicinity. However, note that the existing use can under permitted development rights be converted to A1 retail and therefore given the size of the proposal it is considered that a requirement to provide a pedestrian crossing would be an unreasonable condition. Further to this a pedestrian crossing facility in this location would be very difficult if not impossible due to the large number of access points in the vicinity.

The revised layout as shown is acceptable, subject to conditions.

- 7.8 Neighbourhoods and Housing: Comments received 26/08/2009 and 07/10/2009 - No objection to revised scheme, subject to conditions.
- 7.9 Land Drainage: Comments received 30/07/2009 - No objection subject to conditions.
- 7.10 Yorkshire Water: Comments received 03/08/2009 - No observations required.

8.0 PLANNING POLICIES:

- 8.1 The RSS adopted May 2008 provides the strategic for planning policy for the Yorkshire and Humberside region. Given the strategic nature of this document it is considered that there are no direct policy implications for this proposal.

The Leeds UDPR was adopted on 19th July 2006 for use, inter-alia in the determination of planning applications. Of that Plan the following policies are considered relevant:

The application site is unallocated in the UDP.

S8: Promotes maintenance and enhancement of viable neighbourhood shopping.

S9: Acceptability of small retail developments outside S1, S2 and local centres.

GP5: Development should resolve detailed planning considerations.

N12: The development should respect then fundamental priorities of Urban design

N13: The development should give regard to the character and appearance of their surroundings.

BD5: Buildings should be designed with consideration to their own amenity and that of surroundings.

T2: Development should be served adequately by highways, public transport and make sufficient provision for cycle use and parking.

LD1: Requirements for adequate landscaping for developments.

LDF proposal: Churwell is recognized as having the attributes of a Local Centre and it is included in a list of local centres in the Core Strategy 'Issues & Alternative Options' (Table 5) which was published for consultation in Oct 2007.

PPS1 – Delivering Sustainable Development

PPS6 – Planning for Town Centres

PPG13 - Transport

9.0 MAIN ISSUES

1. Principle of Retail.
2. Design/Landscaping.
3. Highway Safety.
4. Residential Amenity.
5. Conclusion

10.0 APPRAISAL

Principle of Retail Development

- 10.1 There are no specific proposals for the site in the UDPR and the application must therefore be considered against the general policies of the UDPR.

- 10.2 In regards to shopping policies within the UDPR, 'the main objective of these policies is to ensure that the residents of Leeds have good access to modern shopping facilities. The main thrust of which is to build upon the existing town centres (S2 centres) for the provision of complete range of shopping facilities for main shopping requirements. However, the provision of town centre shopping facilities is not enough to ensure access for everyone'.
- 10.3 Beyond these centres there is also an important role for the smaller neighbourhood shopping centres, local shopping parades and corner shops. Such centres provide for the day-to-day shopping needs (mainly food and household necessities) for the immediate surrounding communities' and are especially important for residents without access to a car, with limited mobility, as well as providing a service to all residents in meeting their day-to-day needs. Such centres provide an important role both economically and socially in the local community and can also reduce the need to travel by car and thus reduce carbon dioxide emissions.
- 10.4 This proposal is for a retail shop unit with 280 m² of retail floor space. The total proposed retail floor space is less than that considered to be 'major' for the purposes of the UDP retail policies.
- 10.5 Policy S9 and National Government Guidance PPS6 advises that developments smaller than those dealt with in policy S5, outside the defined S1 and S2 centres or local centres will not normally be permitted unless they can demonstrate: that the development could not be accommodated within an existing S1, S2 or local centre or on the edge of such centres; and that its scale would not undermine the vitality and viability of these centres or prejudice local provision of essential daily needs shopping; and address qualitative or quantitative deficiencies in shopping facilities; and is readily accessible to those without private transport; and does not entail the use of land designated for housing or key employment sites.

The applicant has submitted a retail justification statement which address these issues. Officers accept that it meets these requirements.

- 10.6 Site location: This scheme involves the demolition of the existing public house which is to be replaced with a retail unit within the shopping area of Churwell. Whilst Churwell is not defined in the UDPR as being a 'local centre' the site is located within an area which the Council recognises as having the attributes of a local centre and is included in a list of local centres in the Core Strategy 'Issues & Alternative Options' (Table 5) which was published for consultation in Oct 2007.

Whilst identified local centres do not, as yet, have defined boundaries, this particular site sits close to the centre of retailing activity in Churwell and is definitely regarded as falling within it. Boundaries for Local Centres will be defined in a future 'Site Allocations Development Plan' which are likely to start work on in early 2010.

Although presently this document carries little weight, its relevancy is that it indicates future policy direction.

- 10.7 Impact on Local Centres: The nearest local centres are Morley Town Centre and White Rose Shopping Centre, these centres are in excess of 1.5 miles away from the edge of Churwell and are dominated by two large supermarkets (Morrisons and Sainsburys). This proposal is to provide convenience shopping for the local area which is re-affirmed by the modest scale of the proposal. The convenience store is to provide a local service which is unlikely to impact on the vitality or viability of

surrounding centres such as Morley town centre. The nature of this convenience store is that of a 'top-up' shopping facility to meet the everyday needs of local people, the majority of whom live within 650 m of the site and will walk to the store.

- 10.8 Accessibility: This proposal lies in the centre of Churwells shopping area . The edge of the catchment area is approx 750m from the site, the majority of which is within 650 m of the site. TRICS data reveals that on average 56% of customers who live within this catchment area would arrive on foot. Data also shows that people are prepared to walk up to 940 m to shops dependant on weather and terrain conditions. National statistics accept that this distance is an acceptable walking distance. The site is readily accessible to those without private transport, as those with cars would reduce the need for residents to travel by car. Further to this the site is also accessible by bus, being situated on a busy bus route, very close to existing bus stops.
- 10.9 Addressing need: In recent years Churwell has grown rapidly with the introduction of new housing estates such as the Harwills, Hepworths, Ibbetsons and many more smaller residential developments that have been erected on brown field land. Whilst the increase in population has grown, local shopping facilities in Churwell have not and there is a current lack of choice in terms of convenience goods with no provision of fresh food facilities such as; butchers, bakers and greengrocers. The 3 existing convenient stores, sell very little fresh food products, have little or no parking facilities and are closed periodically during the day. Consequently local residents have to travel to Morley Town Centre or the White Rose Shopping Centre for their day-to-day 'top-up' shopping needs. This proposal will provide an important role both economically and socially in the local community by not only reducing the need to travel by car and thus reduce carbon dioxide emissions but will also provide local essential shopping facilities for residents without access to a car and/or limited mobility.
- 10.10 The potential impact the proposal will have on the viability of existing shops. Whilst this is not considered to be a valid planning consideration, there is also no evidence to support the suggestion that the proposal would unduly compromise these existing shops, furthermore it could also be argued that local shops would benefit from the proposal as it would increase footfall in the area, whilst also providing additional parking which would also benefit the local shops. The proposal will bring investment to the area and will attract, maintain and strengthen vitality, whilst also bringing employment opportunity for local residents.
- 10.11 Given the above, it is therefore not considered that the proposal conflicts with the aims of policy S9 or Government Guidance contained in PPS6.
- 10.12 The site currently accommodates a public house (A4 use class) therefore under the General Permitted Development (Amended) Order 2005 this would allow a permitted change to A1 or A2 use i.e. retail shop, bank building society, estate and employment agency. The current building has a similar floor area to the proposed, albeit on two levels. The site has two existing access points off Elland Road and there is parking both at the front and side. Therefore a fall back position exists which would enable the current building to be used for retail purposes without the need for planning permission.

Design and Landscaping

- 10.13 Following negotiation with the applicants, the scheme has been revised to address highway issues. In order to address these issues significant amendments to the

original proposal have been made. These include; the re-positioning of the building/service and parking area and revisions to the access points and how they are used.

- 10.14 The site currently accommodates a red brick, two storey Art Deco style building with flat roofs. The premises are currently vacant and bordered up and the site is in a poor state of repair.
- 10.15 The proposed store is single storey with a hipped tiled roof, to be constructed of brick and render. The shop unit affords an active frontage onto Elland Road being heavily glazed to break up the brick work with a modest raised section of roof to the right hand side of the shop. The new building has been set back into the site, to allow for a service bay at the front and now sits on a similar building line to the existing public house, albeit closer to Little Lane.
- 10.16 The surrounding area consists predominantly of two storey brick built properties and as such it is considered that the single storey building would appear duly subordinate to its neighbouring buildings given its modest scale and set back position. Further to this the use of sympathetic materials would ensure that the building relates well to its surroundings.
- 10.17 The introduction of soft landscaping, trees and hedging to the front side and rear of the site is also proposed. Boundary treatment at the front of the site will now consist of a small stone dwarf wall, with landscaping features behind. This boundary treatment is to enclose the service area at the front whilst also serving to make a positive contribution by enhancing and screening the service area from the streetscene of Elland Road. The stone wall will be similar in appearance to existing boundary treatments which bound the war memorial on the opposite side of Elland Road. Removable bollards are proposed over the existing central access point, (this access point will be used for service vehicles exiting the site only) and are to deter customers utilising this part of the site for parking.
- 10.18 A more robust landscaping scheme is proposed to the embankment bounding Little Lane. This includes the introduction of a number of trees which will enhance and soften the development from the Little Lane aspect. In addition to this a corner feature is proposed at the junction with Elland Road which will display a mosaic (trade mark of Melbourne Brewery) which is currently on the front of the public house.
- 10.19 Further landscaping is also proposed at the rear, again this landscaping will screen this part of the site from neighbouring properties, affording a pleasant aspect at the rear.

(Details of surface materials, boundary treatments and landscaping have been conditioned accordingly).

Highway Safety

- 10.20 The scheme has been revised in line with Highway Authority recommendations. Main access to the site for both customer and service vehicles is now to be taken from the existing access on the right hand side of the site adjacent to 37/43 Elland Road. The service area has also been relocated to the front of the store, similar to the existing arrangement. The other access point will now be used for service vehicles, exiting the site only. A low level wall will enclose the service area at the front with temporary bollards over the service exit point. This will restrict vehicles

using this entrance as an access point. Further alterations to the kerb line have also been made in order to accommodate pedestrian access. All servicing for the store will be made on site from the designated service area.

- 10.21 Whilst access to the site is taken from existing locations, it was considered that the proposed use would be more intensive than the public house, particular in peak hours. The existing access to the left hand side of the site, is only 20m from the adjacent Little Lane/Old Road cross roads junction and also staggered by only 11m from William Street junction opposite. This is known as a left/right staggered junction and the hooking movements created by this arrangement can lead to collisions between vehicles. In order to address this issue the applicant has changed the use of the access points. The main access is now to be taken from the previously proposed service egress. All vehicles will use this entrance for access only. The other access point will be used for service vehicles only which will exit the site at this point. Boundary treatment and bollards will prevent this entrance being used for access purposes. The bollards will only be removed to allow service vehicles to exit the site. This revised layout has moved the entrance access further away from all existing junctions and reduced conflict between right turners into the site and William Street.
- 10.22 The service area has also been relocated to the front of the store, in order to increase parking facilities on site and separate the service area from the customer/staff parking area. The revised service area has been increased in depth so that the largest vehicles (12.6m artic) and all other vehicles can enter the site on the right hand side, in one movement, without running in to the opposing lane either on Elland Road or against vehicles emerging from the proposed car park (swept path analysis, successfully demonstrates this).
- 10.23 Car parking spaces have also been increased from 15 to 21 and consist of; 2 disabled parking bays (adjacent to the store entrance), 15 customer spaces and 4 staff spaces.
- 10.24 Whilst the amount of parking does not meet the maximum standards (25) as stipulated in the UDPR for convenience stores in out of centre locations, the amount of parking is considered acceptable in this instance. The site is in an area which has all the attributes of a local centre, in a sustainable location, on a busy bus route and within walking distance for most of the local residents of Churwell. The proposed parking is therefore considered more than sufficient for this use, in this location.

Note: The existing lay-by has also been retained in order to accommodate shoppers to the adjacent parades.

Residential Amenity

- 10.25 In order to alleviate highway safety concerns relating to intensification of use of the access points adjacent to existing road junctions, the building has been relocated to the left hand side off the site, closer to Little Lane. Whilst it is noted that this part of the site is elevated in relation to residential properties which face onto Little Lane, its single storey scale which affords a 21m separation is considered sufficient to negate undue detriment to their amenity. Further to this the threat to amenity posed by headlights and noise associated with customer vehicles has been alleviated as the parking area is now proposed to the opposite side of the site, screened by the new building and existing boundary treatment.

- 10.26 Similarly, in reference to properties which border the rear boundary of the site, fronting Back Green, the new building retains a distance of 9.5m to this shared boundary and 16.5m to their rear elevations. Bin storage is also proposed to the rear, however this area will be well screened by fencing and robust landscaping, along with the existing hedge on the shared boundary, which is to be retained. It is therefore considered that the proposal would pose little threat to residential amenity in regards to dominance. In addition, dwellings bordering this part of the site are situated to the south east side, therefore they would not experience any overshadowing from the building, given the orientation of the sun.
- 10.27 In regards to the service area, this is now proposed to the front of the site, adjacent to Elland Road as is the existing. The service area has been increased in depth so that the largest vehicles (12.6m artic) and all other vehicles can enter the site on the right hand side, in one movement, without running into the opposing lane either on Elland Road or against vehicles emerging from the car park. Daily deliveries will involve 2 visits being made from the largest (12.6 m) vehicles and smaller vehicles, 1 bread, 1 milk, 1 newspapers during the morning after 7.30 am (conditioned accordingly). All these vehicles can deliver without reversing. The service location nearest Elland Road, also means that deliveries will coincide with the noise activity currently generated off Elland Road, with little need for reversing manoeuvres.
- 10.28 In reference to the access points, these remain as is, with only minor alterations to the entrance points. Service vehicles will now only access the front of the site, in forward gear, adjacent to Elland Road. The parking area is now proposed to the part of the site which previously accommodated a beer garden. This part of the site sits adjacent to 37/43 Elland Road and a parking area which serves flats fronting onto Back Green. Bounding the parking area at the rear is the rear gardens of 12a and 12 Back Green. No 37/43 sits in an elevated position and is served by a 2.0m high retaining wall with a further 1.5 m high close boarded fence over. The existing boundary treatment and its elevated position is considered sufficient to mitigate undue noise intrusion to these residents from activities associated with this use. In order to protect residents at the rear, mitigation measures have been introduced between the parking area and existing hedging, in the form of a 2.0m high close boarded fence. This is considered sufficient to mitigate any intrusion from noise associated from patrons and vehicles. The existing hedging is also to be retained.

As a result the proposal would not cause undue harm to amenity.

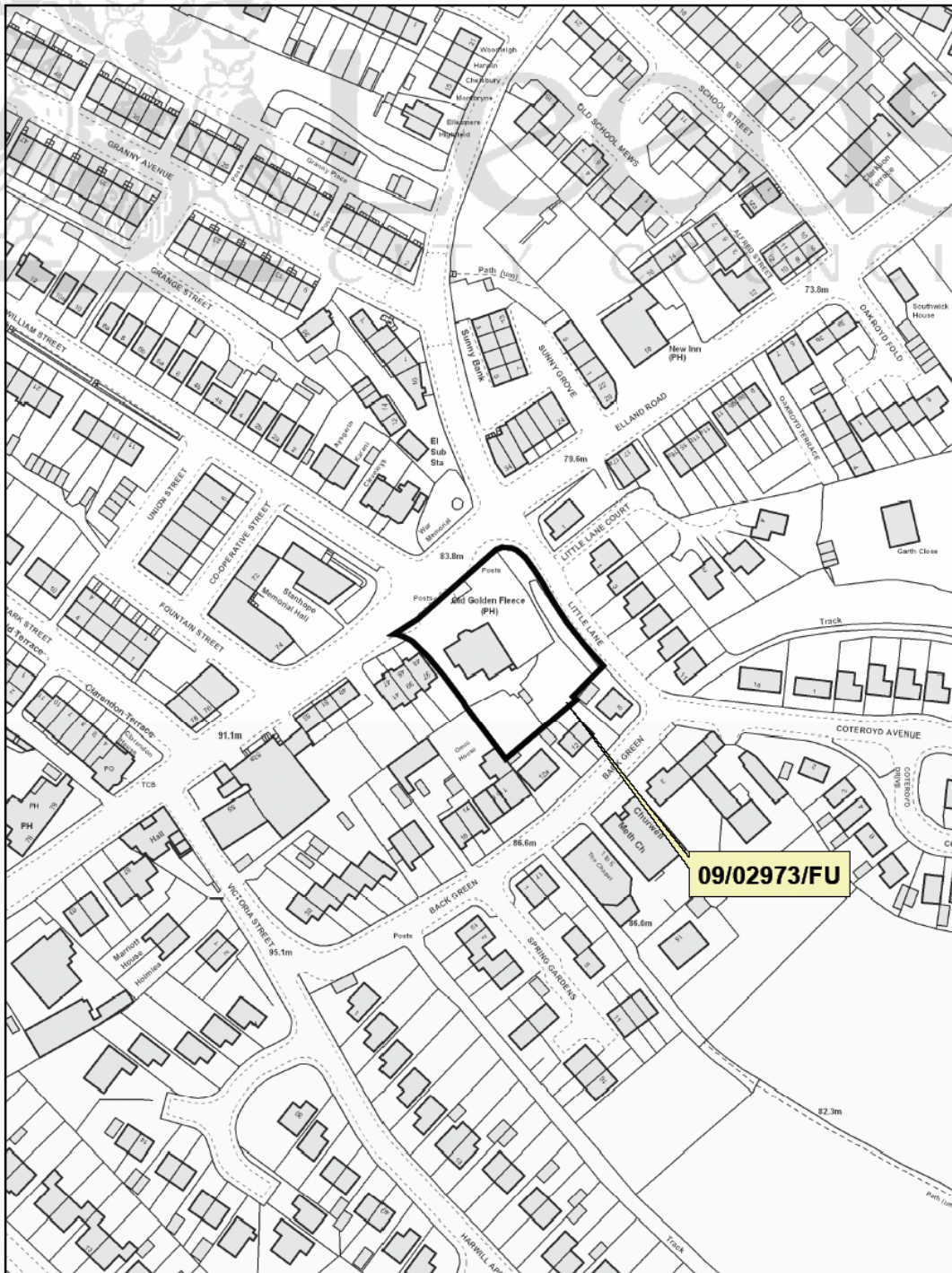
11.0 Conclusion

- 11.1 On balance, it is considered that the applicant has successfully demonstrated that there is a need for a small retail store in this area, to meet local shopping needs. The shop is well located in a proposed shopping centre, close to existing shops. The proposal has been carefully changed to resolve detailed planning considerations.
- 11.2 Notwithstanding the above, the public house could also be converted to a similar size retail store without the need for planning permission, however this would result in an inferior design.

Background Papers:

09/02973/FU

Certificate of Ownership – Signed by applicant.



EAST PLANS PANEL

Scale 1/ 1500

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Originator: Robert Brigden

Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd October, 2009

**Subject: APPLICATION 09/03114/FU –
Re-profiling of watercourse banks including gabion retaining walls
Land to the rear of 9-18 The Blossoms, Methley, Leeds.**

APPLICANT	DATE VALID	TARGET DATE
Steven Homes Ltd	20/08/2009	15/10/2009

Electoral Wards Affected:

Kippax & Methley

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. The development hereby approved shall be carried out in accordance with the approved Existing Site Plan and Planning Application Boundary (LEW/016/1001 P2), River Bank Re-profiling Illustrative Layout (LEW/016/1003 P2), and the Design and Access Statement & Flood Risk Assessment, all date stamped 20th August 2009, and in accordance with the following conditions which shall in all cases take precedence.

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

2. The development hereby permitted shall be completed by 27th September 2010.

Imposed to ensure the development is undertaken within a reasonable period of time.

3. No development shall take place until a working method statement to cover all channel and bank works has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance

with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

In order to minimize the potential for increasing flood risk during the construction phase of the works.

4. No development shall take place until a biodiversity mitigation scheme, including details of methods to be used to vegetate the gabion structures; the creation of a varied profile to the northern watercourse bank; the creation of soft bank areas on the southern watercourse bank; and a programme for the implementation of the scheme, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and retained for the life of the development.

In the interests of amenity and nature conservation.

Reasons for approval:

In recommending the approval of the proposed development, planning officers have taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policy GP5 – Amenity and environmental considerations.

Policy N32 – Green Belt and the Proposal Map

Policy N33 – Development in the Green Belt

Policy N39B – Water Courses and New Development

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillors Keith Wakefield and James Lewis for the following reasons:

- 1) Visual impact of existing operations on the site
- 2) Potential flooding impact on surrounding properties
- 3) Public interest expressed via Methley and Mickletown Residents Association.

2.0 PROPOSAL:

- 2.2 This planning application proposes the undertaking of engineering works intended to reform an unlawfully modified watercourse to the rear of the Blossoms, Methley. The proposed works would result in an existing water course being moved several metres to the south and its banks being re-profiled. Two tiers of basket gabions would be installed in the southern banks of the re-located watercourse in order to support land levels to the south, relating to residential gardens and a watercourse maintenance strip.

3.0 SITE AND SURROUNDINGS:

3.1 The application site comprises of a small watercourse and adjoining land to the rear of recently completed dwellings at the Blossoms, Methley. The northern third of the site is designated as Green Belt and parts of the site are located in Flood Zones 2 and 3.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site comprises of land immediately to the north of a previously approved and implemented residential development (Application Reference 22/345/05/FU), lying adjacent to the rear of dwellings that are now completed. The application site has been unlawfully developed and relates to the neighbouring residential development. Engineering works have been undertaken that have resulted in an existing watercourse being moved several metres to the north and its banks re-profiled. Parts of the southern bank have been re-profiled using gabion baskets, with the ultimate intention having been to extend the rear gardens of dwellings forming part of the adjacent residential development.

4.2 In view of the fact that the works that have been undertaken to the watercourse are unlawful, an Enforcement Notice has been issued by the Local Planning Authority and served on the land owner. The application under consideration is intended to regularise the situation.

4.3 The following are of most relevance to the application under consideration.

- 1) 08/01486/UEL1 – Enforcement notice served in relation to unauthorised engineering works, culminating in the diversion of a watercourse – served, August 2009.
- 2) 22/345/05/FU – Planning application for the laying out of access and erection of 22 dwelling houses – Approved, January 2006.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposed development is required to reinstate an unlawfully modified watercourse and to stabilise its southern banks, which adjoin residential properties. The proposed development has been the subject of pre-application discussions between the Council's planning officers, the Environment Agency, the Council's Drainage section, and the applicants.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Two letters of objection have been received.

6.2 A letter has been received from the occupiers of No.3 Nelson Court raising concerns that the proposed engineering works, namely the use of gabions, could result in a greater risk of flooding to properties at Nelson Court. A letter of objection has been received from the occupiers of No.9 Victoria Place stating that the proposed works will put neighbouring properties at greater risk of flooding by channelling potential flood waters.

6.3 *Both objections are addressed under Paragraph 10.4 of this report. No objections have been raised by the Environment Agency or the Council's Land Drainage section and the objections raised are therefore considered to be unfounded.*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Environment Agency No objections, condition recommended.

7.2 Non Statutory:

Land Drainage No objections.
Contaminated Land No objections.
Ecologist Objections were originally raised on the grounds that the proposal would provide only limited biodiversity benefits. It was considered that the uniform layout of the northern bank, and the use of stone gabions to the southern bank would not be conducive to the use and habitation of wildlife. Given the physical limitations of the site and the obstacles to implementing more extensive soft engineering techniques, the Nature Conservation Officer has agreed that the objections raised could be overcome through the use of a planning condition requiring details of landscaping works to be submitted to and approved by the local planning authority.

8.0 PLANNING POLICIES:

8.1 Development Plan

Leeds Unitary Development Plan Review (UDPR)

Policy GP5 – Amenity and environmental considerations.

Policy N32 – Green Belt and the Proposal Map

Policy N33 – Development in the Green Belt

Policy N39B – Water Courses and New Development

8.2 Relevant supplementary guidance

Biodiversity and Waterfront Development SPD

8.3 Government Planning Policy Guidance/Statements

PPG2 'Green belts'

PPS9 'Biodiversity and Geological Conservation'

PPS25 'Development and Flood Risk'

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Visual Impact
- 3) Drainage Considerations
- 4) Amenity
- 5) Ecology

10.0 APPRAISAL

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for Leeds comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.
- 10.2 Principle of Development
- 10.2.1 The preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
 - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 10.2.2 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations" (PPG2, paragraph 3.2).
- 10.2.3 In terms of Green Belt policy, this application proposes engineering operations to the north bank, which is in the Green Belt. Paragraph 3.12 of PPG2 states that engineering and other operations constitute inappropriate development in the Green Belt except where they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 10.2.4 Based on the information submitted as part of this application, it is considered that the nature of the proposed works, including their scale, design and materials, would not have a significant adverse impact on the openness of the Green Belt, or conflict with the purposes of including land in the Green Belt. It is therefore considered that the proposed development would not constitute inappropriate development in the Green Belt.
- 10.2.5 The proposal is therefore considered to be acceptable in principle.
- 10.3 Visual Impact
- 10.3.1 Policy GP5 of the Leeds UDPR states that development proposals should avoid "problems of environmental intrusion". Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.
- 10.3.2 The site is located between a row of existing three storey dwellings and a raised area of land to the north, which is heavily vegetated. It is considered that the

proposed development, given its siting, design and scale, would not have an adverse visual impact. It is therefore considered that the proposal would not harm the visual amenities of the Green Belt.

10.3.3 The nature of the proposal is such that it would be in accordance with Policy GP5 of the UDPR and the guidance contained in PPG2.

10.4 Drainage Considerations

10.4.1 Parts of the site are located in Flood Zones 2 and 3. A Flood Risk Assessment has been submitted with the application. Given that the proposal is required to repair an existing watercourse that was altered without planning permission, it is considered that the proposal could not reasonably be located in any area at lower risk of flooding and the proposal therefore passes the Sequential Test and is in accordance with PPS25.

10.4.2 Policy N39B of the UDPR states that the culverting or canalisation of water courses related to development sites will not normally be permitted unless there are public safety considerations or development could not be achieved in any other way. The proposed works would effectively result in the creation of an artificial watercourse and in this sense would constitute canalisation. Given that the proposed works are required to stabilise the water course banks adjoining residential properties and are necessary to reinstate an unlawfully modified watercourse, it is considered that the development could not be achieved in any other way and that the proposed development is therefore in accordance with Policy N39B.

10.4.3 Letters have been received from two neighbouring occupiers raising concerns that the proposed works could increase flood risk to surrounding properties. Concerns regarding flood risk have also been raised by local ward Members.

10.4.4 The Environment Agency has been consulted and has raised no objections, subject to the imposition of a planning condition requiring a method statement relating to the construction of the proposed development. The Council's Drainage section has raised no objections.

10.4.5 Given that no objections have been raised by either the Environment Agency or the Council's Drainage section, the proposed development is considered to be acceptable in terms of the impact it would have on drainage arrangements and would not result in an increased flood risk to surrounding properties.

10.5 Amenity

10.5.1 Policy GP5 of the Leeds UDPR states that development proposals should avoid a loss of amenity.

10.5.2 The Council's Contaminated Land team has been consulted about this application and raised no objections.

10.5.3 The nature of the proposed development, namely its siting, scale and design in relation to neighbouring properties is such that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, or on amenity generally.

10.5.4 It is therefore considered that the proposal would have an acceptable impact on local amenity, and that it is in accordance with Policy GP5 of the UDPR.

10.6 Ecology

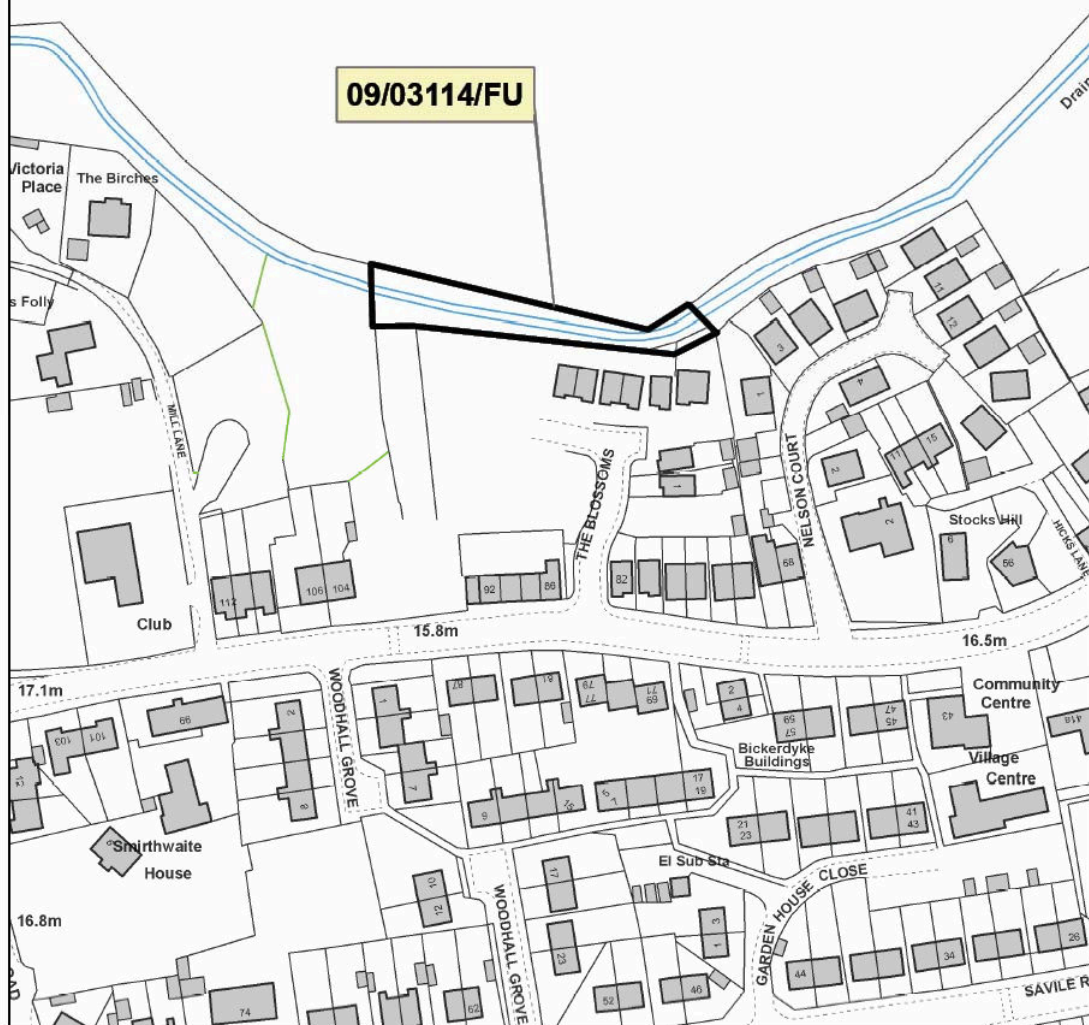
- 10.6.1 The Council's Nature Conservation Officer was consulted and originally objected to the use of stone gabions and the proposed layout of the northern bank, which it was considered would make very limited contributions to biodiversity.
- 10.6.2 The applicants are required to reform the watercourse with stable banks, in part, to maintain an access strip for maintenance purposes along land adjacent to the south of the water course, which for practical reasons would need to be as flat as possible. The applicants have stated that the use of stone gabions is necessary to sufficiently maintain the required land levels and that there is limited space available within the site to introduce extensive soft engineering techniques for biodiversity purposes.
- 10.6.3 The use of stone gabions has been accepted by officers as a compromise bank treatment on the south side only in order to ensure the site is restored in an appropriate and robust fashion. The use of stone gabions in this context would not normally be encouraged, and in the event that this scheme is approved, it would not set a precedent for the development of other areas of the same watercourse.
- 10.6.4 Although there are physical constraints at the site, it is considered that modest improvements could be made to the biodiversity contribution of the proposal, without significantly altering the character of the proposed development or introducing insurmountable practical difficulties. It is recommended that a planning condition be imposed, should planning permission be granted, requiring details of a biodiversity mitigation scheme, indicating planting and other works for the use and habitation of wildlife, be submitted to and approved in writing by the local planning authority.
- 10.6.5 Subject to the imposition of the aforementioned condition, the Council's Nature Conservation Officer withdraws her objection, and it is considered that the proposed development would not have an unacceptable impact on local ecology.

11.0 CONCLUSION

- 11.1 The proposed development is considered to be acceptable having had regard to Policies GP5, N32, N33, and N39B of the UDPR and all other material considerations.

Background Papers:

Application and history files.



EAST PLANS PANEL

Scale 1/1500

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Originator: Chris Marlow

Tel: 0113 24 78000

Report of the Chief Planning Officer

PLANS PANEL EAST

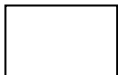
Date: 22/10/09

Subject: APPLICATION 08/05587/FU – Use as shop with living accommodation over involving alterations to frontage with roller shutters and single storey extension to side to form office at 35-37 Ashley Road, Leeds 9

APPLICANT	DATE VALID	TARGET DATE
Mr. Z Hussain	29 .09.08	24.11.08

Electoral Wards Affected:

Gipton and Harehills



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT Permission subject to the suggested conditions:

1.0 Summary

1.1 Members may recall that this application was recommended by planning officers for refusal at the Plans Panel (East) meeting held on 12th February, 2009. The reasons for refusal related to the impact on the visual amenity of the area; the impact of the development on the living conditions of local residents; and the inability to provide off-street parking in a congested area. At the meeting it was resolved that the determination of the application be deferred to enable further discussions between the applicant and Officers on the scale of the proposals, and a further report to be submitted in due course.

1.2 Negotiations have taken place between the applicant and Officers which have resulted in the submission of a revised scheme that is significantly reduced in scale, and in many respects reflects the scale and design of a previously unimplemented approval for the same site in 1993. In light of the changes made Officer's are now in a position to support the revised scheme and are therefore minded to recommend

approval of the application subject to the conditions referred to below.

- 1.3 In more detail the revised proposal has reduced the width of the extension by 1.4m from 5.2m to 3.8m, and the length by 3.9m from 12.45m to 8.55m. In addition, the front of the extension has been set back from the Ashley Road elevation by 1.5m. The access to the upper floor accommodation, previously enclosed, is now via an external staircase, which will lie adjacent to a walled bin store area. The alterations to the frontage of the property and the new extension are to have internally mounted external roller shutters in contrast to the previously externally mounted housings.
- 1.4 The proposed extension has been moved 2.6m away from the shared boundary with No. 4 Darfield Avenue, and as a result would no longer obstruct views or appear intrusive from a ground floor window of that property. The proposed open staircase to the upper floor residential accommodation is to have stair treads constructed in masonry to prevent noise disturbance to the occupants of 4 Darfield Avenue, which will reflect the manner and height of the existing external staircase to 4 Darfield Avenue.
- 1.5 In view of the reduced scale of the scheme Highway Officer's felt that despite being situated at the junction of three roads, it would be difficult justify a highway objection.

2.0 Conclusion

- 2.1 In view of the reduction made to the proposed extension, the development can now be supported and is recommended for approval, subject to the conditions detailed below:

1. Time limit on full permission
2. Submission of external walling and roofing materials
3. Submission of shutters details
4. Use class of office B1
5. Use class of shop A1/A2
6. No sub-division of living accommodation
7. Hours of use
8. Hours of delivery

Reasons for approval: The application is considered to comply with policies GP5 and BD6 of the UDP Review 2006. The proposed use is appropriate to the area, the design of the extension is considered to be acceptable and no harm is caused to residential amenity or highway safety. Having regard to all other material considerations, as such the application is considered acceptable.

3.0 Background papers:

Application File 08/05587/FU.

Certificate A on the application form has been completed indicating that the applicant is the owner of the site.



EAST PLANS PANEL

Scale 1/1500

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Originator: Martha Hughes

Tel: 0113 395 1378

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22 October 2009

**Subject: (i) APPLICATION 09/01970/FU - Erection of 1 block of 4 three bedroom and 4 four bedroom terrace houses each with integral garage, and
(ii) APPLICATION 09/04179/FU: The removal of condition 23 (Affordable Housing provision) of application 08/03698/FU
All at Parkfield Mills, Queens Road, Morley**

APPLICANT	DATE VALID	TARGET DATE
Orion Homes Ltd	09/01910/FU - 07.05.2009	02.07.2009
	09/04179/FU – 24.09.2009	24.12.2009

Electoral Wards Affected:

Morley South

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

(i) Application 09/01970/FU - GRANT PERMISSION subject to the following conditions;

(ii) Application 09/04179/FU - DEFER and DELEGATE approval to the Chief Planning officer following the expiry of the statutory public consultation period on 4 November 2009.

Application 09/01970/FU:

1. Commencement of development (one year)
2. Sample of wall and roofing materials
3. Area to be used by vehicles to be laid out
4. The proposed access shall be off Queens Road only and visibility splays of 2.4m x 90m shall be provided and thereafter retained
5. The vehicle crossings onto Fountain Street must be reinstated as footway details of which should be submitted to and approved in writing by the Local Planning Authority.
6. Implementation of landscaping
7. Provision for replacement of trees within 5 years

8. Roof drainage down water pipes to be sealed at ground level to prevent contaminated run off
9. Surface water drainage to pass through trapped gullies
10. Surface water drainage to pass through oil interceptor
11. Before development commences, details of works for dealing with surface water discharges from the proposed development including any off-site watercourses shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.
12. Drainage scheme to be approved
13. Development shall not commence until a remediation statement has been submitted to and approved in writing by the local planning authority. The remediation statement shall demonstrate how the works will render the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be validated.
14. Amended remediation statement where significant unexpected contamination is encountered
15. Verification reports
16. Means of preventing mud etc on highway

Reasons for approval: The application is considered to comply with policies GP5, BD5, N2, N4, N13, T2, T24, LD1 of the UDP Review, as well as guidance contained within SPG13 and in light of the financial appraisal submitted it is considered that requirements of policy H12 as well as guidance contained within SPG3 – Affordable Housing can be relaxed and having regard to all other material considerations, the application is acceptable.

Application 09/04179/FU

1. Commencement of development (one year)
2. Sample of wall and roofing materials
3. Details of walling and fencing to be submitted
4. Area to be used by vehicles to be laid out
5. The proposed access shall be off Queens Road only and visibility splays of 2.4m x 90m shall be provided and thereafter retained
6. The vehicle crossings onto Fountain Street must be reinstated as footway details of which should be submitted to and approved in writing by the Local Planning Authority.
7. Submission of landscape details
8. Implementation of landscaping
9. Provision for replacement of trees within 5 years
10. Roof drainage down water pipes to be sealed at ground level to prevent contaminated run off
11. Surface water drainage to pass through trapped gullies
12. Surface water drainage to pass through oil interceptor
13. Before development commences, details of works for dealing with surface water discharges from the proposed development including any off-site watercourses shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.
14. Drainage scheme to be approved
15. Development shall not commence until a remediation statement has been submitted to and approved in writing by the local planning authority. The remediation statement shall demonstrate how the works will render the site 'suitable for use' and shall describe the works in relation to the development hereby permitted. It shall include

full details of any works to be undertaken, proposed site clean-up criteria, site management procedures and how the works will be validated.

16. Amended remediation statement where significant unexpected contamination is encountered
17. Verification reports
18. Means of preventing mud etc on highway

Reasons for approval: In light of the financial appraisal submitted with the application, it is considered that the requirements of policy H12 as well as guidance within SPG3 – Affordable Housing, and the Informal Housing Policy, can be relaxed and, having regard to all other material considerations the application is acceptable.

1.0 INTRODUCTION:

- 1.1 This is a joint report for two applications on the same site and relates to amendments to a larger permission for the wider site. These applications are brought to Panel for determination as they have been submitted with a financial appraisal to justify the completion of the development without the provision of the level of affordable housing on the site required by affordable housing policy contained within the Annex to SPG3 and set out in conditions attached to earlier permissions.

2.0 PROPOSAL:

- 2.1 09/01970/FU
Application number 07/01999/FU was granted in August 2007 and approved a total of 60 units on the wider site in a mixture of flats and dwelling houses. Condition 24 of this permission requires 25% affordable housing to be provided. To date 27 of the dwelling houses have been built and 7 units have been sold to a Registered Social Landlord.
- 2.2 Application 09/01970/FU seeks to replace a three storey block of 15 flats approved in the south west corner of the wider site and erect 1 block of 4 three bedroom and 4 four bedroom terrace houses each with integral garage. This application would therefore reduce the amount of development to a total of 50 units on the whole site (accounting for the substitution of house types in application 08/03698/FU described below).
- 2.3 09/04179/FU
Application 08/03698/FU was made in 2008 to vary the scheme approved in application 07/01999/FU by way of the replacement of 14 flats and 4 houses with 8 three bedroom terrace houses and 7 four bedroom terrace houses in the south eastern corner of the wider site. Application 08/03698/FU was approved in September 2008 and reduced the amount of development on the site to a total of 57 units. Condition 23 attached to this consent required 25% affordable housing to be provided as part of the development. The wording of the condition is set out below;

No development shall begin until a scheme for the provision of affordable housing to meet the needs of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- a. *The numbers, being no fewer than 15 or less than 25% of the total number of dwellings on the site, the type and location on the site of the affordable housing provision to be made and the split between social rented and intermediate affordable housing; which in this case shall be 9 three bed houses of which 4 shall be submarket and 5 social rent; 2 four bed houses of which 1 shall be submarket and 1 social rent, 4 two bed flats of which 2 shall be submarket and 2 social rent.*
- b. *The timing of the construction of the affordable housing;*
- c. *The phasing and timescale for bringing into use the affordable housing units;*
- d. *The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;*
- e. *Where appropriate, the means by which the affordable housing will be marketed for occupation by those in need of affordable housing;*
- f. *The criteria to be used for determining the identity of prospective and subsequent occupiers of the affordable housing;*
- g. *The means by which occupation of the affordable housing will be limited to those in need of affordable housing and enforced.*

To ensure the provision of affordable housing in accordance with national planning policy as expressed in PPS3: Housing, Leeds Unitary Development Plan Review 2006 (policies H11, H12 and H13) and Revised Supplementary Guidance No.3, Affordable Housing.

- 2.4 As stated above, 27 units have been built to date at the site and 7 units sold to a housing association. The dwellings approved under application 08/03698/FU have not yet been erected and the current application 09/04179/FU now seeks to remove condition 23 so as not to provide any further affordable housing on the site.
- 2.5 In respect of the two current applications described above, a financial viability appraisal has been submitted by the applicant to demonstrate that the scheme is not financially viable in the current market and therefore seeks to justify application 09/04179/FU to remove the requirement for further affordable housing provision, and also in support of application 09/01970/FU to justify that no further affordable housing should be sought by way of a condition attached to the current application for 8 dwelling houses as part of the larger development on the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies within the urban area of Morley at the junction of Queens Road and Fountain Street.
- 3.2 The part of the site relevant to these two applications is currently cleared, however on the north western end of the site a total of 27 units have been substantially completed as part of the approved development, some of which are occupied. The 2m high brick boundary wall has now been constructed along the site boundary with Queens Road.

- 3.3 The site previously had a range of brick mill type buildings on it, the largest of which was built up to the back edge of the footpath on Queen's Road and others which were also built to the back edge of the footpath of Fountain Street.
- 3.4 To the east of the site is Morley High School with the school building and access at this side. To the north of the site are industrial works and across from the site is existing housing which is generally all terraced and two-storey. The surrounding buildings are generally stone along Fountain Street and brick along Queen's Road.
- 3.5 The site lies within the Outer Suburb Housing Market Zone

4.0 RELEVANT PLANNING HISTORY:

- 08/03698/FU Replacement of part of approved development with 8 three bedroom terrace houses and 7 four bedroom terrace houses (substitution of house types previously 14 flats and 4 houses). Approved 15 September 2008
- 07/01999/FU - 3 storey block of 15 flats and terrace of 10 dwelling houses
Approved – 15 August 2007
- 06/02489/RM - Laying out of access road and the erection of 27 houses and 26 flats. Approved – 19 July 2006
- 23/521/05/RM - Laying out of access road and erection of 29 houses and 26 flats
Withdrawn – 15 February 2006
- 23/743/03/OT - Outline application to erect residential development
Approved – 27 February 2004
- 23/164/01/FU – Alterations to access and erection of 2.5 metre high gates
Approved 13 September 2001
- 23/306/97/FU – Change of use of warehouse to light industrial
Approved 31 October 1997
- 23/131/93/FU – Change of use of industrial unit to warehouse
Approved 23 July 1993
- 23/285/92/FU – Change of use of part of warehouse to auction room.
Approved 20 October 1992

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has submitted a full financial viability appraisal in accordance with Council Guidelines in respect of provision of affordable housing and have paid the relevant fee for the appraisal to be assessed.
- 5.2 The appraisal has been assessed by a Council Surveyor who has advised that the development is no longer viable. This matter is considered in detail in paragraphs 10.1 to 10.6 of this report.

6.0 PUBLIC/LOCAL RESPONSE:

Site Notices posted on 15 May 2009 and 2 October 2009 for applications 09/01970/FU and 09/04179/FU respectively.

Morley Town Council :

09/01970/FU

Whilst supportive of the amendment to the development by variation of house types from flats to houses in application 09/01790/FU Morley Town Council state that the additional affordable housing required to make up the 25% provision should be insisted on.

09/04179/FU

Flats have been eliminated from the overall Parkfield Mills scheme, and the number of dwellings has been reduced. The Town Council believe that the 25% affordable liability should be retained and expressed in houses rather than a mixture of houses and flats. The Town Council state that any consideration of affordable provision should be based on the whole site; the smaller parts covered by variations should not be looked at in isolation. The Town Council object to this latest application and consider that twelve or thirteen affordable houses should be provided to keep to 25%.

7.0 CONSULTATIONS RESPONSES:

Statutory:

None

Non-statutory:

Land Drainage – The prevailing standards require that developments of any note should result in a reduction of the surface water discharges in an attempt to reduce the risk of flooding of the site and brownfield development highlighted. Conditions recommended.

Highways – No objections. Conditions recommended.

8.0 PLANNING POLICIES:

8.1 The development plan comprises 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.

Policy H4 – provision of affordable housing

This policy includes provisional estimates of the proportion of new housing that may need to be affordable. This estimate is 30 – 40% for Leeds.

UDP Review policies:

GP5 – General amenity

BD5 – the design of new buildings and their amenity

Policy H11 – Affordable Housing

H12 – Affordable Housing requirements

H13 – Affordable Housing obligations

N2 – Greenspace hierarchy

N4 – Greenspace and residential developments
N13 – Design and new buildings
T2 – Transport provision for development
T24 - Parking provision and new development
LD1 – Landscaping schemes

SPG3 – Affordable Housing (Feb 2003)
Affordable Housing Policy Guidance Note Annex (July 2005)
SPG13 – Neighbourhoods for Living

Informal Housing Policy – Following the adoption of the Regional Spatial Strategy (RSS), the City Council has made some informal changes to housing policy relating to the need to increase provision of affordable housing in Leeds to address higher housing needs. For the Outer Suburbs Housing Market Zone which this site lies in, the affordable housing target has increased under the informal policy from 25% to 30%. The new targets apply to planning applications submitted after 21st July 2008. The raised targets are an interim measure until the Supplementary Planning Document on affordable housing is completed.

PPS1 - Delivering Sustainable development
PPS3 – Housing

9.0 MAIN ISSUES

1. Financial appraisal and proposed reduction in affordable housing provision
2. Design and layout of 8 terraced dwellings proposed in application 09/01970/FU

10.0 APPRAISAL

1. Financial appraisal

- 10.1 Both applications submitted seek to remove any further requirement for affordable housing provision above the 7 properties that have already been built and sold to Leeds and Yorkshire Housing Association. The reduced number of 50 units proposed as a result of application 09/01970/FU would result in a requirement for 12.5 units, rounded up to 13 units, therefore an additional six units above those already provided. However under the current informal housing policy, this would increase to 15 units.
- 10.2 Section 3 of SPG3 – Affordable housing, at paragraph 3.9 relating to site development costs, states that the Council will have regard to economics of provision and costs of development. Where in exceptional circumstances, the development value of a scheme would be insufficient to cover all development costs (normal and abnormal) as well as all necessary planning benefits and provide a reasonable land value, the Council may consider relaxing the requirements for planning benefits in order to enable the development to proceed. In these circumstances, the SPG states that the developer will be required to provide justification by submission of a full financial appraisal.
- 10.3 The applicant has submitted a detailed financial appraisal in accordance with the Council's requirements, which has been assessed by a Council Surveyor. The Council Surveyor concludes that the scheme is not financially viable in the current economic climate. The company is showing a £2 million loss on this scheme, even with the inclusion of the houses proposed in application 09/001970/FU rather than flats. The advice is that the scheme will not be able to reduce costs to make the required £2 million savings, even to break even. The company, acting under its

Financial Strategy referred to in its Operational Statement submitted as part of the viability appraisal, has stated that its aim is to recover land and infrastructure costs in order to reduce its bank borrowing.

- 10.4 The Council Surveyor has advised that the land was purchased at the height of the market and house prices are very unlikely to reach those peak levels again in the foreseeable future. The developer's strategy is one of finishing the development to reduce debt.
- 10.5 Based on the reduced number of 50 units proposed in application 09/01970/FU, and the 7 units which have already been sold to a housing association, with no further affordable housing provision, the development will have provided 14% affordable housing on the site.
- 10.6 In light of the financial appraisal which shows that the scheme is not viable, it is not considered reasonable for the Council to pursue the additional affordable housing required by the conditions attached to the original consents for the site or indeed the increased requirement of the informal housing policy. In the current economic climate it is considered that it is beneficial for the scheme to be completed and this should be taken into account in the consideration of the issue of relaxing the affordable housing requirement for the site.
- 10.7 In relation to other planning benefits associated with the development, there is an outstanding requirement under policy N4 of the UDP Review to ensure appropriate access to the hierarchy of greenspaces set out in policy N2 and this is a requirement of conditions attached to applications 07/01999/FU and 08/03698/FU.
- 10.8 A unilateral undertaking has been submitted with both of the current applications in respect of this requirement. No on site provision is made within the development, therefore a calculation has been provided to the applicant on the basis of the resultant 50 units proposed in application 09/01970/FU. The calculation is based on an assessment of existing greenspace provision and taking account of the average child occupancy based on the mix of dwellings and the requirement for equipped children's play provision. The total greenspace contribution is therefore **£119,512.92** and this is set out in the unilateral undertaking submitted by the applicant.
2. Design and Layout of block of 8 terraces proposed in application 09/01970/FU
- 10.9 This application proposes to the substitution of a three storey block of 15 flats approved in the south west corner of the site with the erection of 1 block of 4 three bedroom and 4 four bedroom terrace houses each with integral garage.
- 10.10 As part of the developer's operational strategy to guide the Group through the housing market downturn, this involves the removal of apartments from development schemes.
- 10.11 The block of flats which was approved under application 07/01999/FU was a three storey block, with a ridge height of approximately 12.4 metres, and eaves height of some 9m, measuring some 31m in width. The block of flats was approved to be sited some 6.5 metres from the boundary with Queens Road.
- 10.12 The row of 8 terraces now proposed are 2 ½ storey including accommodation within the roof, with rooflights and a total of 4 dormer windows to the rear elevation facing Queens Road. The dwellings are proposed to be constructed of brick and the properties already erected on the site are red brick.

- 10.13 The gardens of the terraces will adjoin the existing boundary wall erected along the boundary with Queens Road. The garden lengths to the proposed terraces are between 9m and 9.5 metres. Each of the terraces has an integral garage accessed from the internal access road within the site. A landscape plan is provided.
- 10.14 The proposed block of 8 terraces measures some 10.8 metres to the highest ridge height and approximately 5.3 metres to the eaves. This is a reduction of 1.6m compared to the ridge height of the block of flats previously approved and a reduction of approximately 3.7 metres in eaves height .
- 10.15 The ridge line of the terrace is staggered, therefore although the block is now wider than the flats approved, the roofline is broken up which is considered to be an improvement together with the reduction in ridge height and significant reduction in eaves height.
- 10.16 The relationship to Queens Road is further improved as the dwellings are set in some 9 – 9.5 metres from this boundary compared to the flats which were 6.5m from the boundary. The garden lengths to the properties are below the 10.5m recommended length within SPG13 – Neighbourhoods for Living and some of the plots do not provide the recommended two thirds of gross floorspace. Nevertheless, the garden sizes are similar to other plots already approved as part of the development and are similar to other properties within the built up area of Morley. On balance, the garden sizes for the proposed terraces are considered acceptable.
- 10.15 The proposed row of terraces is considered to be an improvement compared to the three storey block of flats previously approved. The scale of the development and relationship to Queens Road is improved as the terraces are two storey with roof space accommodation rather than the flats block which was three storey. The reduction in ridge height and significant reduction in eaves height is considered to be beneficial to the streetscene of Queens Road and the properties will appear less dominant within the streetscene which is further enhanced by the additional separation distance from the boundary with Queens Road.
- 10.16 The proposed terraced dwellings are considered to be an improvement to the character of the area and will improve the relationship to Queens Road and the provision of family housing instead of flats is considered to be an acceptable amendment to the approved scheme.

11.0 CONCLUSION

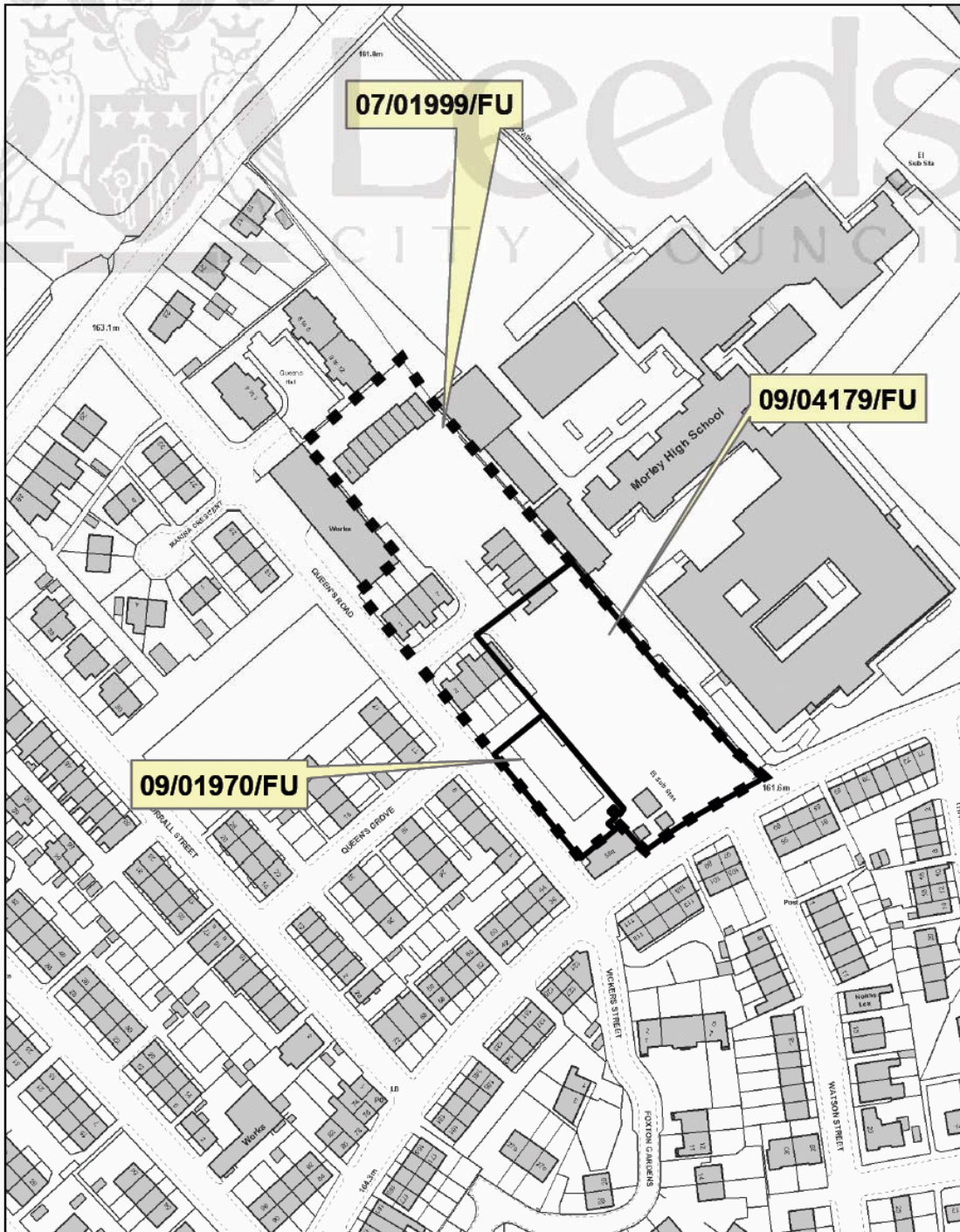
- 11.1 The application to remove condition 23 of application 08/03698/FU and reduce the affordable housing provision across the site is considered acceptable in light of the financial appraisal submitted by the applicant. Application 09/04179/FU is recommended for approval.
- 11.2 The proposed substitution of house types with the provision of 8 terraced dwellings to replace flats as proposed in application 09/01970/FU is considered acceptable in terms of the layout and design of the dwellings. In light of the financial appraisal it is considered that in determining this application there should be no further requirement for additional affordable housing provision within the development.
- 11.3 Members are therefore asked to consider the issues set out in this report and defer and delegate approval of application 09/04179/FU to the Chief Planning Officer following the expiry of the consultation period on 4th November 2009. In respect of

application 09/01970/FU, Members are asked to approve the proposed terrace of 8 dwellings on the site subject to the conditions set out in this report.

Background Papers:

09/01970/FU, 09/04179/FU, 08/03698/FU, 07/01999/FU.

Certificate of Ownership – Certificate A signed on behalf of the applicant.



EAST PLANS PANEL

Scale 1/1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL

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